Interstate 255 reconstruction between I-55/70 and Illinois 15, St. Clair County, IL

Road, Bridge, and Other Related Laws of Illinois

2022 Edition

Illinois Department of Transportation

Road, Bridge, and Other Related Laws of Illinois

2022 EDITION

Reprinted from the Illinois Compiled Statutes Annotated
and 2022 Cumulative Supplement
as amended through Public Act 102-1102

QUESTIONS ABOUT THIS PUBLICATION?

For CUSTOMER SERVICE ASSISTANCE concerning replacement pages, shipments, billing, reprint permission, or other matters,

please contact Customer Support at our self-service portal
available 24/7 at *support.lexisnexis.com/print*
or call us at 800-833-9844

For EDITORIAL **content questions** concerning this publication,

please email: *llp.clp@lexisnexis.com*

For **information on other LEXISNEXIS MATTHEW BENDER publications**,

please call us at 877-394-8826
or visit our online bookstore at *www.lexisnexis.com/bookstore*

ISBN: 978-1-66335-516-4

Matthew Bender & Company, Inc.
Editorial Offices
9443 Springboro Pike
Miamisburg, OH 45342
800-833-9844
www.lexisnexis.com

(Pub. 23923)

FOREWORD

The material presented in the 2022 Edition of **Road, Bridge, and Other Related Laws of Illinois**, as currently amended through October 1, 2022, includes the enactments of the 102nd General Assembly through Public Act 102-1102. All changes to these laws have been incorporated in text, and effective dates have been added where applicable. A comprehensive index is also included.

Some sections of the law were affected by several Public Acts which were issued concurrently or consecutively during the same legislative session. If no summary bill was passed, all changes, additions and deletions were incorporated into the changed section. Please consult all Public Acts from the same legislative session affecting sections of the law.

Under provisions of public Act 87-1005, the Illinois Revised Statutes were recompiled as the Illinois Compiled Statutes (ILCS). This was the first statutory compilation of the statutes since 1874. To assist you in going from the Illinois Revised Statutes format to the Illinois Compiled Statutes format, we included a disposition table in the back of this publication in numerical order by Illinois Revised Statute number.

The Illinois Compiled Statutes are arranged topically with the chapters and acts arranged numerically. The numbering arrangement assures that every statute has a unique and unambiguous identity. Citation to a statute contains a chapter, act, article and section. The citation "605 ILCS 5/3-104" for example is to Chapter 605 (Roads & Bridges), Act 5 (Illinois Highway Code), Article 3 (Federal Aid), Section 104 (Federal Aid Secondary Highways).

This book is published for the convenience of road and street officials and those in the private highway industry. It provides a ready reference to various chapters and sections of the Illinois Compiled Statutes that govern road and bridge issues.

Comments from users of this book and ways to improve its use would be appreciated. Please send comments to:

Illinois Department of Transportation
Bureau of Local Roads & Streets
2300 South Dirksen Parkway, Room 205
Springfield, IL 62764
DOT.LocalPolicy@illinois.gov

SECTIONS AFFECTED BY PUBLIC ACTS 101-0001 THROUGH 101-629 (2019)

Section Affected	Effect	Public Act No.	Sec.
5 ILCS 120/2	Amended	101-31	35-5
5 ILCS 120/2	Amended	101-459	5
10 ILCS 5/28-7	Amended	101-230	5
20 ILCS 2705/2705-615	Added	101-32	30-5
20 ILCS 2705/2705-285	Amended	101-10	30-10
20 ILCS 5125/45	Amended	101-81	225
30 ILCS 105/5h.5	Amended	101-10	5-35
30 ILCS 500/20-160	Amended	101-81	245
30 ILCS 500/20-60	Amended	101-81	245
30 ILCS 500/1-15.93	Amended	101-369	15
30 ILCS 500/1-15.100	Amended	101-81	245
30 ILCS 500/1-10	Amended	101-27	900-15.5
30 ILCS 500/1-10	Amended	101-81	245
30 ILCS 500/1-10	Amended	101-363	5
30 ILCS 500/20-25.1	Added	101-209	10
30 ILCS 500/30-30	Amended	101-369	15
30 ILCS 500/50-13	Amended	101-81	245
30 ILCS 540/1	Amended	101-524	5
30 ILCS 540/7	Amended	101-524	5
30 ILCS 550/1	Amended	101-65	5
30 ILCS 550/2	Amended	101-65	5
30 ILCS 708/25	Amended	101-81	255
30 ILCS 708/45	Amended	101-81	255
30 ILCS 708/97	Renumbered	101-81	255
30 ILCS 740/2-3	Amended	101-10	5-55
35 ILCS 105/9	Amended	101-10	15-10
35 ILCS 105/9	Amended	101-10	25-105
35 ILCS 105/9	Amended	101-27	900-16
35 ILCS 105/9	Amended	101-32	15-10
35 ILCS 105/9	Amended	101-604	10-25
35 ILCS 110/9	Amended	101-10	15-15
35 ILCS 110/9	Amended	101-10	25-110
35 ILCS 110/9	Amended	101-27	900-17
35 ILCS 110/9	Amended	101-32	15-15
35 ILCS 110/9	Amended	101-604	10-30
35 ILCS 115/9	Amended	101-10	15-20
35 ILCS 115/9	Amended	101-10	25-115
35 ILCS 115/9	Amended	101-27	900-18
35 ILCS 115/9	Amended	101-32	15-20
35 ILCS 115/9	Amended	101-604	10-35
35 ILCS 505/2	Amended	101-10	15-30
35 ILCS 505/2	Amended	101-32	15-30
35 ILCS 505/2	Amended	101-604	10-50
35 ILCS 505/2a	Amended	101-604	10-50
35 ILCS 505/2b	Amended	101-10	15-30
35 ILCS 505/2b	Amended	101-604	10-50
35 ILCS 505/2a	Amended	101-604	10-50
35 ILCS 505/2b	Amended	101-604	10-50
35 ILCS 505/8	Amended	101-32	15-30
35 ILCS 505/8	Amended	101-230	10
35 ILCS 505/8	Amended	101-493	5
35 ILCS 505/8a	Amended	101-10	15-30
35 ILCS 505/8a	Amended	101-604	10-50
35 ILCS 505/8b	Added	101-32	15-30
35 ILCS 505/8b	Amended	101-604	5-35
55 ILCS 5/3-2014	Added	101-34	20
55 ILCS 5/3-2013	Amended	101-253	5
55 ILCS 5/3-2012	Amended	101-253	5
55 ILCS 5/3-2010	Amended	101-253	5
55 ILCS 5/3-2009	Amended	101-253	5

Section Affected	Effect	Public Act No.	Sec.
55 ILCS 5/3-2008	Amended	101-253	5
55 ILCS 5/3-2007	Amended	101-253	5
55 ILCS 5/3-2005	Amended	101-253	5
55 ILCS 5/3-2003.4	Amended	101-253	5
55 ILCS 5/3-2003.3	Amended	101-253	5
55 ILCS 5/3-2003.2	Amended	101-253	5
55 ILCS 5/3-2003.1	Amended	101-253	5
55 ILCS 5/3-2002	Amended	101-253	5
55 ILCS 5/3-2001	Amended	101-253	5
60 ILCS 1/24-35	Added	101-230	20
60 ILCS 1/24-30	Added	101-230	20
60 ILCS 1/24-25	Added	101-230	20
60 ILCS 1/24-20	Added	101-230	20
60 ILCS 1/24-15	Added	101-230	20
60 ILCS 1/24-10	Added	101-230	20
105 ILCS 5/27-24.1	Amended	101-183	5
225 ILCS 325/14	Amended	101-310	10
225 ILCS 325/15	Amended	101-310	10
225 ILCS 325/23	Amended	101-310	10
225 ILCS 325/24	Amended	101-310	10
225 ILCS 325/41	Amended	101-310	10
225 ILCS 340/12	Amended	101-312	10
415 ILCS 5/9.12a	Added	101-422	5
415 ILCS 5/9.16	Added	101-22	5
415 ILCS 5/9.16	Added	101-23	5
415 ILCS 5/9.4	Amended	101-125	5
415 ILCS 5/13.9	Added	101-573	5
415 ILCS 5/21	Amended	101-171	5
415 ILCS 5/57.11	Amended	101-10	5-100
415 ILCS 55/10	Added	101-573	10
605 ILCS 5/6-140	Added	101-230	25
605 ILCS 5/6-135	Amended	101-519	10
605 ILCS 5/6-134	Amended	101-519	10
605 ILCS 5/6-115	Amended	101-197	5
605 ILCS 5/4-106	Amended	101-226	10
605 ILCS 10/11	Amended	101-398	10
605 ILCS 10/27.2	Amended	101-395	15
605 ILCS 115/7	Amended	101-398	15
605 ILCS 140/Act	Added	101-42	1
605 ILCS 140/1	Added	101-42	1
605 ILCS 140/5	Added	101-42	5
605 ILCS 140/90	Added	101-42	99
625 ILCS 5/18c-7402	Amended	101-294	5
625 ILCS 5/18c-7401	Amended	101-81	670
625 ILCS 5/3-809	Amended	101-481	5
625 ILCS 5/12-610.2	Amended	101-81	670
625 ILCS 5/12-610.2	Amended	101-90	5
625 ILCS 5/12-610.2	Amended	101-297	5
625 ILCS 5/6-508	Amended	101-185	15
625 ILCS 5/15-316	Amended	101-328	5
625 ILCS 5/15-301	Amended	101-81	670
625 ILCS 5/15-301	Amended	101-547	5
625 ILCS 5/12-215	Amended	101-56	5
625 ILCS 5/11-214	Repealed	101-328	10
625 ILCS 5/12-212	Amended	101-189	5
625 ILCS 5/11-208.8	Amended	101-395	20
625 ILCS 5/11-208.6	Amended	101-395	20
625 ILCS 5/1-126.1	Amended	101-328	5
625 ILCS 5/2-112	Amended	101-174	5
625 ILCS 5/15-116	Amended	101-328	5
625 ILCS 5/15-107	Amended	101-328	5
625 ILCS 70/20	Added	101-196	20
820 ILCS 130/5	Amended	101-31	20-910

SECTIONS AFFECTED BY PUBLIC ACTS 101-630 THROUGH 101-673 (2020)

Section Affected	Effect	Public Act No.	Sec.
5 ILCS 120/2	Amended	101-652	25-5
20 ILCS 2705/2705-575	Amended	101-636	25-5
20 ILCS 2705/2705-597	Added	101-657	40-100
30 ILCS 105/8.3	Amended	101-636	5-5
30 ILCS 235/8	Amended	101-657	35-105
30 ILCS 500/1-13	Amended	101-640	15-35
30 ILCS 500/1-15.93	Amended	101-645	40
30 ILCS 500/15-45	Amended	101-642	15
30 ILCS 500/20-10	Amended	101-657	40-125
30 ILCS 500/20-15	Amended	101-657	5-5
30 ILCS 500/20-25	Amended	101-657	40-125
30 ILCS 500/20-30	Amended	101-657	40-125
30 ILCS 500/20-60	Amended	101-657	5-5
30 ILCS 500/20-60	Amended	101-657	40-125
30 ILCS 500/30-30	Amended	101-645	40
30 ILCS 500/50-20	Amended	101-657	40-125
30 ILCS 500/50-35	Amended	101-657	40-125
30 ILCS 500/50-85	Added	101-657	5-5
30 ILCS 500/5-30	Amended	101-657	40-125
30 ILCS 500/5-7	Added	101-657	40-125
30 ILCS 740/2-3	Amended	101-636	5-30
35 ILCS 105/9	Amended	101-636	15-10
35 ILCS 110/9	Amended	101-636	15-15
35 ILCS 115/9	Amended	101-636	15-20
35 ILCS 120/3	Amended	101-636	15-25
50 ILCS 105/4.1	Added	101-652	10-135
235 ILCS 5/5-5	Amended	101-631	5
235 ILCS 5/5-7	Added	101-631	5
235 ILCS 5/6-1	Amended	101-631	5
235 ILCS 5/6-27.1	Amended	101-631	5
235 ILCS 5/6-28.8	Added	101-631	5
415 ILCS 5/57.11	Amended	101-636	35-5
605 ILCS 115/7	Amended	101-644	99
625 ILCS 5/11-208.6	Amended	101-652	10-191
625 ILCS 5/11-208.8	Amended	101-652	10-191
625 ILCS 5/6-206	Amended	101-652	10-190
735 ILCS 30/25-5-80	Added	101-665	4-5

SECTIONS AFFECTED BY PUBLIC ACTS 102-0001 THROUGH 102-695 (2021)

Section Affected	Effect	Public Act No.	Sec.
5 ILCS 120/1.05	Amended	102-558	15
5 ILCS 120/2	Amended	102-237	3
5 ILCS 120/2	Amended	102-520	900
5 ILCS 120/2	Amended	102-558	15
5 ILCS 120/2.06	Amended	102-653	5
20 ILCS 5/5-15	Amended	102-538	95
20 ILCS 5/5-20	Amended	102-538	95
20 ILCS 627/15	Amended	102-444	900
20 ILCS 627/15	Amended	102-662	90-20
20 ILCS 627/40	Added	102-662	90-20
20 ILCS 627/45	Added	102-662	90-20
20 ILCS 627/55	Added	102-662	90-20
20 ILCS 627/55	Amended	102-673	5
20 ILCS 627/60	Added	102-662	90-20
20 ILCS 627/60	Amended	102-673	5
20 ILCS 862/10	Amended	102-312	5
20 ILCS 862/36.7	Added	102-312	5
20 ILCS 2605/2605-410	Amended	102-505	5
20 ILCS 2605/2605-410	Amended	102-538	195
20 ILCS 2705/2705-125	Amended	102-538	245
20 ILCS 2705/2705-203	Added	102-573	5
20 ILCS 2705/2705-210	Amended	102-333	5
20 ILCS 2705/2705-300	Amended	102-559	10
20 ILCS 2705/2705-317	Amended	102-538	245
20 ILCS 2705/2705-505.5	Amended	102-538	245
20 ILCS 2705/2705-505.6	Amended	102-538	245
20 ILCS 2705/2705-605	Amended	102-393	5
20 ILCS 2705/2705-610	Amended	102-558	150
20 ILCS 2705/2705-615	Amended	102-558	150
20 ILCS 2705/2705-616	Added	102-559	10
20 ILCS 2705/2705-90	Amended	102-538	245
30 ILCS 105/8.3	Amended	102-16	2-5
30 ILCS 105/8.3	Amended	102-538	330
30 ILCS 235/1	Amended	102-297	25
30 ILCS 235/2	Amended	102-285	5
30 ILCS 500/1-10	Amended	102-175	905
30 ILCS 500/1-10	Amended	102-483	10
30 ILCS 500/1-10	Amended	102-558	190
30 ILCS 500/1-10	Amended	102-600	5
30 ILCS 500/1-10	Amended	102-662	90-36
30 ILCS 500/1-13	Amended	102-16	20-20
30 ILCS 500/1-15.93	Amended	102-671	45
30 ILCS 500/1-35	Amended	102-35	10
30 ILCS 500/1-35	Amended	102-558	190
30 ILCS 500/1-40	Amended and Renumbered	102-558	190
30 ILCS 500/15-45	Amended	102-14	15
30 ILCS 500/15-45	Amended	102-334	15
30 ILCS 500/20-10	Amended	102-29	10
30 ILCS 500/20-15	Amended	102-29	10
30 ILCS 500/20-170	Added	102-35	10
30 ILCS 500/20-30	Amended	102-29	10
30 ILCS 500/20-60	Amended	102-29	10
30 ILCS 500/20-80	Amended	102-291	30
30 ILCS 500/30-30	Amended	102-671	45
30 ILCS 500/30-55	Added	102-163	5
30 ILCS 500/50-85	Amended	102-687	35
30 ILCS 708/20	Amended	102-626	5
30 ILCS 708/25	Amended	102-626	5
30 ILCS 708/45	Amended	102-16	20-25
30 ILCS 708/45	Amended	102-626	5

Section Affected	Effect	Public Act No.	Sec.
30 ILCS 740/2-10	Amended	102-626	10
30 ILCS 740/2-11	Amended	102-626	10
30 ILCS 740/2-12	Amended	102-626	10
30 ILCS 740/2-13	Amended	102-626	10
30 ILCS 740/2-14	Amended	102-626	10
30 ILCS 740/2-15.2	Amended	102-626	10
30 ILCS 740/2-15.3	Amended	102-626	10
30 ILCS 740/2-17	Amended	102-626	10
35 ILCS 120/3	Amended	102-634	5
35 ILCS 200/18-185	Amended	102-263	5
35 ILCS 200/18-185	Amended	102-311	5
35 ILCS 200/18-185	Amended	102-519	5
35 ILCS 200/18-185	Amended	102-558	245
35 ILCS 200/18-233	Added	102-519	5
35 ILCS 505/8	Amended	102-16	5-5
35 ILCS 505/8	Amended	102-558	250
50 ILCS 105/1	Amended	102-15	15
50 ILCS 105/1.3	Amended	102-15	15
50 ILCS 105/2	Amended	102-15	15
50 ILCS 105/4	Amended	102-15	15
55 ILCS 5/5-1035.1	Amended	102-452	5
55 ILCS 5/5-1121	Amended	102-363	10
60 ILCS 1/5-55	Amended	102-148	5
65 ILCS 5/1-1-2	Amended	102-15	35
65 ILCS 5/11-31-1	Amended	102-363	15
65 ILCS 5/11-80-24	Added	102-9	30
65 ILCS 5/11-80-5	Amended	102-15	35
65 ILCS 5/11-91-1	Amended	102-15	35
65 ILCS 5/8-9-1	Amended	102-15	35
70 ILCS 3205/13	Amended	102-16	6-15
70 ILCS 3305/0.01	Amended	102-558	340
70 ILCS 3615/2.39	Added	102-573	10
105 ILCS 5/27-24.1	Amended	102-455	5
105 ILCS 5/27-24.1	Amended	102-558	350
235 ILCS 5/6-5	Amended	102-8	5
235 ILCS 5/6-5	Amended	102-442	5
410 ILCS 170/Act	Added	102-242	1
415 ILCS 5/52.10	Added	102-669	935
415 ILCS 5/57.11	Amended	102-16	3-130
415 ILCS 5/58.14a	Amended	102-444	950
415 ILCS 5/58.15	Amended	102-444	950
415 ILCS 5/9.15	Amended	102-662	90-55
415 ILCS 5/9.16	Amended	102-558	645
415 ILCS 5/9.17	Amended and Renumbered	102-558	645
415 ILCS 5/9.18	Added	102-662	90-55
415 ILCS 55/5-5	Added	102-381	5
520 ILCS 5/2.33	Amended	102-237	27
520 ILCS 10/3	Amended	102-315	10
520 ILCS 10/4	Amended	102-315	10
520 ILCS 10/5	Amended	102-315	10
605 ILCS 5/2-202	Amended	102-452	10
605 ILCS 5/4-220	Amended	102-660	5
605 ILCS 5/5-701.13	Amended	102-452	10
605 ILCS 5/5-801	Amended	102-452	10
605 ILCS 5/6-115	Amended	102-558	690
605 ILCS 5/6-134	Amended	102-558	690
605 ILCS 5/9-113	Amended	102-449	5
605 ILCS 30/4	Amended	102-276	40
605 ILCS 125/20	Amended	102-60	5
605 ILCS 125/23.1	Amended	102-60	5
605 ILCS 125/5	Amended	102-60	5
605 ILCS 130/115	Amended	102-538	910
625 ILCS 5/11-1403	Amended	102-344	5
625 ILCS 5/11-1414.1	Amended	102-544	5
625 ILCS 5/11-605	Amended	102-58	5
625 ILCS 5/11-605.1	Amended	102-538	935

Section Affected	Effect	Public Act No.	Sec.
625 ILCS 5/1-162.3	Amended	102-240	5
625 ILCS 5/11-907	Amended	102-336	5
625 ILCS 5/11-907	Amended	102-338	5
625 ILCS 5/11-907.2	Added	102-336	5
625 ILCS 5/12-208	Amended	102-508	5
625 ILCS 5/12-212	Amended	102-508	5
625 ILCS 5/12-601	Amended	102-448	5
625 ILCS 5/12-610.2	Amended	102-558	695
625 ILCS 5/15-102	Amended	102-441	5
625 ILCS 5/15-102	Amended	102-538	935
625 ILCS 5/15-107	Amended	102-124	5
625 ILCS 5/15-111	Amended	102-124	5
625 ILCS 5/15-112	Amended	102-538	935
625 ILCS 5/15-301	Amended	102-124	5
625 ILCS 5/15-307	Amended	102-124	5
625 ILCS 5/18c-7401	Amended	102-16	5-10
625 ILCS 5/2-112	Amended	102-455	10
625 ILCS 5/3-804.01	Amended	102-438	5
625 ILCS 70/20	Amended	102-60	10
730 ILCS 5/3-2-2	Amended	102-350	15
730 ILCS 5/3-2-2	Amended	102-535	5
730 ILCS 5/3-2-2	Amended	102-538	1055
735 ILCS 30/15-5-25	Amended	102-510	40
815 ILCS 312/1	Added	102-497	1
815 ILCS 312/10	Added	102-497	10
815 ILCS 312/15	Added	102-497	15
815 ILCS 312/20	Added	102-497	20
815 ILCS 312/25	Added	102-497	25
815 ILCS 312/30	Added	102-497	30
815 ILCS 312/35	Added	102-497	35
815 ILCS 312/40	Added	102-497	40
815 ILCS 312/45	Added	102-497	45
815 ILCS 312/5	Added	102-497	5
815 ILCS 312/50	Added	102-497	50
815 ILCS 312/55	Added	102-497	55
815 ILCS 312/60	Added	102-497	60
815 ILCS 312/99	Added	102-497	99
815 ILCS 312/Act	Added	102-497	1
820 ILCS 130/2	Amended	102-9	40
820 ILCS 130/2	Amended	102-444	995
820 ILCS 130/2	Amended	102-673	25
820 ILCS 130/2.1	Added	102-9	40
820 ILCS 130/5.1	Amended	102-332	5

Section Affected	Effect	Public Act No.	Sec.
20 ILCS 627/15	Amended	102-699	5-16
20 ILCS 627/45	Amended	102-	5
20 ILCS 2605/2605-410	Amended	102-813	170
20 ILCS 2705/2705-210	Amended	102-982	20
20 ILCS 2705/2705-233	Added	102-1094	905
20 ILCS 2705/2705-255	Amended	102-1071	20-10
20 ILCS 2705/2705-317	Amended	102-982	20
20 ILCS 2705/2705-610	Repealed	102-1071	25-20
20 ILCS 2705/2705-620	Added	102-1065	5
20 ILCS 3420/5	Amended	102-1005	15
20 ILCS 4116/1	Added	102-988	1
20 ILCS 4116/5	Added	102-988	1
20 ILCS 4116/10	Added	102-988	1
20 ILCS 4116/15	Added	102-988	1
20 ILCS 4116/20	Added	102-988	1
20 ILCS 4116/25	Added	102-988	1
20 ILCS 4116/30	Added	102-988	1
20 ILCS 4116/99	Added	102-988	1
30 ILCS 105/8.3	Amended	102-699	5-35
30 ILCS 105/8.3	Amended	102-813	215
30 ILCS 500/1-10	Amended	102-721	5
30 ILCS 500/1-10	Amended	102-813	220
30 ILCS 500/1-10.5	Added	102-1094	915
30 ILCS 500/1-12	Amended	102-721	5
30 ILCS 500/1-13	Amended	102-721	5
30 ILCS 500/1-15.107	Amended	102-721	5
30 ILCS 500/1-15.108	Amended	102-721	5
30 ILCS 500/20-20	Amended	102-721	5
30 ILCS 500/20-60	Amended	102-721	5
30 ILCS 500/20-75	Amended	102-721	5
30 ILCS 500/20-80	Amended	102-783	20
30 ILCS 500/25-90	Added	102-753	20
30 ILCS 500/30-60	Added	102-721	5
30 ILCS 500/50-11	Amended	102-721	5
30 ILCS 500/50-35	Amended	102-721	5
30 ILCS 500/50-90	Added	102-721	5
30 ILCS 550/1	Amended	102-968	5
30 ILCS 705/5.1	Added	102-699	5-55
30 ILCS 708/20	Amended	102-813	230
30 ILCS 708/45	Amended	102-813	230
30 ILCS 708/45	Amended	102-1092	5
30 ILCS 740/2-7	Amended	102-790	5
35 ILCS 105/9	Amended	102-700	60-15
35 ILCS 105/9	Amended	102-700	65-5
35 ILCS 105/9	Amended	102-1019	5
35 ILCS 110/9	Amended	102-700	60-20
35 ILCS 115/9	Amended	102-700	60-25
35 ILCS 120/3	Amended	102-700	60-30
35 ILCS 120/3	Amended	102-700	65-10
35 ILCS 120/3	Amended	102-813	255
35 ILCS 120/3	Amended	102-1019	10
35 ILCS 200/18-185	Amended	102-707	5
35 ILCS 200/18-185	Amended	102-813	260
35 ILCS 200/18-185	Amended	102-895	10
35 ILCS 200/18-190.7	Added	102-895	10
35 ILCS 200/18-241	Amended	102-894	10
35 ILCS 505/2	Amended	102-700	45-5
35 ILCS 505/3d	Added	102-700	20-25
35 ILCS 505/6	Amended	102-1019	20
35 ILCS 505/6a	Amended	102-1019	20

Section Affected	Effect	Public Act No.	Sec.
35 ILCS 505/7	Repealed	102-851	10
35 ILCS 505/8	Amended	102-699	5-65
35 ILCS 505/8a	Amended	102-700	45-5
35 ILCS 505/15	Amended	102-851	5
35 ILCS 505/17	Amended	102-700	45-5
50 ILCS 105/4.1	Amended	102-813	270
55 ILCS 5/5-45001	Added	102-954	5
55 ILCS 5/5-45005	Added	102-954	5
55 ILCS 5/5-45010	Added	102-954	5
55 ILCS 5/5-45015	Added	102-954	5
55 ILCS 5/5-45020	Added	102-954	5
55 ILCS 5/5-45025	Added	102-954	5
55 ILCS 5/5-45030	Added	102-954	5
55 ILCS 5/5-45035	Added	102-954	5
55 ILCS 5/5-45040	Added	102-954	5
55 ILCS 5/5-45045	Added	102-954	5
55 ILCS 5/5-45047	Added	102-954	5
55 ILCS 5/5-45050	Added	102-954	5
55 ILCS 5/Div. 5-45	Added	102-954	5
60 ILCS 1/85-30	Amended	102-728	5
65 ILCS 5/11-80-9	Amended	102-982	50
235 ILCS 5/6-5	Amended	102-813	500
415 ILCS 5/57.11	Amended	102-699	5-105
415 ILCS 5/9.15	Amended	102-1031	1-15
415 ILCS 5/9.9	Amended	102-1071	20-70
415 ILCS 55/4	Amended	102-1071	10-35
520 ILCS 5/2.33	Amended	102-837	25
520 ILCS 5/2.33	Amended	102-932	5
520 ILCS 10/10	Amended	102-1071	20-80
605 ILCS 5/1-102	Amended	102-982	90
605 ILCS 5/4-508	Amended	102-974	5
605 ILCS 5/9-112.6	Added	102-980	5
605 ILCS 10/11.2	Added	102-1094	935
605 ILCS 10/19.1	Amended	102-982	95
605 ILCS 27/1	Added	102-1079	1
605 ILCS 27/5	Added	102-1079	5
605 ILCS 27/Act	Added	102-1079	1
605 ILCS 125/23.1	Amended	102-982	100
605 ILCS 140/3	Added	102-1042	10
605 ILCS 140/5	Amended	102-1042	10
605 ILCS 140/5	Amended	102-1043	5
605 ILCS 140/90	Amended	102-1042	10
605 ILCS 140/90	Amended	102-1043	5
625 ILCS 5/11-1414	Amended	102-859	5
625 ILCS 5/11-1429	Amended	102-1071	20-85
625 ILCS 5/11-208.6	Amended	102-905	5
625 ILCS 5/11-208.6	Amended	102-982	105
625 ILCS 5/11-208.6	Amended	102-	5
625 ILCS 5/11-208.8	Amended	102-905	5
625 ILCS 5/11-208.8	Amended	102-	5
625 ILCS 5/11-605.3	Amended	102-978	5
625 ILCS 5/11-610	Amended	102-982	105
625 ILCS 5/11-907	Amended	102-813	575
625 ILCS 5/12-215	Amended	102-842	5
625 ILCS 5/12-215	Amended	102-982	105
625 ILCS 5/12-601.1	Amended	102-842	5
625 ILCS 5/12-610.1	Amended	102-982	105
625 ILCS 5/12-610.2	Amended	102-982	105
625 ILCS 5/15-102	Amended	102-813	575
625 ILCS 5/15-301	Amended	102-982	105
625 ILCS 5/18c-7402	Amended	102-982	105
625 ILCS 5/3-1001	Amended	102-762	5
625 ILCS 5/6-107.5	Amended	102-813	575
625 ILCS 5/6-107.5	Amended	102-982	105
735 ILCS 30/25-5-100	Added	102-992	5
735 ILCS 30/25-5-80	Amended	102-813	680

Section Affected	Effect	Public Act No.	Sec.
735 ILCS 30/25-5-85	Amended and Renumbered	102-813	680
735 ILCS 30/25-5-90	Amended and Renumbered	102-813	680
735 ILCS 30/25-5-95	Amended and Renumbered	102-813	680
820 ILCS 130/2	Amended	102-813	730
820 ILCS 130/2	Amended	102-1094	945

Table of Contents

CHAPTER 5. GENERAL PROVISIONS

OPEN MEETINGS

OPEN MEETINGS ACT

FREEDOM OF INFORMATION

FREEDOM OF INFORMATION ACT

INTERGOVERNMENTAL COOPERATION

INTERGOVERNMENTAL COOPERATION ACT

CIVIL ADMINISTRATION OF ILLINOIS (DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY LAW)

ELECTRIC VEHICLE ACT

DEPARTMENT OF NATURAL RESOURCES

INTERAGENCY WETLAND POLICY ACT OF 1989

ARTICLE I.

GENERAL PROVISIONS

ARTICLE II.

AGENCY COORDINATION

ARTICLE III.

STATE WETLAND MITIGATION POLICY

ARTICLE IV.

ADMINISTRATION

RECREATIONAL TRAILS OF ILLINOIS ACT

DEPARTMENT OF STATE POLICE

CIVIL ADMINISTRATIVE CODE OF ILLINOIS (DEPARTMENT OF STATE POLICE LAW)

ARTICLE 2605.

ILLINOIS STATE POLICE

ILLINOIS STATE POLICE ACT

DEPARTMENT OF TRANSPORTATION

CIVIL ADMINISTRATIVE CODE OF ILLINOIS (DEPARTMENT OF TRANSPORTATION LAW)

ARTICLE 2705.

DEPARTMENT OF TRANSPORTATION

CHAPTER 30. FINANCE

FUNDS

STATE FINANCE ACT

RECEIPT, INVESTMENT, AND DISBURSEMENT

PUBLIC FUNDS INVESTMENT ACT

BONDS AND DEBT

BOND AUTHORIZATION ACT

MOTOR FUEL TAX FUND BOND ACT

TRANSPORTATION BOND ACT

PURCHASES AND CONTRACTS

ILLINOIS PROCUREMENT CODE

ARTICLE 1.

GENERAL PROVISIONS

ARTICLE 5.

POLICY ORGANIZATION

ARTICLE 10.

APPOINTMENTS

ARTICLE 15.

PROCUREMENT INFORMATION

ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING QUALIFICATIONS BASED SELECTION ACT

STATE PROMPT PAYMENT ACT

PUBLIC CONTRACT FRAUD ACT

PUBLIC CONSTRUCTION BOND ACT

PUBLIC CONSTRUCTION CONTRACT ACT

STEEL PRODUCTS PROCUREMENT ACT

EMPLOYMENT OF ILLINOIS WORKERS ON PUBLIC WORKS ACT

GRANTS AND AID

ILLINOIS GRANT FUNDS RECOVERY ACT

GRANT ACCOUNTABILITY AND TRANSPARENCY ACT

DOWNSTATE PUBLIC TRANSPORTATION ACT

ARTICLE II.

DOWNSTATE PUBLIC TRANSPORTATION ASSISTANCE

Division 5.

Property Tax Extension Limitation Law

EXCISE TAXES

MOTOR FUEL TAX LAW

CHAPTER 50. LOCAL GOVERNMENT

OFFICERS AND EMPLOYEES

PUBLIC OFFICER PROHIBITED ACTIVITIES ACT

PUBLIC OFFICER SIMULTANEOUS TENURE ACT

FINANCES

INVESTMENT OF MUNICIPAL FUNDS ACT

PURCHASES AND CONTRACTS

LOCAL GOVERNMENT PROMPT PAYMENT ACT

LOCAL GOVERNMENT PROFESSIONAL SERVICES SELECTION ACT

PROPERTY

LOCAL GOVERNMENT PROPERTY TRANSFER ACT

CHAPTER 55. COUNTIES

COUNTIES CODE

ARTICLE 3.

OFFICERS AND EMPLOYEES

Division 3-2.

Clerk

CHAPTER 60. TOWNSHIPS

TOWNSHIP CODE

ARTICLE 1.

SHORT TITLE AND GENERAL PROVISIONS

ARTICLE 5.

ADOPTION OF TOWNSHIP ORGANIZATION

ARTICLE 10.

ALTERATION OF TOWNSHIP BOUNDARIES BY COUNTY BOARD

ARTICLE 15.

TOWNSHIP WITHIN A CITY

ARTICLE 27.

DISCONTINUANCE OF TOWNSHIP ORGANIZATION WITHIN COTERMINOUS MUNICIPALITY: COUNTY POPULATION OF 3 MILLION OR MORE

ARTICLE 28.

DISCONTINUANCE OF TOWNSHIP ORGANIZATION WITHIN COTERMINOUS MUNICIPALITY: SPECIFIED TOWNSHIPS

ARTICLE 29.

DISCONTINUANCE OF TOWNSHIP WITHIN COTERMINOUS MUNICIPALITY: ALL TOWNSHIPS

ARTICLE 30.

ANNUAL TOWNSHIP MEETING

ARTICLE 35.

SPECIAL TOWNSHIP MEETINGS

ARTICLE 60.

VACANCIES IN TOWNSHIP OFFICES AND THE MANNER OF FILLING THEM

ARTICLE 73.

HIGHWAY COMMISSIONER

ARTICLE 75.

TOWNSHIP CLERK

ARTICLE 85.

TOWNSHIP CORPORATE POWERS, GENERALLY

ARTICLE 240.

TOWNSHIP BORROWING MONEY

ARTICLE 255.

TRANSFERS FROM ROAD AND BRIDGE FUND

CHAPTER 65. MUNICIPALITIES

ILLINOIS MUNICIPAL CODE

ARTICLE 1.

GENERAL PROVISIONS

Division 1.

Short Title, Definitions, Scope of Code, Grant of Certain Powers

Division 7.

Census Provisions

ARTICLE 2.

ORGANIZATION OF MUNICIPALITIES

Division 2.

Incorporation of Cities

Division 3. Incorporation of Villages

ARTICLE 3.1.

OFFICERS

Division 35.

Functions and Duties of Certain Municipal Officers

ARTICLE 7.

TERRITORY

Division 1.

Annexation

Division 6.

Dissolution

ARTICLE 8.

FINANCE

Division 1.

General Provisions

Division 2.

Annual Appropriation Ordinances

Division 3.

Levy and Collection of Taxes

Division 5.

Debt Limits in Municipalities of Less Than 500,000

Division 9.

Purchasing and Public Works Contracts in Municipalities of Less Than 500,000

Division 10.

Purchasing and Public Works Contracts in Cities of More Than 500,000

Division 11.

Certain Revenue Taxes

ARTICLE 9.

LOCAL IMPROVEMENTS

Division 1.

Provisions Generally Applicable

Local Improvement Procedures Restricted to Certain Municipalities

Division 81.

Street and Bridge Tax

Division 82.

Cost of Oiling Streets

Division 83.

Resurfacing Streets by Special Assessment

Division 84.

Sidewalk Construction and Repair

TABLE OF CONTENTS

TELEGRAPH ACT

TELEPHONE COMPANY ACT

CHAPTER 225. PROFESSIONS AND OCCUPATIONS

DESIGN AND CONSTRUCTION

PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989 [REPEALED JANUARY 1, 2030]

STRUCTURAL ENGINEERING LICENSING ACT OF 1989

SERVICE AND SALES

HIGHWAY ADVERTISING CONTROL ACT OF 1971

CHAPTER 235. LIQUOR

LIQUOR CONTROL ACT OF 1934

ARTICLE V.

LICENSES

ARTICLE VI.

GENERAL PROVISIONS

CHAPTER 310. HOUSING

HOUSE RELOCATION ACT

DISPLACED PERSON RELOCATION ACT

CHAPTER 410. PUBLIC HEALTH

COAL TAR SEALANT DISCLOSURE ACT [EFFECTIVE JANUARY 1, 2023]

CHAPTER 415. ENVIRONMENTAL SAFETY

ENVIRONMENTAL PROTECTION ACT

TITLE I.

GENERAL PROVISIONS

TITLE II.

AIR POLLUTION

TITLE XVII.

SITE REMEDIATION PROGRAM

ILLINOIS GROUNDWATER PROTECTION ACT

ILLINOIS NOXIOUS WEED LAW

CHAPTER 520. WILDLIFE

WILDLIFE CODE

ARTICLE II.

GAME PROTECTIVE REGULATIONS

Additional Provisions

ILLINOIS ENDANGERED SPECIES PROTECTION ACT

CHAPTER 605. ROADS AND BRIDGES

ILLINOIS HIGHWAY CODE

ARTICLE 1.

SHORT TITLE, LEGISLATIVE INTENT AND APPLICATION OF CODE

ARTICLE 2.

SYSTEMS OF HIGHWAYS — DEFINITIONS

Division 1.

Systems of Highways

Division 2.

Definitions

ARTICLE 3.

FEDERAL AID

Division 3.

Planning and Programming

Division 4.

Construction and Maintenance

Division 3.

Laying Out, Widening, Altering or Vacating Township and District Roads

Division 4.

Construction and Maintenance of Township and District Roads

Division 5.

Taxation

ARTICLE 8.

FREEWAYS

ARTICLE 9.

GENERAL HIGHWAY PROVISIONS

Division 10.

Department Maintenance and Control of Covered Bridges

ARTICLE 11.

EFFECT OF CODE, REPEAL AND OTHER PROVISIONS

TOLL HIGHWAY ACT

DIRKSEN MEMORIAL HIGHWAY ACT

PEERSON MEMORIAL HIGHWAY ACT

JOLLIET-MARQUETTE TRAIL ACT

MILWAUKEE AVENUE POLISH HERITAGE CORRIDOR ACT [EFFECTIVE JANUARY 1, 2023]

BIKEWAY ACT

BRIDGE CONSTRUCTION ACT

BRIDGE PIER PROTECTION ACT

TOLL BRIDGE ACT

ILLINOIS ADOPT-A-HIGHWAY ACT

ROADSIDE MEMORIAL ACT

HEROES WAY DESIGNATION PROGRAM ACT

PUBLIC PRIVATE AGREEMENTS FOR THE ILLIANA EXPRESSWAY ACT

TASK FORCE ON SUSTAINABLE TRANSPORTATION FUNDING ACT [REPEALED]

EXPRESSWAY CAMERA ACT [REPEALED JULY 1, 2023]

CHAPTER 625. VEHICLES

ILLINOIS VEHICLE CODE

CHAPTER 1.

TITLE AND DEFINITIONS

CHAPTER 2.

THE SECRETARY OF STATE

CHAPTER 3.

CERTIFICATES OF TITLE AND REGISTRATION OF VEHICLES

Article VIII.

Registration and license fees

Article X.

Vehicle Use Tax

CHAPTER 6.

THE ILLINOIS DRIVER LICENSING LAW

Article I.

Issuance of Licenses Expiration and Renewal

CHAPTER 11.

RULES OF THE ROAD

Article II.

Obedience to and Effect of Traffic Laws

Article VIII.

Turning and Starting and Signals on Stopping and Turning

Article IX.

Right-of-Way

Article X.

Pedestrians' Rights and Duties

Article XIII.

Stopping, Standing, and Parking

Article XIV.

Miscellaneous Laws

Article XV.

Bicycles

CHAPTER 12.

EQUIPMENT OF VEHICLES

Article II.

Lights and Lamps

Article VI.

Miscellaneous Requirements

Article VII.

Special Requirements for Vehicles of the Second Division

CHAPTER 15.

SIZE, WEIGHT, LOAD AND PERMITS

Article I.

Size, Weight and Load

CHAPTER 720. CRIMINAL OFFENSES

CRIMINAL CODE

CRIMINAL CODE OF 2012

TITLE III.

SPECIFIC OFFENSES

Part C.

Offenses Directed Against Property

Article 21.

Damage and Trespass to Property

Subdivision 5.

Trespass

Part F.

Certain Aggravated Offenses

Article 33E.

Public Contracts

TITLE V.

ADDED ARTICLES

Article 47.

Nuisance

CHAPTER 730. CORRECTIONS

UNIFIED CODE OF CORRECTIONS

CHAPTER III.

DEPARTMENT OF CORRECTIONS

Article 2.

Organization of Department

CHAPTER 735. CIVIL PROCEDURE

EMINENT DOMAIN ACT

ARTICLE 1.

GENERAL PROVISIONS

ARTICLE 5.

GENERAL EXERCISE

ARTICLE 10

GENERAL PROCEDURE

ARTICLE 15.

EXPRESS EMINENT DOMAIN POWERS

Part 1.

General Provisions

Part 5.

List of Eminent Domain Powers

ARTICLE 20.

QUICK-TAKE PROCEDURE

ARTICLE 25.

EXPRESS QUICK-TAKE POWERS

Part 5.

New Quick-take Powers

ARTICLE VII.

TORT LIABILITY UNDER AGREEMENTS BETWEEN LOCAL PUBLIC ENTITIES

ARTICLE VIII

ACTIONS AGAINST LOCAL PUBLIC ENTITIES AND PUBLIC EMPLOYEES — LIMITATIONS, NOTICE

ARTICLE IX.

PAYMENT OF CLAIMS AND JUDGMENT

COUNTY ENGINEER AND HIGHWAY SUPERINTENDENT LIABILITY ACT

CHAPTER 765. PROPERTY

REAL PROPERTY

CONVEYANCES ACT

PLATS AND SURVEYS

PLAT ACT

HEALTH AND SAFETY

SUBSTANCE ABUSE PREVENTION ON PUBLIC WORKS PROJECTS ACT

Road, Bridge and Other Related Laws of Illinois

CHAPTER 5

GENERAL PROVISIONS

OPEN MEETINGS

Open Meetings Act

OPEN MEETINGS ACT

5 ILCS 120/1 Policy

It is the public policy of this State that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business. In order that the people shall be informed, the General Assembly finds and declares that it is the intent of this Act to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly.

The General Assembly further declares it to be the public policy of this State that its citizens shall be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way. Exceptions to the public's right to attend exist only in those limited circumstances where the General Assembly has specifically determined that the public interest would be clearly endangered or the personal privacy or guaranteed rights of individuals would be clearly in danger of unwarranted invasion.

To implement this policy, the General Assembly declares:

(1) It is the intent of this Act to protect the citizen's right to know; and

(2) The provisions for exceptions to the open meeting requirements shall be strictly construed against closed meetings.

HISTORY:
Laws 1967, p. 1960; P.A. 88-621, § 5.

5 ILCS 120/1.01 [Short title]

This Act shall be known and may be cited as the Open Meetings Act.

HISTORY:
P.A. 82-378.

5 ILCS 120/1.02 [Definitions]

For the purposes of this Act:

"Meeting" means any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business or, for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business.

Accordingly, for a 5-member public body, 3 members of the body constitute a quorum and the affirmative vote of 3 members is necessary to adopt any motion, resolution, or ordinance, unless a greater number is otherwise required.

"Public body" includes all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or

commissions thereof. "Public body" includes tourism boards and convention or civic center boards located in counties that are contiguous to the Mississippi River with populations of more than 250,000 but less than 300,000. "Public body" includes the Health Facilities and Services Review Board. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act [20 ILCS 515/1 et seq.], an ethics commission acting under the State Officials and Employees Ethics Act [5 ILCS 430/1-1 et seq.], a regional youth advisory board or the Statewide Youth Advisory Board established under the Department of Children and Family Services Statewide Youth Advisory Board Act, [20 ILCS 527/1 et seq.] or the Illinois Independent Tax Tribunal.

HISTORY:

P.A. 82-378; 88-614, § 90; 90-517, § 2; 90-737, § 205; 91-782, § 5; 92-468, § 5; 93-617, § 60; 94-1058, § 5; 95-245, § 3; 96-31, § 5; 97-1129, § 5-5; 98-806, § 35.

5 ILCS 120/1.05 Training.

(a) Every public body shall designate employees, officers, or members to receive training on compliance with this Act. Each public body shall submit a list of designated employees, officers, or members to the Public Access Counselor. Within 6 months after January 1, 2010 (the effective date of Public Act 96-542), the designated employees, officers, and members must successfully complete an electronic training curriculum, developed and administered by the Public Access Counselor, and thereafter must successfully complete an annual training program. Thereafter, whenever a public body designates an additional employee, officer, or member to receive this training, that person must successfully complete the electronic training curriculum within 30 days after that designation.

(b) Except as otherwise provided in this Section, each elected or appointed member of a public body subject to this Act who is such a member on January 1, 2012 (the effective date of Public Act 97-504) must successfully complete the electronic training curriculum developed and administered by the Public Access Counselor. For these members, the training must be completed within one year after January 1, 2012 (the effective date of Public Act 97-504).

Except as otherwise provided in this Section, each elected or appointed member of a public body subject to this Act who becomes such a member after January 1, 2012 (the effective date of Public Act 97-504) shall successfully complete the electronic training curriculum developed and administered by the Public Access Counselor. For these members, the training must be completed not later than the 90th day after the date the member:

(1) takes the oath of office, if the member is required to take an oath of office to assume the person's duties as a member of the public body; or

(2) otherwise assumes responsibilities as a member of the public body, if the member is not required to take an oath of office to assume the person's duties as a member of the governmental body.

Each member successfully completing the electronic training curriculum shall file a copy of the certificate of completion with the public body.

Completing the required training as a member of the public body satisfies the requirements of this Section with regard to the member's service on a committee or subcommittee of the public body and the member's ex officio service on any other public body.

The failure of one or more members of a public body to complete the training required by this Section does not affect the validity of an action taken by the public body.

An elected or appointed member of a public body subject to this Act who has successfully completed the training required under this subsection (b) and filed a copy of the certificate of completion with the public body is not required to subsequently complete the training required under this subsection (b).

(c) An elected school board member may satisfy the training requirements of this Section by participating in a course of training sponsored or conducted by an organization created under Article 23 of the School Code [105 ILCS 5/23-1 et seq.]. The course of training shall include, but not be limited to, instruction in:

(1) the general background of the legal requirements for open meetings;

(2) the applicability of this Act to public bodies;

(3) procedures and requirements regarding quorums, notice, and record-keeping under this Act;

(4) procedures and requirements for holding an open meeting and for holding a closed meeting under this Act; and

(5) penalties and other consequences for failing to comply with this Act.

If an organization created under Article 23 of the School Code provides a course of training under this subsection (c), it must provide a certificate of course completion to each school board member who successfully completes that course of training.

(d) A commissioner of a drainage district may satisfy the training requirements of this Section by participating in a course of training sponsored or conducted by an organization that represents the drainage districts created under the Illinois Drainage Code [70 ILCS 605/1-1 et seq.]. The course of training shall include, but not be limited to, instruction in:

(1) the general background of the legal requirements for open meetings;

(2) the applicability of this Act to public bodies;

(3) procedures and requirements regarding quorums, notice, and record-keeping under this Act;

(4) procedures and requirements for holding an open meeting and for holding a closed meeting under this Act; and

(5) penalties and other consequences for failing to comply with this Act.

If an organization that represents the drainage districts created under the Illinois Drainage Code provides a course of training under this subsection (d), it must provide a certificate of course completion to each commissioner who successfully completes that course of training.

(e) A director of a soil and water conservation district may satisfy the training requirements of this Section by participating in a course of training sponsored or conducted by an organization that represents soil and water conservation districts created under the Soil and Water Conservation Districts Act [70 ILCS 405/1 et seq.]. The course of training shall include, but not be limited to, instruction in:

(1) the general background of the legal requirements for open meetings;

(2) the applicability of this Act to public bodies;

(3) procedures and requirements regarding quorums, notice, and record-keeping under this Act;

(4) procedures and requirements for holding an open meeting and for holding a closed meeting under this Act; and

(5) penalties and other consequences for failing to comply with this Act.

If an organization that represents the soil and water conservation districts created under the Soil and Water Conservation Districts Act provides a course of training under this subsection (e), it must provide a certificate of course completion to each director who successfully completes that course of training.

(f) An elected or appointed member of a public body of a park district, forest preserve district, or conservation district may satisfy the training requirements of this Section by participating in a course of training sponsored or conducted by an organization that represents the park districts created in the Park District Code [70 ILCS 1205/1-1 et seq.]. The course of training shall include, but not be limited to, instruction in:

(1) the general background of the legal requirements for open meetings;

(2) the applicability of this Act to public bodies;

(3) procedures and requirements regarding quorums, notice, and record-keeping under this Act;

(4) procedures and requirements for holding an open meeting and for holding a closed meeting under this Act; and

(5) penalties and other consequences for failing to comply with this Act.

If an organization that represents the park districts created in the Park District Code provides a course of training under this subsection (f), it must provide a certificate of course completion to each elected or appointed member of a public body who successfully completes that course of training.

(g) An elected or appointed member of the board of trustees of a fire protection district may satisfy the training requirements of this Section by participating in a course of training sponsored or conducted by an organization that represents fire protection districts created under the Fire Protection District Act. The course of training shall include, but not be limited to, instruction in:

(1) the general background of the legal requirements for open meetings;

(2) the applicability of this Act to public bodies;

(3) procedures and requirements regarding quorums, notice, and record-keeping under this Act;

(4) procedures and requirements for holding an open meeting and for holding a closed meeting under this Act; and

(5) penalties and other consequences for failing to comply with this Act.

If an organization that represents fire protection districts organized under the Fire Protection District Act provides a course of training under this subsection (g), it must provide a certificate of course completion to each elected or appointed member of a board of trustees who successfully completes that course of training.

(h) An elected or appointed member of a public body of a municipality may satisfy the training requirements of this Section by participating in a course of training sponsored or conducted by an organization that represents municipalities as designated in Section 1-8-1 of the Illinois Municipal Code [65 ILCS 5/1-8-1]. The course of training shall include, but not be limited to, instruction in:

(1) the general background of the legal requirements for open meetings;

(2) the applicability of this Act to public bodies;

(3) procedures and requirements regarding quorums, notice, and record-keeping under this Act;

(4) procedures and requirements for holding an open meeting and for holding a closed meeting under this Act; and

(5) penalties and other consequences for failing to comply with this Act.

If an organization that represents municipalities as designated in Section 1-8-1 of the Illinois Municipal Code provides a course of training under this subsection (h), it must provide a certificate of course completion to each elected or appointed member of a public body who successfully completes that course of training.

HISTORY:

P.A. 96-542, § 5; 97-504, § 5; 97-1153, § 5; 98-900, § 5; 2018 P.A. 100-1127, § 5, effective November 27, 2018; 2019 P.A. 101-233, § 5, effective January 1, 2020; 2021 P.A. 102-558, § 15, effective August 20, 2021.

5 ILCS 120/2 Open meetings.

(a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a [5 ILCS 120/2a].

(b) Construction of exceptions. The exceptions contained in subsection (c) are in derogation of the requirement that public bodies meet in the open, and

therefore, the exceptions are to be strictly construed, extending only to subjects clearly within their scope. The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception.

(c) Exceptions. A public body may hold closed meetings to consider the following subjects:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees, specific individuals who serve as independent contractors in a park, recreational, or educational setting, or specific volunteers of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee, a specific individual who serves as an independent contractor in a park, recreational, or educational setting, or a volunteer of the public body or against legal counsel for the public body to determine its validity. However, a meeting to consider an increase in compensation to a specific employee of a public body that is subject to the Local Government Wage Increase Transparency Act [50 ILCS 155/1 et seq.] may not be closed and shall be open to the public and posted and held in accordance with this Act.

(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

(3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

(4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(7) The sale or purchase of securities, investments, or investment contracts. This exception shall not apply to the investment of assets or income of funds deposited into the Illinois Prepaid Tuition Trust Fund.

(8) Security procedures, school building safety and security, and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property.

(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10/1-101 et seq.], if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member.

(13) Conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices and creating a commission or administrative agency for their enforcement.

(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

(15) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body's field of competence.

(16) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member.

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals, or for the discussion of matters protected under the federal Patient Safety and Quality Improvement Act of 2005, and the regulations promulgated thereunder, including 42 C.F.R. Part 3 (73 FR 70732), or the federal Health Insurance Portability and Accountability Act of 1996, and the regulations promulgated thereunder, including 45 C.F.R. Parts 160, 162, and 164, by a hospital, or other institution providing medical care, that is operated by the public body.

(18) Deliberations for decisions of the Prisoner Review Board.

(19) Review or discussion of applications received under the Experimental Organ Transplantation Procedures Act [20 ILCS 3935/1 et seq.].

(20) The classification and discussion of matters classified as confidential or continued confidential by the State Government Suggestion Award Board.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06 [5 ILCS 120/2.06].

(22) Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board.

(23) The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies.

(24) Meetings of a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act [210 ILCS 28/1 et seq.].

(25) Meetings of an independent team of experts under Brian's Law [405 ILCS 82/1 et seq.].

(26) Meetings of a mortality review team appointed under the Department of Juvenile Justice Mortality Review Team Act [730 ILCS 195/1 et seq.].

(27) (Blank).

(28) Correspondence and records (i) that may not be disclosed under Section 11-9 of the Illinois Public Aid Code [305 ILCS 5/11-9] or (ii) that pertain to appeals under Section 11-8 of the Illinois Public Aid Code [305 ILCS 5/11-8].

(29) Meetings between internal or external auditors and governmental audit committees, finance committees, and their equivalents, when the discussion involves internal control weaknesses, identification of potential fraud risk areas, known or suspected frauds, and fraud interviews conducted in accordance with generally accepted auditing standards of the United States of America.

(30) Those meetings or portions of meetings of a fatality review team or the Illinois Fatality Review Team Advisory Council during which a review of the death of an eligible adult in which abuse or neglect is suspected, alleged, or substantiated is conducted pursuant to Section 15 of the Adult Protective Services Act [320 ILCS 20/15].

(31) Meetings and deliberations for decisions of the Concealed Carry Licensing Review Board under the Firearm Concealed Carry Act [430 ILCS 66/1 et seq.].

(32) Meetings between the Regional Transportation Authority Board and its Service Boards when the discussion involves review by the Regional Transportation Authority Board of employment contracts under Section 28d of the Metropolitan Transit Authority Act [70 ILCS 3605/28d] and Sections 3A.18 and 3B.26 of the Regional Transportation Authority Act [70 ILCS 3615/3A.18 and 70 ILCS 3615/3B.26].

(33) Those meetings or portions of meetings of the advisory committee and peer review subcommittee created under Section 320 of the Illinois Controlled Substances Act during which specific controlled substance prescriber, dispenser, or patient information is discussed.

(34) Meetings of the Tax Increment Financing Reform Task Force under Section 2505-800 of the Department of Revenue Law of the Civil Administrative Code of Illinois.

(35) Meetings of the group established to discuss Medicaid capitation rates under Section 5-30.8 of the Illinois Public Aid Code [305 ILCS 5/5-30.8].

(36) Those deliberations or portions of deliberations for decisions of the Illinois Gaming Board in which there is discussed any of the following: (i) personal, commercial, financial, or other information obtained from any source that is privileged, proprietary, confidential, or a trade secret; or (ii) information specifically exempted from the disclosure by federal or State law.

(37) Deliberations for decisions of the Illinois Law Enforcement Training Standards Board, the Certification Review Panel, and the Illinois State Police Merit Board regarding certification and decertification.

(38) Meetings of the Ad Hoc Statewide Domestic Violence Fatality Review Committee of the Illinois Criminal Justice Information Authority Board that occur in closed executive session under subsection (d) of Section 35 of the Domestic Violence Fatality Review Act [430 ILCS 65/35].

(39) Meetings of the regional review teams under subsection (a) of Section 75 of the Domestic Violence Fatality Review Act.

(40) Meetings of the Firearm Owner's Identification Card Review Board under Section 10 of the Firearm Owners Identification Card Act [430 ILCS 65/10].

(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.

"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign power of this State. The term "public office" shall include members of the public body, but it shall not include organizational positions filled by members thereof, whether established by law or by a public body itself, that exist to assist the body in the conduct of its business.

"Quasi-adjudicative body" means an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges.

(e) Final action. No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted.

HISTORY:

P.A. 86-287; 86-727; 86-1019; 86-1027; 86-1389; 87-491; 88-530, § 5; 88-621, § 5; 89-86, § 5; 89-177, § 15; 89-626, § 2-4; 90-144,

§ 5; 91-730, § 5; 93-57, § 5; 93-79, § 5; 93-422, § 5; 93-577, § 90; 94-931, § 5; 95-185, § 5; 96-1235, § 90; 96-1378, § 90; 96-1428, § 5; 97-318, § 5; 97-333, § 15; 97-452, § 5; 97-813, § 10; 97-876, § 5; 98-49, § 25; 98-63, § 115; 98-756, § 10; 98-1027, § 5; 98-1039, § 5; 99-78, § 20; 99-235, § 5; 99-480, § 5-1; 99-642, § 15; 99-646, § 90; 99-687, § 5; 2017 P.A. 100-201, § 20, effective August 18, 2017; 2017 P.A. 100-465, § 900, effective August 31, 2017; 2018 P.A. 100-646, § 5, effective July 27, 2018; 2019 P.A. 101-31, § 35-5, effective June 28, 2019; 2019 P.A. 101-459, § 5, effective August 23, 2019; 2020 P.A. 101-652, § 25-5, effective January 1, 2022; 2021 P.A. 102-237, § 3, effective January 1, 2022; 2021 P.A. 102-520, § 900, effective August 20, 2021; 2021 P.A. 102-558, § 15, effective August 20, 2021; 2022 P.A. 102-813, § 15, effective May 13, 2022.

5 ILCS 120/2.01 [Meeting times and places]

All meetings required by this Act to be public shall be held at specified times and places which are convenient and open to the public. No meeting required by this Act to be public shall be held on a legal holiday unless the regular meeting day falls on that holiday.

Except as otherwise provided in this Act, a quorum of members of a public body must be physically present at the location of an open meeting. If, however, an open meeting of a public body (i) with statewide jurisdiction, (ii) that is an Illinois library system with jurisdiction over a specific geographic area of more than 4,500 square miles, (iii) that is a municipal transit district with jurisdiction over a specific geographic area of more than 4,500 square miles, or (iv) that is a local workforce investment area with jurisdiction over a specific geographic area of more than 4,500 square miles is held simultaneously at one of its offices and one or more other locations in a public building, which may include other of its offices, through an interactive video conference and the public body provides public notice and public access as required under this Act for all locations, then members physically present in those locations all count towards determining a quorum. "Public building", as used in this Section, means any building or portion thereof owned or leased by any public body. The requirement that a quorum be physically present at the location of an open meeting shall not apply, however, to State advisory boards or bodies that do not have authority to make binding recommendations or determinations or to take any other substantive action.

Except as otherwise provided in this Act, a quorum of members of a public body that is not (i) a public body with statewide jurisdiction, (ii) an Illinois library system with jurisdiction over a specific geographic area of more than 4,500 square miles, (iii) a municipal transit district with jurisdiction over a specific geographic area of more than 4,500 square miles, or (iv) a local workforce innovation area with jurisdiction over a specific geographic area of more than 4,500 square miles must be physically present at the location of a closed meeting. Other members who are not physically present at a closed meeting of such a public body may participate in the meeting by means of a video or audio conference. For the purposes of this Section, "local workforce innovation area" means any local workforce innovation area or areas designated by the Governor pursuant to the federal Workforce Innovation and Opportunity Act or its reauthorizing legislation.

HISTORY:

Laws 1967, p. 1960; P.A. 88-621, § 5; 94-1058, § 5; 96-664, § 5; 96-1043, § 5; 98-992, § 5; 2017 P.A. 100-477, § 5, effective September 8, 2017; 2020 P.A. 101-640, § 15-5, effective June 12, 2020.

5 ILCS 120/2.02 [Notice]

Public notice of all meetings, whether open or closed to the public, shall be given as follows:

(a) Every public body shall give public notice of the schedule of regular meetings at the beginning of each calendar or fiscal year and shall state the regular dates, times, and places of such meetings. An agenda for each regular meeting shall be posted at the principal office of the public body and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting. A public body that has a website that the full-time staff of the public body maintains shall also post on its website the agenda of any regular meetings of the governing body of that public body. Any agenda of a regular meeting that is posted on a public body's website shall remain posted on the website until the regular meeting is concluded. The requirement of a regular meeting agenda shall not preclude the consideration of items not specifically set forth in the agenda. Public notice of any special meeting except a meeting held in the event of a bona fide emergency, or of any rescheduled regular meeting, or of any reconvened meeting, shall be given at least 48 hours before such meeting, which notice shall also include the agenda for the special, rescheduled, or reconvened meeting, but the validity of any action taken by the public body which is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. The requirement of public notice of reconvened meetings does not apply to any case where the meeting was open to the public and (1) it is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda. Notice of an emergency meeting shall be given as soon as practicable, but in any event prior to the holding of such meeting, to any news medium which has filed an annual request for notice under subsection (b) of this Section.

(b) Public notice shall be given by posting a copy of the notice at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be held. In addition, a public body that has a website that the full-time staff of the public body maintains shall post notice on its website of all meetings of the governing body of the public body. Any notice of an annual schedule of meetings shall remain on the

website until a new public notice of the schedule of regular meetings is approved. Any notice of a regular meeting that is posted on a public body's website shall remain posted on the website until the regular meeting is concluded. The body shall supply copies of the notice of its regular meetings, and of the notice of any special, emergency, rescheduled or reconvened meeting, to any news medium that has filed an annual request for such notice. Any such news medium shall also be given the same notice of all special, emergency, rescheduled or reconvened meetings in the same manner as is given to members of the body provided such news medium has given the public body an address or telephone number within the territorial jurisdiction of the public body at which such notice may be given. The failure of a public body to post on its website notice of any meeting or the agenda of any meeting shall not invalidate any meeting or any actions taken at a meeting.

(c) Any agenda required under this Section shall set forth the general subject matter of any resolution or ordinance that will be the subject of final action at the meeting. The public body conducting a public meeting shall ensure that at least one copy of any requested notice and agenda for the meeting is continuously available for public review during the entire 48-hour period preceding the meeting. Posting of the notice and agenda on a website that is maintained by the public body satisfies the requirement for continuous posting under this subsection (c). If a notice or agenda is not continuously available for the full 48-hour period due to actions outside of the control of the public body, then that lack of availability does not invalidate any meeting or action taken at a meeting.

HISTORY:
P.A. 82-378; 88-621, § 5; 89-86, § 5; 94-28, § 5; 97-827, § 5.

5 ILCS 120/2.03 [Schedule of meetings]

In addition to the notice required by Section 2.02 [5 ILCS 120/2.02], each body subject to this Act must, at the beginning of each calendar or fiscal year, prepare and make available a schedule of all its regular meetings for such calendar or fiscal year, listing the times and places of such meetings.

If a change is made in regular meeting dates, at least 10 days' notice of such change shall be given by publication in a newspaper of general circulation in the area in which such body functions. However, in the case of bodies of local governmental units with a population of less than 500 in which no newspaper is published, such 10 days' notice may be given by posting a notice of such change in at least 3 prominent places within the governmental unit. Notice of such change shall also be posted at the principal office of the public body or, if no such office exists, at the building in which the meeting is to be held. Notice of such change shall also be supplied to those news media which have filed an annual request for notice as provided in paragraph (b) of Section 2.02 [5 ILCS 120/2.02].

HISTORY:
Laws 1967, p. 1960.

5 ILCS 120/2.04 [Notice requirements additional]

The notice requirements of this Act are in addition to, and not in substitution of, any other notice required by law. Failure of any news medium to receive a notice provided for by this Act shall not invalidate any meeting provided notice was in fact given in accordance with this Act.

HISTORY:
Laws 1967, p. 1960.

5 ILCS 120/2.05 Recording meetings

Subject to the provisions of Section 8-701 of the Code of Civil Procedure [735 ILCS 5/8-701], any person may record the proceedings at meetings required to be open by this Act by tape, film or other means. The authority holding the meeting shall prescribe reasonable rules to govern the right to make such recordings.

If a witness at any meeting required to be open by this Act which is conducted by a commission, administrative agency or other tribunal, refuses to testify on the grounds that he may not be compelled to testify if any portion of his testimony is to be broadcast or televised or if motion pictures are to be taken of him while he is testifying, the authority holding the meeting shall prohibit such recording during the testimony of the witness. Nothing in this Section shall be construed to extend the right to refuse to testify at any meeting not subject to the provisions of Section 8-701 of the Code of Civil Procedure.

HISTORY:
P.A. 82-378; 94-1058, § 5.

5 ILCS 120/2.06 Minutes; right to speak.

(a) All public bodies shall keep written minutes of all their meetings, whether open or closed, and a verbatim record of all their closed meetings in the form of an audio or video recording. Minutes shall include, but need not be limited to:

(1) the date, time and place of the meeting;

(2) the members of the public body recorded as either present or absent and whether the members were physically present or present by means of video or audio conference; and

(3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.

(b) A public body shall approve the minutes of its open meeting within 30 days after that meeting or at the public body's second subsequent regular meeting, whichever is later. The minutes of meetings open to the public shall be available for public inspection

within 10 days after the approval of such minutes by the public body. Beginning July 1, 2006, at the time it complies with the other requirements of this subsection, a public body that has a website that the full-time staff of the public body maintains shall post the minutes of a regular meeting of its governing body open to the public on the public body's website within 10 days after the approval of the minutes by the public body. Beginning July 1, 2006, any minutes of meetings open to the public posted on the public body's website shall remain posted on the website for at least 60 days after their initial posting.

(c) The verbatim record may be destroyed without notification to or the approval of a records commission or the State Archivist under the Local Records Act [50 ILCS 205/1 et seq.] or the State Records Act [5 ILCS 160/1 et seq.] no less than 18 months after the completion of the meeting recorded but only after:

(1) the public body approves the destruction of a particular recording; and

(2) the public body approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section.

(d) Each public body shall periodically meet to review minutes of all closed meetings. Meetings to review minutes shall occur every 6 months, or as soon thereafter as is practicable, taking into account the nature and meeting schedule of the public body. Committees which are ad hoc in nature shall review closed session minutes at the later of (1) 6 months from the date of the last review of closed session minutes or (2) at the next scheduled meeting of the ad hoc committee. At such meetings a determination shall be made, and reported in an open session that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection. The failure of a public body to strictly comply with the semi-annual review of closed session written minutes, whether before or after the effective date of this amendatory Act of the 94th General Assembly [P.A. 94-542], shall not cause the written minutes or related verbatim record to become public or available for inspection in any judicial proceeding, other than a proceeding involving an alleged violation of this Act, if the public body, within 60 days of discovering its failure to strictly comply with the technical requirements of this subsection, reviews the closed session minutes and determines and thereafter reports in open session that either (1) the need for confidentiality still exists as to all or part of the minutes or verbatim record, or (2) that the minutes or recordings or portions thereof no longer require confidential treatment and are available for public inspection.

(e) Unless the public body has made a determination that the verbatim recording no longer requires confidential treatment or otherwise consents to disclosure, the verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce this Act. In the case of a civil action brought to enforce this Act, the court, if the judge believes such an examination is necessary, must conduct such in camera examination of the verbatim record as it finds appropriate in order to determine whether there has been a violation of this Act. In the case of a criminal proceeding, the court may conduct an examination in order to determine what portions, if any, must be made available to the parties for use as evidence in the prosecution. Any such initial inspection must be held in camera. If the court determines that a complaint or suit brought for noncompliance under this Act is valid it may, for the purposes of discovery, redact from the minutes of the meeting closed to the public any information deemed to qualify under the attorney-client privilege. The provisions of this subsection do not supersede the privacy or confidentiality provisions of State or federal law. Access to verbatim recordings shall be provided to duly elected officials or appointed officials filling a vacancy of an elected office in a public body, and access shall be granted in the public body's main office or official storage location, in the presence of a records secretary, an administrative official of the public body, or any elected official of the public body. No verbatim recordings shall be recorded or removed from the public body's main office or official storage location, except by vote of the public body or by court order. Nothing in this subsection (e) is intended to limit the Public Access Counselor's access to those records necessary to address a request for administrative review under Section 7.5 of this Act [5 ILCS 120/7.5].

(f) Minutes of meetings closed to the public shall be available only after the public body determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential, except that duly elected officials or appointed officials filling a vacancy of an elected office in a public body shall be provided access to minutes of meetings closed to the public. Access to minutes shall be granted in the public body's main office or official storage location, in the presence of a records secretary, an administrative official of the public body, or any elected official of the public body. No minutes of meetings closed to the public shall be removed from the public body's main office or official storage location, except by vote of the public body or by court order. Nothing in this subsection (f) is intended to limit the Public Access Counselor's access to those records necessary to address a request for administrative review under Section 7.5 of this Act.

(g) Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body.

(h) When a public body is dissolved, disbanded, eliminated, or consolidated by executive action, legislative action, or referendum, and its functions and responsibilities are assumed by a unit of local government, the unit of local government which assumes the functions of the prior public body shall

review the closed session minutes of that public body pursuant to subsection (d).

HISTORY:
P.A. 85-1355; 88-621, § 5; 93-523, § 5; 93-974, § 5; 94-28, § 5; 94-542, § 5; 94-1058, § 5; 96-1473, § 5; 99-515, § 5; 2021 P.A. 102-653, § 5, effective January 1, 2022.

5 ILCS 120/2a [Closed meetings]

A public body may hold a meeting closed to the public, or close a portion of a meeting to the public, upon a majority vote of a quorum present, taken at a meeting open to the public for which notice has been given as required by this Act. A single vote may be taken with respect to a series of meetings, a portion or portions of which are proposed to be closed to the public, provided each meeting in such series involves the same particular matters and is scheduled to be held within no more than 3 months of the vote. The vote of each member on the question of holding a meeting closed to the public and a citation to the specific exception contained in Section 2 of this Act [5 ILCS 120/2] which authorizes the closing of the meeting to the public shall be publicly disclosed at the time of the vote and shall be recorded and entered into the minutes of the meeting. Nothing in this Section or this Act shall be construed to require that any meeting be closed to the public.

At any open meeting of a public body for which proper notice under this Act has been given, the body may, without additional notice under Section 2.02 [5 ILCS 120/2.02], hold a closed meeting in accordance with this Act. Only topics specified in the vote to close under this Section may be considered during the closed meeting.

HISTORY:
P.A. 86-727; 88-621, § 5; 89-86, § 5.

5 ILCS 120/2b: [Repealed] Repealed by P.A. 88-621, § 10, effective January 1, 1995.

5 ILCS 120/3 [Noncompliance; civil action]

(a) Where the provisions of this Act are not complied with, or where there is probable cause to believe that the provisions of this Act will not be complied with, any person, including the State's Attorney of the county in which such noncompliance may occur, may bring a civil action in the circuit court for the judicial circuit in which the alleged noncompliance has occurred or is about to occur, or in which the affected public body has its principal office, prior to or within 60 days of the meeting alleged to be in violation of this Act or, if facts concerning the meeting are not discovered within the 60-day period, within 60 days of the discovery of a violation by the State's Attorney or, if the person timely files a request for review under Section 3.5 [5 ILCS 120/3.5], within 60 days of the decision by the Attorney General to resolve a request for review by a means other than the issuance of a binding opinion under subsection (e) of Section 3.5.

Records that are obtained by a State's Attorney from a public body for purposes of reviewing whether the public body has complied with this Act may not be disclosed to the public. Those records, while in the possession of the State's Attorney, are exempt from disclosure under the Freedom of Information Act [5 ILCS 140/1 et seq.].

(b) In deciding such a case the court may examine in camera any portion of the minutes of a meeting at which a violation of the Act is alleged to have occurred, and may take such additional evidence as it deems necessary.

(c) The court, having due regard for orderly administration and the public interest, as well as for the interests of the parties, may grant such relief as it deems appropriate, including granting a relief by mandamus requiring that a meeting be open to the public, granting an injunction against future violations of this Act, ordering the public body to make available to the public such portion of the minutes of a meeting as is not authorized to be kept confidential under this Act, or declaring null and void any final action taken at a closed meeting in violation of this Act.

(d) The court may assess against any party, except a State's Attorney, reasonable attorney's fees and other litigation costs reasonably incurred by any other party who substantially prevails in any action brought in accordance with this Section, provided that costs may be assessed against any private party or parties bringing an action pursuant to this Section only upon the court's determination that the action is malicious or frivolous in nature.

HISTORY:
P.A. 85-1355; 88-621, § 5; 96-542, § 5; 99-714, § 5.

5 ILCS 120/3.5 Public Access Counselor; opinions

(a) A person who believes that a violation of this Act by a public body has occurred may file a request for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the alleged violation. If facts concerning the violation are not discovered within the 60-day period, but are discovered at a later date, not exceeding 2 years after the alleged violation, by a person utilizing reasonable diligence, the request for review may be made within 60 days of the discovery of the alleged violation. The request for review must be in writing, must be signed by the requester, and must include a summary of the facts supporting the allegation. The changes made by this amendatory Act of the 99th General Assembly [P.A. 99-402] apply to violations alleged to have occurred at meetings held on or after the effective date of this amendatory Act of the 99th General Assembly.

(b) Upon receipt of a request for review, the Public Access Counselor shall determine whether further

action is warranted. If the Public Access Counselor determines from the request for review that the alleged violation is unfounded, he or she shall so advise the requester and the public body and no further action shall be undertaken. In all other cases, the Public Access Counselor shall forward a copy of the request for review to the public body within 7 working days. The Public Access Counselor shall specify the records or other documents that the public body shall furnish to facilitate the review. Within 7 working days after receipt of the request for review, the public body shall provide copies of the records requested and shall otherwise fully cooperate with the Public Access Counselor. If a public body fails to furnish specified records pursuant to this Section, or if otherwise necessary, the Attorney General may issue a subpoena to any person or public body having knowledge of or records pertaining to an alleged violation of this Act. For purposes of conducting a thorough review, the Public Access Counselor has the same right to examine a verbatim recording of a meeting closed to the public or the minutes of a closed meeting as does a court in a civil action brought to enforce this Act.

(c) Within 7 working days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the public body may, but is not required to, answer the allegations of the request for review. The answer may take the form of a letter, brief, or memorandum.

Upon request, the public body may also furnish the Public Access Counselor with a redacted copy of the answer excluding specific references to any matters at issue. The Public Access Counselor shall forward a copy of the answer or redacted answer, if furnished, to the person submitting the request for review. The requester may, but is not required to, respond in writing to the answer within 7 working days and shall provide a copy of the response to the public body.

(d) In addition to the request for review, and the answer and the response thereto, if any, a requester or a public body may furnish affidavits and records concerning any matter germane to the review.

(e) Unless the Public Access Counselor extends the time by no more than 21 business days by sending written notice to the requester and public body that includes a statement of the reasons for the extension in the notice, or decides to address the matter without the issuance of a binding opinion, the Attorney General shall examine the issues and the records, shall make findings of fact and conclusions of law, and shall issue to the requester and the public body an opinion within 60 days after initiating review. The opinion shall be binding upon both the requester and the public body, subject to administrative review under Section 7.5 of this Act [5 ILCS 120/7.5].

In responding to any written request under this Section 3.5, the Attorney General may exercise his or her discretion and choose to resolve a request for review by mediation or by a means other than the issuance of a binding opinion. The decision not to issue a binding opinion shall not be reviewable.

Upon receipt of a binding opinion concluding that a violation of this Act has occurred, the public body shall either take necessary action as soon as practical to comply with the directive of the opinion or shall initiate administrative review under Section 7.5. If the opinion concludes that no violation of the Act has occurred, the requester may initiate administrative review under Section 7.5.

(f) If the requester files suit under Section 3 [5 ILCS 120/3] with respect to the same alleged violation that is the subject of a pending request for review, the requester shall notify the Public Access Counselor, and the Public Access Counselor shall take no further action with respect to the request for review and shall so notify the public body.

(g) Records that are obtained by the Public Access Counselor from a public body for purposes of addressing a request for review under this Section 3.5 may not be disclosed to the public, including the requester, by the Public Access Counselor. Those records, while in the possession of the Public Access Counselor, shall be exempt from disclosure by the Public Access Counselor under the Freedom of Information Act [5 ILCS 140/1 et seq.].

(h) The Attorney General may also issue advisory opinions to public bodies regarding compliance with this Act. A review may be initiated upon receipt of a written request from the head of the public body or its attorney. The request must contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the public body in order to facilitate the review. A public body that relies in good faith on an advisory opinion of the Attorney General in complying with the requirements of this Act is not liable for penalties under this Act, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access Counselor.

HISTORY:
P.A. 96-542, § 5; 99-402, § 5.

5 ILCS 120/4 [Penalty]

Any person violating any of the provisions of this Act, except subsection (b), (c), (d), (e), or (f) of Section 1.05 [5 ILCS 120/1.05], shall be guilty of a Class C misdemeanor.

HISTORY:
P.A. 77-2549; 97-504, § 5; 97-1153, § 5; 98-900 § 5.

5 ILCS 120/5 [Severability]

If any provision of this Act, or the application of this Act to any particular meeting or type of meeting is held invalid or unconstitutional, such decision shall not affect the validity of the remaining provisions or the other applications of this Act.

HISTORY:
Laws 1957, p. 2892.

5 ILCS 120/6 [Home rule units]

The provisions of this Act constitute minimum requirements for home rule units; any home rule unit may enact an ordinance prescribing more stringent requirements binding upon itself which would serve to give further notice to the public and facilitate public access to meetings.

HISTORY:
P.A. 78-448.

5 ILCS 120/7 Attendance by a means other than physical presence.

(a) If a quorum of the members of the public body is physically present as required by Section 2.01 [5 ILCS 120/2.01], a majority of the public body may allow a member of that body to attend the meeting by other means if the member is prevented from physically attending because of: (i) personal illness or disability; (ii) employment purposes or the business of the public body; or (iii) a family or other emergency. "Other means" is by video or audio conference.

(b) If a member wishes to attend a meeting by other means, the member must notify the recording secretary or clerk of the public body before the meeting unless advance notice is impractical.

(c) A majority of the public body may allow a member to attend a meeting by other means only in accordance with and to the extent allowed by rules adopted by the public body. The rules must conform to the requirements and restrictions of this Section, may further limit the extent to which attendance by other means is allowed, and may provide for the giving of additional notice to the public or further facilitate public access to meetings.

(d) The limitations of this Section shall not apply to (i) closed meetings of (A) public bodies with statewide jurisdiction, (B) Illinois library systems with jurisdiction over a specific geographic area of more than 4,500 square miles, (C) municipal transit districts with jurisdiction over a specific geographic area of more than 4,500 square miles, or (D) local workforce innovation areas with jurisdiction over a specific geographic area of more than 4,500 square miles or (ii) open or closed meetings of State advisory boards or bodies that do not have authority to make binding recommendations or determinations or to take any other substantive action. State advisory boards or bodies, public bodies with statewide jurisdiction, Illinois library systems with jurisdiction over a specific geographic area of more than 4,500 square miles, municipal transit districts with jurisdiction over a specific geographic area of more than 4,500 square miles, and local workforce investment areas with jurisdiction over a specific geographic area of more than 4,500 square miles, however, may permit members to attend meetings by other means only in accordance with and to the extent allowed by specific procedural rules adopted by the body. For the purposes of this Section, "local workforce innovation area" means any local workforce innovation area or areas designated by the Governor pursuant to the federal Workforce Innovation and Opportunity Act or its reauthorizing legislation.

(e) Subject to the requirements of Section 2.06 [5 ILCS 120/2.06] but notwithstanding any other provision of law, an open or closed meeting subject to this Act may be conducted by audio or video conference, without the physical presence of a quorum of the members, so long as the following conditions are met:

(1) the Governor or the Director of the Illinois Department of Public Health has issued a disaster declaration related to public health concerns because of a disaster as defined in Section 4 of the Illinois Emergency Management Agency Act [20 ILCS 3305/4], and all or part of the jurisdiction of the public body is covered by the disaster area;

(2) the head of the public body as defined in subsection (e) of Section 2 of the Freedom of Information Act [5 ILCS 140/2] determines that an in-person meeting or a meeting conducted under this Act is not practical or prudent because of a disaster;

(3) all members of the body participating in the meeting, wherever their physical location, shall be verified and can hear one another and can hear all discussion and testimony;

(4) for open meetings, members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the disaster, including the issued disaster declaration, in which case the public body must make alternative arrangements and provide notice pursuant to this Section of such alternative arrangements in a manner to allow any interested member of the public access to contemporaneously hear all discussion, testimony, and roll call votes, such as by offering a telephone number or a web-based link;

(5) at least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the disaster, including the issued disaster declaration; and

(6) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

(7) Except in the event of a bona fide emergency, 48 hours' notice shall be given of a meeting to be held pursuant to this Section. Notice shall be given to all members of the public body, shall be posted on the website of the public body, and shall also be provided to any news media who has requested notice of meetings pursuant to subsection (a) of Section 2.02 of this Act [5 ILCS 120/2.02]. If the public body declares a bona fide emergency:

(A) Notice shall be given pursuant to subsection (a) of Section 2.02 of this Act, and the

presiding officer shall state the nature of the emergency at the beginning of the meeting.

(B) The public body must comply with the verbatim recording requirements set forth in Section 2.06 of this Act.

(8) Each member of the body participating in a meeting by audio or video conference for a meeting held pursuant to this Section is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

(9) In addition to the requirements for open meetings under Section 2.06, public bodies holding open meetings under this subsection (e) must also keep a verbatim record of all their meetings in the form of an audio or video recording. Verbatim records made under this paragraph (9) shall be made available to the public under, and are otherwise subject to, the provisions of Section 2.06.

(10) The public body shall bear all costs associated with compliance with this subsection (e).

HISTORY:
P.A. 94-1058, § 5; 96-664, § 5; 96-1043, § 5; 98-992, § 5; 2017 P.A. 100-477, § 5, effective September 8, 2017; 2020 P.A. 101-640, § 15-5, effective June 12, 2020.

5 ILCS 120/7.3 Duty to post information pertaining to benefits offered through the Illinois Municipal Retirement Fund

(a) Within 6 business days after an employer participating in the Illinois Municipal Retirement Fund approves a budget, that employer must post on its website the total compensation package for each employee having a total compensation package that exceeds $75,000 per year. If the employer does not maintain a website, the employer must post a physical copy of this information at the principal office of the employer. If an employer maintains a website, it may choose to post a physical copy of this information at the principal office of the employer in lieu of posting the information directly on the website; however, the employer must post directions on the website on how to access that information.

(b) At least 6 days before an employer participating in the Illinois Municipal Retirement Fund approves an employee's total compensation package that is equal to or in excess of $150,000 per year, the employer must post on its website the total compensation package for that employee. If the employer does not maintain a website, the employer shall post a physical copy of this information at the principal office of the employer. If an employer maintains a website, it may choose to post a physical copy of this information at the principal office of the employer in lieu of posting the information directly on the website; however, the employer must post directions on the website on how to access that information.

(c) For the purposes of this Section, "total compensation package" means payment by the employer to the employee for salary, health insurance, a housing allowance, a vehicle allowance, a clothing allowance, bonuses, loans, vacation days granted, and sick days granted.

HISTORY:
P.A. 97-609, § 5.

5 ILCS 120/7.5 Administrative review

A binding opinion issued by the Attorney General shall be considered a final decision of an administrative agency, for purposes of administrative review under the Administrative Review Law (735 ILCS 5/Art. III). An action for administrative review of a binding opinion of the Attorney General shall be commenced in Cook or Sangamon County. An advisory opinion issued to a public body shall not be considered a final decision of the Attorney General for purposes of this Section.

HISTORY:
P.A. 96-542, § 5.

FREEDOM OF INFORMATION

Freedom of Information Act

Section
5 ILCS 140/2.25 Demolition, repair, enclosure, or remediation records.

FREEDOM OF INFORMATION ACT

5 ILCS 140/2.25 Demolition, repair, enclosure, or remediation records.

Demolition, repair, enclosure, or remediation records submitted to a county under Section 5-1121 of the Counties Code [55 ILCS 5/5-1121] or a municipality under Section 11-31-1 of the Illinois Municipal Code [65 ILCS 5/11-31-1] are public records subject to inspection and copying in accordance with the provisions of this Act; except that contractors' employees' addresses, telephone numbers, and social security numbers must be redacted by the public body prior to disclosure.

History.
2022 P.A. 102-847, § 5, effective May 13, 2022.

INTERGOVERNMENTAL COOPERATION

Intergovernmental Cooperation Act

Section
5 ILCS 220/1 Short title
5 ILCS 220/2 Definitions
5 ILCS 220/3 Intergovernmental cooperation.
5 ILCS 220/3.1 Municipal Joint Action Water Agency
5 ILCS 220/3.2 [Municipal Joint Action Agency]
5 ILCS 220/3.2a [Municipal lead agency]
5 ILCS 220/3.3 [Local economic development commissions]

INTERGOVERNMENTAL COOPERATION ACT

5 ILCS 220/1 Short title

This Act may be cited as the Intergovernmental Cooperation Act.

HISTORY:
P.A. 78-785.

5 ILCS 220/2 Definitions

For the purpose of this Act:

(1) The term "public agency" shall mean any unit of local government as defined in the Illinois Constitution of 1970 [Ill. Const. (1970) Art. I, § 1 et seq.], any school district, any public community college district, any public building commission, the State of Illinois, any agency of the State government or of the United States, or of any other State, any political subdivision of another State, and any combination of the above pursuant to an intergovernmental agreement which includes provisions for a governing body of the agency created by the agreement.

For the purposes of this Act, "public agency" includes the Mid-America Intermodal Authority Port District created under the Mid-America Intermodal Authority Port District Act [70 ILCS 1832/1 et seq.].

(2) The term "state" shall mean a state of the United States.

HISTORY:
P.A. 83-1362; 87-1208, § 11; 90-636, § 800.

5 ILCS 220/3 Intergovernmental cooperation.

Any power or powers, privileges, functions, or authority exercised or which may be exercised by a public agency of this State may be exercised, combined, transferred, and enjoyed jointly with any other public agency of this State and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States do not prohibit joint exercise or enjoyment and except where specifically and expressly prohibited by law. This includes, but is not limited to, (i) arrangements between the Illinois Student Assistance Commission and agencies in other states which issue professional licenses and (ii) agreements between the Department of Healthcare and Family Services (formerly Illinois Department of Public Aid) and public agencies for the establishment and enforcement of child support orders and for the exchange of information that may be necessary for the enforcement of those child support orders.

HISTORY:
P.A. 86-1002; 89-6, § 5; 90-18, § 10; 91-298, § 5; 95-331, § 25.

5 ILCS 220/3.1 Municipal Joint Action Water Agency

(a) Any municipality or municipalities of this State, any county or counties of this State, any township in a county with a population under 700,000 of this State, any public water district or districts of this State, State university, or any combination thereof may, by intergovernmental agreement, establish a Municipal Joint Action Water Agency to provide adequate supplies of water on an economical and efficient basis for member municipalities, public water districts and other incorporated and unincorporated areas within such counties. Any such Agency shall itself be a municipal corporation, public body politic and corporate. A Municipal Joint Action Water Agency so created shall not itself have taxing power except as hereinafter provided.

A Municipal Joint Action Water Agency shall be established by an intergovernmental agreement among the various member municipalities, public water districts, townships, State universities, and counties, upon approval by an ordinance adopted by the corporate authorities of each member municipality, public water district, township, State university, or county. This agreement may be amended at any time upon the adoption of concurring ordinances by the corporate authorities of all member municipalities, public water districts, townships, State universities, and counties. The agreement may provide for additional municipalities, public water districts, any State universities, townships in counties with a population under 700,000, or counties to join the Agency upon adoption of an ordinance by the corporate authorities of the joining municipality, public water district, township, or county, and upon such consents, conditions and approvals of the governing body of the Municipal Joint Action Water Agency and of existing member municipalities, public water districts, townships, State universities, and counties as

shall be provided in the agreement. The agreement shall provide the manner and terms on which any municipality, public water district, township, or county may withdraw from membership in the Municipal Joint Action Water Agency and on which the Agency may terminate and dissolve in whole or in part. The agreement shall set forth the corporate name of the Municipal Joint Action Water Agency and its duration. Promptly upon any agreement establishing a Municipal Joint Action Water Agency being entered into, or upon the amending of any such agreement, a copy of such agreement or amendment shall be filed in the office of the Secretary of State of Illinois. Promptly upon the addition or withdrawal of any municipality, public water district, township in a county with a population under 700,000, or county, or upon the dissolution of a Municipal Joint Action Water Agency, that fact shall be certified by an officer of the Agency to the Secretary of State of Illinois.

(b) The governing body of any Municipal Joint Action Water Agency established pursuant to this Section 3.1 shall be a Board of Directors. There shall be one Director from each member municipality, public water district, township, State university, and county of the Municipal Joint Action Water Agency appointed by ordinance of the corporate authorities of the municipality, public water district, township, or county. Each Director shall have one vote, and shall meet the requirements of paragraphs (1) or (2), as applicable.

(1) Each Director shall be the Mayor or President of the member municipality, or the chairman of the board of trustees of the member public water district, the supervisor of the member township, the appointee of the State university, or the chairman of the county board or chief executive officer of the member county or a county board member appointed by the chairman of the county board of the member county, appointing the Director; an elected member of the corporate authorities of that municipality, public water district, township, or county; or other elected official of the appointing municipality, public water district, township, or county. Any agreement establishing a Municipal Joint Action Water Agency shall specify the period during which a Director shall hold office and may provide for the appointment of Alternate Directors from member municipalities, public water districts, townships, or counties. The Board of Directors shall elect one Director to serve as Chairman, and shall elect persons, who need not be Directors, to such other offices as shall be designated in the agreement.

(2) Each Director shall be the Mayor or President of the member municipality, or the chairman of the board of trustees of the member public water district, the supervisor of the member township, the appointee of the State university, or the chairman of the county board or chief executive officer of the member county or a county board member appointed by the chairman of the county board of the member county, appointing the Director; an elected member of the corporate authorities of that municipality, public water district, township, or county; or other elected official of the appointing municipality, public water district, township, or county. Any agreement establishing a Municipal Joint Action Water Agency shall specify the period during which a Director shall hold office and may provide for the appointment of Alternate Directors from member municipalities, public water districts, townships, or counties. The Board of Directors shall elect one Director to serve as Chairman, and shall elect persons, who need not be Directors, to such other offices as shall be designated in the agreement.

The Board of Directors shall determine the general policy of the Municipal Joint Action Water Agency, shall approve the annual budget, shall make all appropriations (which may include appropriations made at any time in addition to those made in any annual appropriation document), shall approve all contracts for the purchase or sale of water, shall adopt any resolutions providing for the issuance of bonds or notes by the Agency, shall adopt its by-laws, rules and regulations, and shall have such other powers and duties as may be prescribed in the agreement. Such agreement may further specify those powers and actions of the Municipal Joint Action Water Agency which shall be authorized only upon votes of greater than a majority of all Directors or only upon consents of the corporate authorities of a certain number of member municipalities, public water districts, townships, State universities, or counties.

The agreement may provide for the establishment of an Executive Committee to consist of the municipal manager or other elected or appointed official of each member municipality, public water district, township, State university, or county, as designated by ordinance or other official action, from time to time by the corporate authorities of the member municipality, public water district, township, State university, or county, and may prescribe powers and duties of the Executive Committee for the efficient administration of the Agency.

(c) A Municipal Joint Action Water Agency established pursuant to this Section 3.1 may plan, construct, improve, extend, acquire, finance (including the issuance of revenue bonds or notes as provided in this Section 3.1), operate, maintain, and contract for a joint waterworks or water supply system which may include, or may consist of, without limitation, facilities for receiving, storing, and transmitting water from any source for supplying water to member municipalities, public water districts, townships, or counties (including county special service areas created under the Special Service Area Tax Act [repealed] and county service areas authorized under the Counties Code [55 ILCS 5/1-1001 et seq.]), or other public agencies, persons, or corporations. Facilities of the Municipal Joint Action Water Agency

may be located within or without the corporate limits of any member municipality.

A Municipal Joint Action Water Agency shall have such powers as shall be provided in the agreement establishing it, which may include, but need not be limited to, the following powers:

(i) to sue or be sued;

(ii) to apply for and accept gifts or grants or loans of funds or property or financial or other aid from any public agency or private entity;

(iii) to acquire, hold, sell, lease as lessor or lessee, transfer or dispose of such real or personal property, or interests therein, as it deems appropriate in the exercise of its powers, and to provide for the use thereof by any member municipality, public water district, township, or county;

(iv) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers (including contracts with member municipalities, with public water districts, with townships, and with counties on behalf of county service areas); and

(v) to employ agents and employees and to delegate by resolution to one or more of its Directors or officers such powers as it may deem proper.

Member municipalities, public water districts, townships, State universities, or counties may, for the purposes of, and upon request by, the Municipal Joint Action Water Agency, exercise the power of eminent domain available to them, convey property so acquired to the Agency for the cost of acquisition, and be reimbursed for all expenses related to this exercise of eminent domain power on behalf of the Agency.

All property, income and receipts of or transactions by a Municipal Joint Action Water Agency shall be exempt from all taxation, the same as if it were the property, income or receipts of or transaction by the member municipalities, public water districts, townships, State universities, or counties.

(d) A Municipal Joint Action Water Agency established pursuant to this Section 3.1 shall have the power to buy water and to enter into contracts with any person, corporation or public agency (including any member municipality, public water district, township, or county) for that purpose. Any such contract made by an Agency for a supply of water may contain provisions whereby the Agency is obligated to pay for the supply of water without setoff or counterclaim and irrespective of whether the supply of water is ever furnished, made available or delivered to the Agency or whether any project for the supply of water contemplated by any such contract is completed, operable or operating and notwithstanding any suspension, interruption, interference, reduction or curtailment of the supply of water from such project. Any such contract may provide that if one or more of the other purchasers defaults in the payment of its obligations under such contract or a similar contract made with the supplier of the water one or more of the remaining purchasers party to such contract or such similar contract shall be required to pay for all or a portion of the obligations of the defaulting purchasers. No such contract may have a term in excess of 50 years.

A Municipal Joint Action Water Agency shall have the power to sell water and to enter into contracts with any person, corporation or public agency (including any member municipality, any public water district, any township, any State university, or any county on behalf of a county service area as set forth in this Section) for that purpose. No such contract may have a term in excess of 50 years. Any such contract entered into to sell water to a public agency may provide that the payments to be made thereunder by such public agency shall be made solely from revenues to be derived by such public agency from the operation of its waterworks system or its combined waterworks and sewerage system. Any public agency so contracting to purchase water shall establish from time to time such fees and charges for its water service or combined water and sewer service as will produce revenues sufficient at all times to pay its obligations to the Agency under the purchase contract. Any such contract so providing shall not constitute indebtedness of such public agency so contracting to buy water within the meaning of any statutory or constitutional limitation. Any such contract of a public agency to buy water shall be a continuing, valid and binding obligation of such public agency payable from such revenues.

A Municipal Joint Action Water Agency shall establish fees and charges for the purchase of water from it or for the use of its facilities. No prior appropriation shall be required by either the Municipal Joint Action Water Agency or any public agency before entering into any contract authorized by this paragraph (d).

The changes in this Section made by this amendatory Act of 1984 are intended to be declarative of existing law.

(e)1. A Municipal Joint Action Water Agency established pursuant to this Section 3.1 [5 ILCS 220/3.1] may, from time to time, borrow money and, in evidence of its obligation to repay the borrowing, issue its negotiable water revenue bonds or notes pursuant to this paragraph (e) for any of the following purposes: for paying costs of constructing, acquiring, improving or extending a joint waterworks or water supply system; for paying other expenses incident to or incurred in connection with such construction, acquisition, improvement or extension; for repaying advances made to or by the Agency for such purposes; for paying interest on the bonds or notes until the estimated date of completion of any such construction, acquisition, improvement or extension and for such period after the estimated completion date as the Board of Directors of the Agency shall determine; for paying financial, legal, administrative and other expenses of the authorization, issuance, sale or delivery of bonds or notes; for paying costs of insuring payment of the bonds or notes; for providing

or increasing a debt service reserve fund with respect to any or all of the Agency's bonds or notes; and for paying, refunding or redeeming any of the Agency's bonds or notes before, after or at their maturity, including paying redemption premiums or interest accruing or to accrue on such bonds or notes being paid or redeemed or for paying any other costs in connection with any such payment or redemption.

2. Any bonds or notes issued pursuant to this paragraph (e) by a Municipal Joint Action Water Agency shall be authorized by a resolution of the Board of Directors of the Agency adopted by the affirmative vote of Directors from a majority of the member municipalities, public water districts, townships, State universities, and counties, and any additional requirements as may be set forth in the agreement establishing the Agency. The authorizing resolution may be effective immediately upon its adoption. The authorizing resolution shall describe in a general way any project contemplated to be financed by the bonds or notes, shall set forth the estimated cost of the project and shall determine its period of usefulness. The authorizing resolution shall determine the maturity or maturities of the bonds or notes, the rate or rates at which the bonds or notes are to bear interest and all the other terms and details of the bonds or notes. All such bonds or notes shall mature within the period of estimated usefulness of the project with respect to which such bonds or notes are issued, as determined by the Board of Directors, but in any event not more than 50 years from their date of issue. The bonds and notes may bear interest, payable at such times, at a rate or rates not exceeding the maximum rate established in the Bond Authorization Act [30 ILCS 305/1 et seq.], as from time to time in effect. Bonds or notes of a Municipal Joint Action Water Agency shall be sold in such manner as the Board of Directors of the Agency shall determine, either at par or at a premium or discount, but such that the effective interest cost (excluding any redemption premium) to the Agency of the bonds or notes shall not exceed a rate equal to the rate of interest specified in the Act referred to in the preceding sentence.

The resolution authorizing the issuance of any bonds or notes pursuant to this paragraph (e) shall constitute a contract with the holders of the bonds and notes. The resolution may contain such covenants and restrictions with respect to the purchase or sale of water by the Agency and the contracts for such purchases or sales, the operation of the joint waterworks system or water supply system, the issuance of additional bonds or notes by the Agency, the security for the bonds and notes, and any other matters, as may be deemed necessary or advisable by the Board of Directors to assure the payment of the bonds or notes of the Agency.

3. The resolution authorizing the issuance of bonds or notes by a Municipal Joint Action Water Agency shall pledge and provide for the application of revenues derived from the operation of the Agency's joint waterworks or water supply system (including from contracts for the sale of water by the Agency) and investment earnings thereon to the payment of the cost of operation and maintenance of the system (including costs of purchasing water), to provision of adequate depreciation, reserve or replacement funds with respect to the system or the bonds or notes, and to the payment of principal, premium, if any, and interest on the bonds or notes of the Agency (including amounts for the purchase of such bonds or notes). The resolution shall provide that revenues of the Municipal Joint Action Water Agency so derived from the operation of the system, sufficient (together with other receipts of the Agency which may be applied to such purposes) to provide for such purposes, shall be set aside as collected in a separate fund or funds and used for such purposes. The resolution may provide that revenues not required for such purposes may be used for any proper purpose of the Agency or may be returned to member municipalities.

Any notes of a Municipal Joint Action Water Agency issued in anticipation of the issuance of bonds by it may, in addition, be secured by a pledge of proceeds of bonds to be issued by the Agency, as specified in the resolution authorizing the issuance of such notes.

4.(i) Except as provided in clauses (ii) and (iii) of this subparagraph 4 of this paragraph (e), all bonds and notes of the Municipal Joint Action Water Agency issued pursuant to this paragraph (e) shall be revenue bonds or notes. Such revenue bonds or notes shall have no claim for payment other than from revenues of the Agency derived from the operation of its joint waterworks or water supply system (including from contracts for the sale of water by the Agency) and investment earnings thereon, from bond or note proceeds and investment earnings thereon, or from such other receipts of the Agency as the agreement establishing the Agency may authorize to be pledged to the payment of revenue bonds or notes, all as and to the extent as provided in the resolution of the Board of Directors authorizing the issuance of the revenue bonds or notes. Revenue bonds or notes issued by a Municipal Joint Action Water Agency pursuant to this paragraph (e) shall not constitute an indebtedness of the Agency or of any member municipality, public water district, township, or county within the meaning of any constitutional or statutory limitation. It shall be plainly stated on each revenue bond and note that it does not constitute an indebtedness of the Municipal Joint Action Water Agency or of any member municipality, public water district, township, or county within the meaning of any constitutional or statutory limitation.

(ii) If the Agreement so provides and subject to the referendum provided for in clause (iii) of this subparagraph 4 of this paragraph (e), the Municipal Joint Action Water Agency may borrow money for corporate purposes on the credit of the Munici-

pal Joint Action Water Agency, and issue general obligation bonds therefor, in such amounts and form and on such conditions as it shall prescribe, but shall not become indebted in any manner or for any purpose in an amount including existing indebtedness in the aggregate which exceeds 5.75% of the aggregate value of the taxable property within the boundaries of the participating municipalities, public water districts, townships, and county service areas within a member county determined by the governing body of the county by resolution to be served by the Municipal Joint Action Water Agency (including any territory added to the Agency after the issuance of such general obligation bonds), collectively defined as the "Service Area", as equalized and assessed by the Department of Revenue and as most recently available at the time of the issue of said bonds. Before or at the time of incurring any such general obligation indebtedness, the Municipal Joint Action Water Agency shall provide for the collection of a direct annual tax, which shall be unlimited as to rate or amount, sufficient to pay the interest on such debt as it falls due and also to pay and discharge the principal thereof at maturity, which shall be within 40 years after the date of issue thereof. Such tax shall be levied upon and collected from all of the taxable property within the territorial boundaries of such Service Area at the time of the referendum provided for in clause (iii) and shall be levied upon and collected from all taxable property within the boundaries of any territory subsequently added to the Service Area. Dissolution of the Municipal Joint Action Water Agency for any reason shall not relieve the taxable property within such Service Area from liability for such tax. Liability for such tax for property transferred to or released from such Service Area shall be determined in the same manner as for general obligation bonds of such county, if in an unincorporated area, and of such municipality, if within the boundaries thereof. The clerk or other officer of the Municipal Joint Action Water Agency shall file a certified copy of the resolution or ordinance by which such bonds are authorized to be issued and such tax is levied with the County Clerk or Clerks of the county or counties containing the Service Area, and such filing shall constitute, without the doing of any other act, full and complete authority for such County Clerk or Clerks to extend such tax for collection upon all the taxable property within the Service Area subject to such tax in each and every year, as required, in amounts sufficient to pay the principal of and interest on such bonds, as aforesaid, without limit as to rate or amount. Such tax shall be in addition to and in excess of all other taxes authorized to be levied by the Municipal Joint Action Water Agency or by such county, municipality, township, or public water district. The issuance of such general obligation bonds shall be subject to the other provisions of this paragraph (e), except for the provisions of clause (i) of this subparagraph 4.

(iii) No issue of general obligation bonds of the Municipal Joint Action Water Agency (except bonds to refund an existing bonded indebtedness) shall be authorized unless the Municipal Joint Action Water Agency certifies the proposition of issuing such bonds to the proper election authorities, who shall submit the proposition to the voters in the Service Area at an election in accordance with the general election law, and the proposition has been approved by a majority of those voting on the proposition.

The proposition shall be substantially in the following form:

Shall general obligation bonds for the purpose of (state purpose), in the sum not to exceed $…… (insert amount), be issued by the …… (insert corporate name of the Municipal Joint Action Water Agency)?	YES --- NO

5. As long as any bonds or notes of a Municipal Joint Action Water Agency created pursuant to this Section 3.1 are outstanding and unpaid, the Agency shall not terminate or dissolve and, except as permitted by the resolution or resolutions authorizing outstanding bonds or notes, no member municipality, public water district, township, or county may withdraw from the Agency. While any such bonds or notes are outstanding, all contracts for the sale of water by the Agency to member municipalities, public water districts, townships, or counties shall be irrevocable except as permitted by the resolution or resolutions authorizing such bonds or notes. The Agency shall establish fees and charges for its operations sufficient to provide adequate revenues to meet all of the requirements under its various resolutions authorizing bonds or notes.

6. A holder of any bond or note issued pursuant to this paragraph (e) may, in any civil action, mandamus or other proceeding, enforce and compel performance of all duties required to be performed by the Agency or such counties, as provided in the authorizing resolution, or by any of the public agencies contracting with the Agency to purchase water, including the imposition of fees and charges, the collection of sufficient revenues and the proper application of revenues as provided in this paragraph (e) and the levying, extension and collection of such taxes.

7. In addition, the resolution authorizing any bonds or notes issued pursuant to this paragraph (e) may provide for a pledge, assignment, lien or security interest, for the benefit of the holders of any or all bonds or notes of the Agency, (i) on any or all

revenues derived from the operation of the joint waterworks or water supply system (including from contracts for the sale of water) and investment earnings thereon or (ii) on funds or accounts securing the payment of the bonds or notes as provided in the authorizing resolution. In addition, such a pledge, assignment, lien or security interest may be made with respect to any receipts of the Agency which the agreement establishing the Agency authorizes it to apply to payment of bonds or notes. Any such pledge, assignment, lien or security interest for the benefit of holders of bonds or notes shall be valid and binding from the time the bonds or notes are issued, without any physical delivery or further act, and shall be valid and binding as against or prior to any claims of any other party having any claims of any kind against the Agency irrespective of whether such other parties have notice of such pledge, assignment, lien or security interest.

A resolution of a Municipal Joint Water Agency authorizing the issuance of bonds or notes pursuant to this paragraph (e) may provide for the appointment of a corporate trustee with respect to any or all of such bonds or notes (which trustee may be any trust company or state or national bank having the power of a trust company within Illinois). In that event, the resolution shall prescribe the rights, duties and powers of the trustee to be exercised for the benefit of the Agency and the protection of the holders of such bonds or notes. The resolution may provide for the trustee to hold in trust, invest and use amounts in funds and accounts created as provided in the resolution. The resolution authorizing the bonds or notes may provide for the assignment and direct payment to the trustee of amounts owed by public agencies to the Municipal Joint Action Water Agency under water sales contracts for application by the trustee to the purposes for which such revenues are to be used as provided in this paragraph (e) and as provided in the authorizing resolution. Upon receipt of notice of such assignment, the public agency shall thereafter make the assigned payments directly to such trustee.

Nothing in this Section authorizes a Joint Action Water Agency to provide water service directly to residents within a municipality or in territory within one mile or less of the corporate limits of a municipality that operates a public water supply unless the municipality has consented in writing to such service being provided.

HISTORY:

P.A. 84-1308; 87-1126, § 1; 90-210, § 15; 90-595, § 5; 91-134, § 5; 94-1007, § 5; 2018 P.A. 100-1076, § 5, effective August 24, 2018.

5 ILCS 220/3.2 [Municipal Joint Action Agency]

(a) Any two or more municipalities, counties or combination thereof may, by intergovernmental agreement, establish a Municipal Joint Action Agency to provide for efficient and environmentally sound collection, transportation, processing, storage and disposal of municipal waste. Any such Agency shall itself be a municipal corporation, public body politic and corporate. A Municipal Joint Action Agency formed for such purpose shall be established by an intergovernmental agreement among the various members upon approval by an ordinance adopted by the corporate authorities of each member. Such agreement may be amended at any time as may be provided in the intergovernmental agreement. The agreement may provide for additional members to join the Agency upon adoption of an ordinance by the corporate authorities of the joining member and upon such consents, conditions and approvals of the governing body of the Municipal Joint Action Agency and of existing members as shall be provided in the agreement. The intergovernmental agreement shall provide the manner and terms on which any member may withdraw from membership in the Municipal Joint Action Agency and on which the Agency may terminate and dissolve in whole or in part. The agreement shall set forth the corporate name of the Municipal Joint Action Agency and its duration. Promptly upon any agreement establishing a Municipal Joint Action Agency being entered into, or upon the amending of any such agreement, a copy of such agreement or amendment shall be filed in the office of the Secretary of State of Illinois. Promptly upon the addition or withdrawal of any member, or upon the dissolution of a Municipal Joint Action Agency, that fact shall be certified by an officer of the Agency to the Secretary of State of Illinois.

(b) The governing body of any Municipal Joint Action Agency established pursuant to this Section 3.2 [5 ILCS 220/3.2] shall be a Board of Directors. The number, terms of office and qualifications of the Board of Directors shall be provided for in the intergovernmental agreement. Directors shall be selected by vote of the members which are eligible to vote under the terms of the intergovernmental agreement. The method of voting by members for directors shall be provided for in the intergovernmental agreement which may authorize the corporate authorities of a member to designate an individual to cast its vote or votes at any such election. The Board of Directors shall determine the general policy of the Agency, shall approve the annual budget, shall make all appropriations, shall adopt all resolutions providing for the issuance of bonds or notes by the Agency, shall adopt its bylaws, rules and regulations, and shall have such other powers and duties as may be prescribed in the agreement.

The Board of Directors shall act by a vote of a majority of its members or by such greater majority as may be provided in the intergovernmental agreement. If the intergovernmental agreement so provides, the Board of Directors may create one or more committees, define their duties and designate the members of the committees, who need not be members of the Board. The Municipal Joint Action Agency shall have such officers who shall be elected in such manner and for such terms as shall be prescribed by

the intergovernmental agreement or as may be determined by the Board of Directors. The officers shall have such duties as may be provided in the intergovernmental agreement or as may be determined by the Board of Directors.

(c) A Municipal Joint Action Agency may plan, construct, reconstruct, acquire, own, lease (as lessor or lessee), equip, extend, improve, manage, operate, maintain, repair, close and finance waste projects. In determining the size of the waste project, adequate provision shall be given to the present and reasonably anticipated future needs of the recycling and resource recovery interest within the area.

A Municipal Joint Action Agency shall have such powers as shall be provided in the agreement establishing it, which may include, but need not be limited to, the following powers:

(i) To sue or be sued;

(ii) To apply for and accept gifts, grants or loans of funds or property or financial or other aid from any public agency or private entity;

(iii) To acquire, hold, sell, lease as lessor or lessee, lend, transfer or dispose of such real or personal property including intangible property, or interests therein, as it deems appropriate in the exercise of its powers, to provide for the use thereof by any member upon such terms and conditions and with such fees or charges as it shall determine, and to mortgage, pledge or otherwise grant security interests in any such property;

(iv) To make and execute all contracts and other instruments necessary or convenient to the exercise of its power;

(v) To adopt, amend and repeal ordinances, resolutions, rules and regulations with respect to its powers and functions and not inconsistent with this Section 3.2 [5 ILCS 220/3.2];

(vi) To provide for the insurance, including self insurance, of any property or operations of the Municipal Joint Action Agency or its members, directors, officers and employees, against any risk or hazard, and to indemnify its members, directors, officers and employees therefrom;

(vii) To appoint, retain and employ officers, agents, independent contractors and employees to carry out its powers and functions hereunder;

(viii) To make and execute any contract with the federal, state, or a unit of local government or any person relating to a waste project, including contracts which require:

(1) the contracting party pay the Agency a fixed amount for the collection, processing and disposal of a stated amount of municipal waste (whether or not the stated amount of waste is collected or disposed of), or pay all or a portion of the capital and operating expenses of a waste project;

(2) the contracting party make exclusive use of a waste project for collecting, processing or disposing of all or any portion of municipal waste over which the party has control;

(3) the abandonment, restriction, or prohibition on completion or construction of competing waste projects by the contracting party;

(4) specific provisions with respect to the collection, processing, transportation, storage and disposal of municipal waste;

(5) payment of fees and charges with respect to a waste project;

(ix) To enter into contracts which provide for compensation to areas affected by an Agency waste project;

(x) To enter into contracts with the host community controlling location, use, operation, maintenance and closing of the waste project;

(xi) To create reserves for the purpose of planning, constructing, reconstructing, acquiring, owning, managing, insuring, leasing, equipping, extending, improving, operating, maintaining, repairing, and closing waste projects;

(xii) To create, develop and implement plans for closing and re-use of sites on which waste projects are located, which plans may provide for various uses, including but not limited to, residential, recreational, commercial, office and industrial uses;

(xiii) To prepare, submit and administer plans, and to participate in intergovernmental agreements, pursuant to the Local Solid Waste Disposal Act.

(d)1. A Municipal Joint Action Agency may, from time to time, borrow money, and, in evidence of its obligation to repay the borrowing, issue its negotiable revenue bonds or notes for any of its corporate purposes, including, but not limited to, the following: for paying costs of planning, constructing, reconstructing, acquiring, owning, leasing, equipping, improving, closing or extending a waste project and implementing a re-use of the waste project; for paying other expenses incident to or incurred in connection with such project; for repaying advances made to or by the Agency for such purposes; for paying interest on the bonds or notes until the estimated date of completion of any such project and for such period after the estimated completion date as the Board of Directors of the Agency shall determine; for paying financial, legal, administrative and other expenses of the authorization, issuance, sale or delivery of bonds or notes; for paying costs of insuring payment of or other credit enhancement of the bonds or notes; for providing or increasing a debt service reserve fund with respect to any or all of the Agency's bonds or notes; for creation of reserves for the planning, constructing, reconstructing, acquiring, leasing, managing, equipping, extending, insuring, improving or closing of waste projects; and for paying, refunding or redeeming any of the Agency's bonds or notes before, after or at their maturity, including paying redemption premiums or interest accruing or to accrue on such bonds or notes being paid or redeemed or for paying any other costs in connection with any such payment or redemption.

2. Any bonds or notes issued pursuant to this paragraph (d) by a Municipal Joint Action Agency shall be authorized by a resolution of the Board of Directors of the Agency adopted by the affirmative vote of a majority of the Directors and in compliance with any additional requirements as may be set forth in the agreement establishing the Agency. The authorizing resolution may be effective immediately upon its adoption. The authorizing resolution shall describe in a general way any waste project contemplated to be financed by the bonds or notes, shall set forth the estimated cost of the waste project and shall determine its period of usefulness. The authorizing resolution shall determine the maturity or maturities of the bonds or notes, the denominations, the rate or rates at which the bonds or notes are to bear interest and all the other terms and details of the bonds or notes. The bonds or notes may be issued as serial bonds payable in installments or as term bonds with or without sinking fund installments or a combination thereof. All such bonds or notes shall mature within the period of estimated usefulness of the project with respect to which such bonds or notes are issued, as determined by the Board of Directors, but in any event not more than 50 years from their date of issue. The bonds and notes may bear interest at such rate or rates as the resolution shall provide, notwithstanding any other provision of law, and shall be payable at such times as determined by the authorizing resolution. Bonds or notes of a Municipal Joint Action Agency shall be sold in such manner as the Board of Directors of the Agency shall determine, either at par or at a premium or discount.

3. In connection with the issuance of its bonds or notes, the Municipal Joint Action Agency may enter into arrangements to provide additional security and liquidity for its obligations. These may include, without limitation, municipal bond insurance, letters of credit, lines of credit by which the Municipal Joint Action Agency may borrow funds to pay or redeem its obligations and purchase or remarketing arrangements for assuring the ability of owners of the obligations to sell or to have redeemed the obligations. The Municipal Joint Action Agency may enter into contracts and may agree to pay fees to persons providing such arrangements, including from bond or note proceeds.

The resolution of the Municipal Joint Action Agency authorizing the issuance of its bonds or notes may provide that interest rates may vary from time to time depending upon criteria set forth in the resolution, which may include, without limitation, a variation of interest rates as may be necessary to cause bonds or notes to be remarketable from time to time at a price equal to their principal amount, and may provide for appointment of a national banking association, bank, trust company, investment banker or other financial institution to serve as a remarketing agent in that connection. Notwithstanding any other provision of law, the resolution of the Municipal Joint Action Agency authorizing the issuance of its bonds or notes may provide that alternative interest rates or provisions will apply during such times as the bonds or notes are held by a person providing a letter of credit or other credit enhancement arrangement for those bonds or notes.

4. The resolution authorizing the issuance of any bonds or notes pursuant to this paragraph (d) shall constitute a contract with the holders of the bonds and notes. The resolution may contain such covenants and restrictions with respect to the waste project and the contracts with respect to such waste project, the issuance of additional bonds or notes by the Agency, the security for the bonds and notes, and any other matters as may be deemed necessary or advisable by the Board of Directors to assure the payment of the bonds or notes of the Agency.

5. The resolution authorizing the issuance of bonds or notes by a Municipal Joint Action Agency established pursuant to this Section 3.2 [5 ILCS 220/3.2] shall pledge and provide for the application of revenues derived from the operation of the Agency's waste projects, revenues received from its members (including from contracts for the use of the Agency's waste projects) and revenues from its investment earnings to the payment of the operating expenses of the waste projects, to provision of adequate depreciation, reserve or replacement funds with respect to the waste project, planned waste projects, or the bonds or notes, and to the payment of principal, premium, if any, and interest on the bonds or notes of the Agency (including amounts for the purchase of such bonds or notes). The resolution may provide that revenues of the Municipal Joint Action Agency so derived and other receipts of the Agency which may be applied to such purposes shall be set aside as collected in a separate fund or funds and used for such purposes. The resolution may provide that revenues not required for such purposes may be used for any proper purpose of the Agency or may be returned to members.

Any notes of a Municipal Joint Action Agency may, in addition, be secured by a pledge of proceeds of bonds to be issued by the Agency, as specified in the resolution authorizing the issuance of such notes.

6. All bonds and notes of the Municipal Joint Action Agency issued pursuant to this paragraph (d) shall be revenue bonds or notes. Such bonds or notes shall have no claim for payment other than from revenues of the Agency derived from the operation of its waste projects, from revenues received from its members (including from contracts for the use of the Agency's waste projects), from bond or note proceeds, from such other receipts of the Agency as the agreement establishing the Agency may authorize to be pledged to the pay-

ment of bonds or notes, and from investment earnings on the foregoing, all as and to the extent as provided in the resolution of the Board of Directors authorizing the issuance of the bonds or notes. Bonds or notes issued by a Municipal Joint Action Agency pursuant to this paragraph (d) shall not constitute an indebtedness of the Agency or of any member within the meaning of any constitutional or statutory limitation. It shall be plainly stated on each bond and note that it does not constitute an indebtedness of the Municipal Joint Action Agency or of any member within the meaning of any constitutional or statutory limitation.

7. As long as any bonds or notes of a Municipal Joint Action Agency created pursuant to this Section 3.2 [5 ILCS 220/3.2] are outstanding and unpaid, the Agency shall not terminate or dissolve and, except as permitted by the resolution or resolutions authorizing outstanding bonds or notes, no member may withdraw from the Agency. The Agency shall establish fees and charges for its operations sufficient to provide adequate revenues to meet all of the requirements under its various resolutions authorizing bonds or notes.

8. A holder of any bond or note issued pursuant to this paragraph (d) may, in any civil action, mandamus or other proceeding, enforce and compel performance of all duties required to be performed by the Agency, as provided in the authorizing resolution, or by any of the members or other persons contracting with the Agency to use the Agency's waste projects, including the imposition of fees and charges, the collection of sufficient revenues and the proper application of revenues as provided in this paragraph (d).

9. In addition, the resolution authorizing any bonds or notes issued pursuant to this paragraph (d) may provide for a pledge, assignment, lien or security interest, for the benefit of the holders of any or all bonds or notes of the Agency, (i) on any and all revenues derived from the operation of the Agency's waste projects (including from contracts for the use of the Agency's waste projects) and investment earnings thereon, (ii) on any and all revenues received from its members, or (iii) on funds or accounts securing the payment of the bonds or notes as provided in the authorizing resolution. In addition, such a pledge, assignment, lien or security interest may be made with respect to any receipts of the Agency which the agreement establishing the Agency authorizes it to apply to payment of bonds or notes. Any such pledge, assignment, lien or security interest for the benefit of holders of bonds or notes shall be valid and binding from the time the bonds or notes are issued, without any physical delivery or further act, and shall be valid and binding against or prior to any claims of any other party having any claims of any kind against the Agency irrespective of whether such other parties have notice of such pledge, assignment, lien or security interest.

A resolution of a Municipal Joint Action Agency authorizing the issuance of bonds or notes pursuant to this paragraph (d) may provide for the appointment of a corporate trustee with respect to any or all of such bonds or notes (which trustee may be any trust company or state or national bank having the power of a trust company within Illinois). In that event, the resolution shall prescribe the rights, duties and powers of the trustee to be exercised for the benefit of the Agency and the protection of the holders of such bonds or notes. The resolution may provide for the trustee to hold in trust, invest and use amounts in funds and accounts created as provided in the resolution. The resolution authorizing the bonds or notes may provide for the assignment and direct payment to the trustee of amounts owed by members and other persons to the Municipal Joint Action Agency under contracts for the use of or access to the Agency's waste projects for application by the trustee to the purposes for which such revenues are to be used as provided in this paragraph (d) and as provided in the authorizing resolution. Upon receipt of notice of such assignment, the member or other person shall thereafter make the assigned payments directly to such trustee.

(e) A Municipal Joint Action Agency established pursuant to this Section 3.2 [5 ILCS 220/3.2] and any of its members shall each have the power to enter into contracts with any person, corporation or public agency, including any other member and the Municipal Joint Action Agency, with respect to a waste project. Any such contract may permit the contracting party to make use of the waste project and pay such fees and charges as may be established. Any member so contracting to use a waste project shall establish such fees and charges for the collection, transportation, processing, storage and disposal of municipal waste as are necessary to produce revenues sufficient to pay its obligations to the Agency under the contract to use the waste project; provided, however, that the member may satisfy its obligation to make payments under the contract from any funds of the member otherwise available for such purpose. Any contract between the Agency and its members with respect to a waste project shall not constitute an indebtedness of such members within any statutory or constitutional limitation. Any such contract shall be a continuing, valid and binding obligation of such member payable from the fees and charges it imposes for collection, transportation, processing, storage and disposal of municipal waste. Any such contract between the Agency and its members may contain provisions whereby the contracting parties are obligated to pay for all or a portion of the waste project without setoff or counterclaim and irrespective of whether the waste project is ever completed, made available or provided to the contracting party and notwithstanding any suspension, interruption, interference, reduction or curtailment of such waste project. Any such contract may provide that if one or

more of the other parties to the contract defaults in the payments of its obligations under such contract or a similar contract made with respect to the waste project, one or more of the remaining parties to such contract or similar contract shall be required to pay for all or a portion of the obligation of the defaulting purchasers. No contract entered into under this subparagraph (e) shall have a term in excess of 50 years. No prior appropriation shall be required by either the Municipal Joint Action Agency or any member before entering into any contract under this subparagraph (e).

(f) A Municipal Joint Action Agency established pursuant to this Section 3.2 [5 ILCS 220/3.2] and its members shall have the power to enter into contracts for a term not exceeding 50 years relating to the collection, transportation, processing, storage and disposal of municipal waste. Parties to the contract shall have the power to agree to provide by ordinance, license, franchise, contract or other means that the method of collection, transportation, processing, storage and disposal of municipal waste shall be the exclusive methods to be allowed within their respective jurisdiction, notwithstanding the fact that competition may be displaced or that such ordinance, license, franchise, contract or other means may have an anticompetitive effect. Such contract may require the parties by ordinance, license, contract or other means to require that all or any portion of the municipal waste generated within the jurisdiction of the contracting party be delivered to a waste project designated by the parties. Such ordinance, license, franchise, contract or other means may be utilized by the contracting party to insure a constant flow of municipal waste to the facility notwithstanding the fact that competition may be displaced or that such measures have an anticompetitive effect.

(g) Members may, for the purposes of, and upon request by the Municipal Joint Action Agency, exercise the power of eminent domain available to them and convey the property so acquired to the Agency for the cost of acquisition and all expenses related thereto.

(h) A member may enter into an agreement with the Municipal Joint Action Agency obligating the member to make payments to the Municipal Joint Action Agency in order to finance the costs of planning, acquisition and construction of a waste project. A Municipal Joint Action Agency established pursuant to this Section 3.2 [5 ILCS 220/3.2] may agree to reimburse its members from proceeds of any borrowing for costs of the member with respect to planning, acquisition and construction of an Agency waste project.

(i) Property, income and receipts of or transactions by a Municipal Joint Action Agency created pursuant to this Section 3.2 [5 ILCS 220/3.2] shall be exempt from all taxation, the same as if it were the property, income of or transaction by a municipality or county member.

(j) The following terms whenever used or referred to in this Section 3.2 [5 ILCS 220/3.2] shall have the following meanings, except where the context clearly indicates otherwise:

(1) "Municipal waste" means garbage, general household, institutional and commercial waste, industrial lunchroom or office waste, landscape waste, and construction or demolition debris.

(2) "Waste project" means land, any rights therein and improvements thereto, one or more buildings, structures or other improvements, machinery, equipment, vehicles and other facilities incidental to the foregoing, used in the collection, transportation, transfer, storage, disposal, processing, treatment, recovery and re-use of municipal waste. A waste project shall include land held for a planned waste project or used to buffer a waste project from adjacent land uses.

(3) "Bonds or notes" includes other evidences of indebtedness.

HISTORY:
P.A. 87-650.

5 ILCS 220/3.2a [Municipal lead agency]

Whenever this Act, as amended from time to time, grants a municipal joint action agency the power to organize and exercise powers in connection with the efficient and environmentally sound collection, transportation, processing, storage and disposal of municipal waste ("waste disposal"), a municipality in the State of Illinois acting as a lead agency ("municipal lead agency") in cooperation with other units of local government to accomplish waste disposal may, by passage of an ordinance to that effect by the municipal lead agency and by the other cooperating units of local government, cause the municipal lead agency to possess all the powers of a municipal joint action agency as if the municipal lead agency were established as a municipal joint action agency under this Act, and also cause the other cooperating units of local government to possess the same powers to enter into contracts and perform those acts as they would with a municipal joint action agency. The corporate authorities of the municipal lead agency shall exercise the powers as are given the Board of Directors of the municipal joint action agency. Copies of the ordinances of the municipal lead agency and the other cooperating units of local government to operate under this Section shall be filed with the Secretary of State.

HISTORY:
P.A. 86-771.

5 ILCS 220/3.3 [Local economic development commissions]

(1) Any municipality or municipalities of this State, any county or counties of this State or any combination thereof upon adoption of an ordinance by the governing body may, by intergovernmental agreement, join with any community college district of this State in forming Local Economic Development

Commissions, hereinafter to be referred to as Commissions. The purpose of such Commissions shall be to coordinate community economic and commercial development programs, to obtain and administer State and federal financial aid, and to perform various other functions to benefit the economic strength of the community.

(2) The membership of a Commission formed by a municipality or municipalities and a county or counties shall be as follows:

(a) 2 public members appointed by the mayor or president of each municipality with the advice and consent of the municipal governing body; and

(b) 2 public members appointed by the chairman of the county board or chief executive officer of each county with the advice and consent of the county governing body; and

(c) 2 public members appointed by the chief executive officer of the community college district with the advice and consent of the community college district board.

The mayor or president of each municipality, the chairman of the county board or chief executive officer of each county, and the chief executive officer of the community college district shall serve as ex officio members of the Commission.

(3) The membership of a Commission formed by a municipality or municipalities shall be as follows:

(a) 3 public members appointed by the mayor or president of each municipality with the advice and consent of the municipal governing body; and

(b) 3 public members appointed by the chief executive officer of the community college district with the advice and consent of the community college district board.

The mayor or president of each municipality and the chief executive officer of the community college district shall serve as ex officio members of the Commission.

(4) The membership of a Commission formed by a county or counties shall be as follows:

(a) 3 public members appointed by the chairman of the county board or chief executive officer of each county with the advice and consent of the county governing body; and

(b) 3 public members appointed by the chief executive officer of the community college district with the advice and consent of the community college district board.

The chairman of the county board or chief executive officer of each county and the chief executive officer of the community college district shall serve as ex officio members of the Commission.

(5) Of the public members appointed to a Commission, the respective appointing authorities shall ensure that the business community and organized labor are equally represented.

(6) The members appointed to a Commission shall serve for terms of 2 years; however, of the initial appointees 2 shall serve terms of one year, 2 shall serve terms of 2 years and 2 shall serve terms of 3 years as determined by drawing lots. The members of each Commission shall, by majority vote of the membership, elect from among the public members a chairman. The chairman shall schedule meetings at least 6 times per year and notify members at least 10 days prior to the meetings of the date, time, and place of such meetings. The chairman shall preside over all such meetings. Other operational guidelines shall be decided upon by majority vote of the membership. Commission members shall not be entitled to receive compensation for their services as members but may receive reimbursement for actual and necessary expenses incurred in connection with the performance of their duties as commission members.

(7) A Commission may apply for and accept funding from any or all of the participating units of government, any other unit of local, State or federal government and any private entity.

HISTORY:
P.A. 83-1362.

5 ILCS 220/3.4 [Municipal Joint Sewage Treatment Agency]

(a) Any 2 or more municipalities or counties, or any combination thereof, may, by intergovernmental agreement, establish a Municipal Joint Sewage Treatment Agency to provide for the treatment, carrying off and disposal of swamp, stagnant or overflow water, sewage, industrial wastes and other drainage of member municipalities and counties. Any such Agency shall itself be a municipal corporation and a public body politic and corporate.

(b) The governing body of any Municipal Joint Sewage Treatment Agency shall be a Board of Directors. The composition and manner of appointment of the Board of Directors shall be determined pursuant to the intergovernmental agreement. However, for any Municipal Joint Sewage Treatment Agency established after the effective date of this amendatory Act of the 100th General Assembly, a Director sitting on the Board of Directors shall not be required to be an elected official of a member municipality or county, but may be an appointed official of a member municipality or county. The Board of Directors shall determine the general policy of the Agency, shall approve the annual budget, shall make all appropriations, shall approve all contracts, shall adopt all resolutions providing for the issuance of bonds or notes by the Agency, shall adopt its bylaws, rules and regulations, and shall have such other powers and duties as may be prescribed in the intergovernmental agreement.

(c) A Municipal Joint Sewage Treatment Agency may plan, construct, reconstruct, acquire, own, lease as lessor or lessee, equip, extend, improve, operate, maintain, repair and finance drainage and sewage treatment projects, and may enter into agreements or contracts for the provision of drainage or sewage treatment services for member municipalities or counties.

(d) A Municipal Joint Sewage Treatment Agency shall have such powers as shall be provided in the agreement establishing it, which may include, but need not be limited to, the following powers:

(1) to sue or be sued;

(2) to apply for and accept gifts, grants or loans of funds or property, or financial or other aid, from any public agency or private entity;

(3) to acquire, hold, sell, lease as lessor or lessee, transfer or dispose of such real or personal property, or interests therein, as it deems appropriate in the exercise of its powers, and to provide for the use thereof by any member municipality or county;

(4) to make and execute all contracts and other instruments necessary or convenient to the exercise of its power; and

(5) to make and execute any contract with the federal government, a state, or a unit of local government, relating to drainage and the treatment of sewage.

(e) A Municipal Joint Sewage Treatment Agency may, from time to time, borrow money, and, in evidence of its obligation to repay the borrowing, issue its negotiable revenue bonds or notes for any of the following purposes: for paying costs of planning, constructing, reconstructing, acquiring, leasing, equipping, improving or extending a drainage and sewage treatment project; for paying other expenses incident to or incurred in connection with such project; for repaying advances made to or by the Agency for such purposes; for paying interest on the bonds or notes until the estimated date of completion of any such project and for such period after the estimated completion date as the Board of Directors of the Agency shall determine; for paying financial, legal, administrative and other expenses of the authorization, issuance, sale or delivery of bonds or notes; for providing or increasing a debt service reserve fund with respect to any or all of the Agency's bonds or notes; and for paying, refunding or redeeming any of the Agency's bonds or notes before, after or at their maturity, including paying redemption premiums or interest accruing or to accrue on such bonds or notes being paid or redeemed or for paying any other costs in connection with any such payment or redemption.

The resolution authorizing the issuance of the bonds or notes shall pledge and provide for the application of revenues derived from the operation of the project to payment of the cost of operation and maintenance of the project, to provision for adequate depreciation, reserve or replacement funds with respect to the project, the bonds or notes, and to the payment of principal, premium, if any, and interest on the bonds or notes of the Agency. All bonds or notes of the Agency shall be revenue bonds or notes and shall have no claim for payment other than from revenues of the Agency derived from operation of the drainage and sewage treatment project. Bonds or notes issued by the Agency shall not constitute an indebtedness of any member municipality or county.

HISTORY:
P.A. 83-1423; 2018 P.A. 100-1076, § 5, effective August 24, 2018.

5 ILCS 220/3.5 Expenditure of funds

Any expenditure of funds by a public agency organized pursuant to an intergovernmental agreement in accordance with the provisions of this Act and consisting of 5 public agencies or less, except for an intergovernmental risk management association, self-insurance pool or self-administered health and accident cooperative or pool, shall be in accordance with the Illinois Purchasing Act [30 ILCS 505/1 et seq. (now repealed)] if the State is a party to the agreement, and shall be in accordance with any law or ordinance applicable to the public agency with the largest population which is a party to the agreement if the State is not a party to the agreement. If the State is not a party to the agreement and there is no such applicable law or ordinance, all purchases shall be subject to the provisions of the Governmental Joint Purchasing Act [30 ILCS 525/1 et seq.]. Such self-insurance or insurance pools may enter into reinsurance agreements for the protection of their members.

HISTORY:
P.A. 84-1431; 99-642, § 35.

5 ILCS 220/3.6 [Special districts]

(a) Any special district the boundaries of which are exactly coterminous with, or entirely within, the boundaries of a township may merge into and transfer all of its rights, powers, duties, liabilities and functions to the township as provided in this Section notwithstanding any other provision of the law.

(b) "Special district" means any political subdivision other than a county, municipality, township, school district or community college district.

(c) By resolution or ordinance the special district may petition the township for merger. Within 30 days after the adoption of such resolution or ordinance, the special district shall file a copy of the petition with the town clerk of the township and with the county clerk.

(d) Within 60 days of the filing of the petition with the town clerk the board of town trustees shall by ordinance either agree or refuse to agree to the merger. Failure of the board of town trustees to adopt such an ordinance within the 60 days shall constitute a refusal to agree to the merger.

(e) After an ordinance is passed by the board of town trustees agreeing to a merger, it shall be published once within 30 days after its passage in one or more newspapers published in the township or, if no newspaper is published therein, it shall be published in a newspaper published in the county in which such township is located and having general circulation within such township. If no newspaper is published in the county having general circulation in the township, publication may be made instead by posting copies of such ordinance in 10 public places within the township. The publication or posting of the ordinance shall include a notice of (1) the specific

number of voters required to sign a petition requesting that the question of the merger be submitted to the voters of the township; (2) the time within which the petition must be filed; and (3) the date of the prospective referendum. The township clerk shall provide a petition form to any individual requesting one. The ordinance shall not become effective until 30 days after its publication or the date of such posting of such copies.

Whenever a petition signed by the electors of the township equal in number to 10% or more of the registered voters in the township is filed with the board of town trustees thereof which has adopted an ordinance agreeing to merger and such petition has been filed with the board of town trustees within 30 days after the publication or the date of the posting of the copies which petition seeks the submission of such merger to an election, the board of town trustees shall certify the question to the proper election officials who shall submit the question at an election in accordance with the general election law.

The proposition shall be substantially in the following form:

Shall (name of special district) be merged into ..... Township?	YES NO

If the boundaries of the township and special district are coterminous and a majority of the voters voting on the question shall favor merger, the special district shall merge into the township. If a majority of the voters voting on the question shall not favor merger, the special district shall not merge into the township. If the boundaries of the township and special district are not coterminous, then a majority of the voters voting upon the question in the special district and a majority of the voters voting in that portion of the township that is not included within the special district must both favor the merger. If a majority of the voters residing in the special district or a majority of the voters voting in that portion of the townships that is not included within the special district do not favor the merger, the special district shall not merge into the township.

(f) The effective date of the merger shall be the first day of January of the year immediately following the effective date of the ordinance or the approval by the referendum as the case may be.

(g) If the board of town trustees refuses to agree to the merger or if a majority of the voters voting on the question shall not favor merger, then the special district shall not file a petition for merger with the town clerk within 3 years after such refusal to agree or referendum.

(h) Upon the effective date of the merger the township shall assume and succeed to all of the rights, powers, duties, liabilities and functions of the special district, including assuming any indebtedness of the special district, and the special district shall be dissolved and cease to exist as a separate and distinct political subdivision. In connection with such rights, powers, duties, liabilities and functions the township shall be subject to, governed by and have the benefit of the statutes, as then or thereafter amended, and laws affecting such a special district, including without limitation the right to levy taxes in such amounts as allowed to such a special district, but the right to levy taxes shall exist only within the area formerly comprising such merged special district. Upon the effective date of the merger all books, records, equipment, property and personnel held by, in the custody of or employed by the special district shall be transferred to the township. The transfer shall not affect the status or employment benefits of transferred personnel.

HISTORY:
P.A. 86-1253; 87-767; 89-150, § 5; 94-144, § 5.

5 ILCS 220/3.7 [Regional Juvenile Detention Authority]

(a) Any 2 or more contiguous counties of this State, upon adoption of ordinances by the governing bodies, may, by intergovernmental agreement, form a Regional Juvenile Detention Authority to coordinate the construction of a Regional Juvenile Detention Facility.

(b) The governing body of an Authority created under this Section shall consist of the County Board Chairman, the County Sheriff and the State's Attorney of each member county. Each member shall serve as long as he continues to hold his county office. The County Board Chairman of the most populous member county shall preside at the first organizational meeting of the Authority. At the first organizational meeting, the Authority shall elect a chairman from among its members to serve a 2 year term. No chairman shall remain chairman after losing his county office. The Authority shall adopt bylaws and elect officers and may establish a staff.

(c) An Authority may apply for and accept funding from participating units of government, any other unit of local, State or federal government or any private entity.

HISTORY:
P.A. 86-669.

5 ILCS 220/3.8 Floodwater management

In counties having 3,000,000 or more inhabitants, a municipality may enter into intergovernmental agreements with a township for floodwater management in the unincorporated areas of the county.

HISTORY:
P.A. 91-424, § 5.

5 ILCS 220/3.9 Flood prevention

Two or more county flood prevention districts may enter into an intergovernmental agreement to provide any services authorized in the Flood Prevention

District Act [70 ILCS 750/1 et seq.], to construct, reconstruct, repair, or otherwise provide any facilities described in that Act either within or outside of any district's corporate limits, to issue bonds, notes, or other evidences of indebtedness, to pledge the taxes authorized to be imposed pursuant to Section 25 of that Act [70 ILCS 750/25] to the obligations of any other district, and to exercise any other power authorized in that Act.

HISTORY:
P.A. 95-719, § 60; 95-723, § 10.

5 ILCS 220/4 Appropriations, furnishing of property, personnel and services

Any public agency entering into an agreement pursuant to this Act may appropriate funds and may sell, lease, give, authorize the receipt of grants, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking by providing such personnel or services therefor as may be within its legal power to furnish.

HISTORY:
P.A. 78-785.

5 ILCS 220/4.5 Prohibited agreements and contracts.

No intergovernmental or interagency agreement or contract may be entered into, implemented, or given effect if the agreement's or contract's intent or effect is: (i) to circumvent any limitation established by law on State appropriation or State expenditure authority with respect to health care and employee benefits contracts; (ii) to expend State moneys in a manner inconsistent with the purpose for which they were appropriated with respect to health care and employee benefits contracts; (iii) to circumvent any limitation established by law pertaining to payroll certification under Section 9.03 of the State Finance Act [30 ILCS 105/9.03]; or (iv) for appropriations for the Office of the Governor enacted after the effective date of this amendatory Act of the 100th General Assembly, to authorize the payment of employees of the Office of the Governor out of appropriations other than those established for that purpose.

HISTORY:
P.A. 93-839, § 10-50; 2018 P.A. 100-655, § 5, effective July 31, 2018.

5 ILCS 220/5 Intergovernmental contracts

Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity or undertaking or to combine, transfer, or exercise any powers, functions, privileges, or authority which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be approved by the governing bodies of each party to the contract and except where specifically and expressly prohibited by law. Such contract shall set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties.

HISTORY:
P.A. 78-785; 91-298, § 5.

5 ILCS 220/5.1 [Personnel rules]

All personnel rules applicable to an employee of a public agency shall continue to apply to such employee if the employee is assigned to perform services for another public agency pursuant to an intergovernmental agreement.

HISTORY:
P.A. 84-1248.

5 ILCS 220/6 Joint self-insurance

An intergovernmental contract may, among other undertakings, authorize public agencies to jointly self-insure and authorize each public agency member of the contract to utilize its funds to pay to a joint insurance pool its costs and reserves to protect, wholly or partially, itself or any public agency member of the contract against liability or loss in the designated insurable area.

A joint insurance pool shall have an annual audit performed by an independent certified public accountant and shall file an annual audited financial report with the Director of Insurance no later than 150 days after the end of the pool's immediately preceding fiscal year. The Director of Insurance shall issue rules necessary to implement this audit and report requirement. The rule shall establish the due date for filing the initial annual audited financial report. Within 30 days after January 1, 1991, and within 30 days after each January 1 thereafter, public agencies that are jointly self-insured to protect against liability under the Workers' Compensation Act [820 ILCS 305/1 et seq.] and the Workers' Occupational Diseases Act [820 ILCS 310/1 et seq.] shall file with the Illinois Workers' Compensation Commission a report indicating an election to self-insure.

The joint insurance pool shall also annually file with the Director a statement of actuarial opinion that conforms to the Actuarial Standards of Practice issued by the Actuarial Standards Board. All statements of actuarial opinion shall be issued by an independent actuary who is an associate or fellow of the Casualty Actuarial Society or of the Society of Actuaries. The statement of actuarial opinion shall include a statement that the pool's reserves are calculated in accordance with sound loss-reserving standards and adequate for the payment of claims. This opinion shall be filed no later than 150 days after the end of each fiscal year. The joint insurance pool shall be exempt from filing a statement of actuarial opinion by an independent actuary who is an associate or fellow of the Casualty Actuarial Society or of the Society of Actuaries that the joint

insurance pool's reserves are in accordance with sound loss-reserving standards and payment of claims for the primary level of coverage if the joint insurance pool files with the Director, by the reporting deadline, a statement of actuarial opinion from the provider of the joint pool's aggregate coverage, reinsurance, or other similar excess insurance coverage. Any statement of actuarial opinion must be prepared by an actuary who satisfies the qualification standards set forth by the American Academy of Actuaries to issue the opinion in the particular area of actuarial practice.

The Director may assess penalties against a joint insurance pool that fails to comply with the auditing, statement of actuarial opinion, and examination requirements of this Section in an amount equal to $500 per day for each violation, up to a maximum of $10,000 for each violation. The Director (or his or her staff) or a Director-selected independent auditor (or actuarial firm) that is not owned or affiliated with an insurance brokerage firm, insurance company, or other insurance industry affiliated entity may examine, as often as the Director deems advisable, the affairs, transactions, accounts, records, and assets and liabilities of each joint insurance pool that fails to comply with this Section. The joint insurance pool shall cooperate fully with the Director's representatives in all evaluations and audits of the joint insurance pool and resolve issues raised in those evaluations and audits. The failure to resolve those issues may constitute a violation of this Section, and may, after notice and an opportunity to be heard, result in the imposition of penalties pursuant to this Section. No sanctions under this Section may become effective until 30 days after the date that a notice of sanctions is delivered by registered or certified mail to the joint insurance pool. The Director shall have the authority to extend the time for filing any statement by any joint insurance pool for reasons that he or she considers good and sufficient.

If a joint insurance pool requires a member to submit written notice in order for the member to withdraw from a qualified pool, then the period in which the member must provide the written notice cannot be greater than 120 days, except that this requirement applies only to joint insurance pool agreements entered into, modified, or renewed on or after the effective date of this amendatory Act of the 98th General Assembly [P.A. 98-504].

For purposes of this Section, "public agency member" means any public agency defined or created under this Act, any local public entity as defined in Section 1-206 of the Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10/1-206], and any public agency, authority, instrumentality, council, board, service region, district, unit, bureau, or, commission, or any municipal corporation, college, or university, whether corporate or otherwise, and any other local governmental body or similar entity that is presently existing or created after the effective date of this amendatory Act of the 92nd General Assembly [P.A. 92-530], whether or not specified in this Section. Only public agency members with tax receipts, tax revenues, taxing authority, or other resources sufficient to pay costs and to service debt related to intergovernmental activities described in this Section, or public agency members created by or as part of a public agency with these powers, may enter into contracts or otherwise associate among themselves as permitted in this Section.

No joint insurance pool or other intergovernmental cooperative offering health insurance shall interfere with the statutory obligation of any public agency member to bargain over or to reach agreement with a labor organization over a mandatory subject of collective bargaining as those terms are used in the Illinois Public Labor Relations Act [5 ILCS 315/1 et seq.]. No intergovernmental contract of insurance offering health insurance shall limit the rights or obligations of public agency members to engage in collective bargaining, and it shall be unlawful for a joint insurance pool or other intergovernmental cooperative offering health insurance to discriminate against public agency members or otherwise retaliate against such members for limiting their participation in a joint insurance pool as a result of a collective bargaining agreement.

It shall not be considered a violation of this Section for an intergovernmental contract of insurance relating to health insurance coverage, life insurance coverage, or both to permit the pool or cooperative, if a member withdraws employees or officers into a union-sponsored program, to re-price the costs of benefits provided to the continuing employees or officers based upon the same underwriting criteria used by that pool or cooperative in the normal course of its business, but no member shall be expelled from a pool or cooperative if the continuing employees or officers meet the general criteria required of other members.

HISTORY:
P.A. 86-1405; 89-97, § 5; 92-530, § 5; 93-721, § 5; 94-685, § 5; 98-504, § 5; 98-969, § 5.

5 ILCS 220/7 [No prohibition on constitutionally granted powers]

This Act is not a prohibition on the contractual and associational powers granted by Section 10 of Article VII of the Constitution [Ill. Const. (1970) Art. VII, § 10].

HISTORY:
P.A. 78-785.

5 ILCS 220/7.5 Eminent domain

Notwithstanding any other provision of this Act, any power granted under this Act to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.].

HISTORY:
P.A. 94-1055, § 95-5-2.

5 ILCS 220/8 Separability

If any section, subsection, sentence or clause of this Act shall be adjudged unconstitutional, such adjudication shall not affect the validity of the Act as a whole or of any part not adjudged unconstitutional.

HISTORY:
P.A. 78-785.

5 ILCS 220/9 County participation

Any county may participate in an intergovernmental agreement under this Act notwithstanding the absence of specific authority under State law to perform the action involved provided that the unit of local government contracting with the county has authority to perform the action. The authority of the county shall be limited to the territorial limits of the local governmental unit with which the county contracts. In the case of an intergovernmental agreement between a county and a municipality, however, the agreement may provide that the county may perform an action within the territorial limits of the municipality, within the contiguous territory not more than one and one-half miles beyond the corporate limits and not included in any municipality, or within both.

HISTORY:
P.A. 81-1121; 91-298, § 5.

5 ILCS 220/15 Authorized investments

In addition to other investments authorized by law, an intergovernmental risk management entity created under this Act with assets of at least $5,000,000 and adopting an investment policy under Section 16 of this Act [5 ILCS 220/16] may invest in any combination of the following:

(1) the common stocks listed on a recognized exchange or market;

(2) stock and convertible debt investments, or investment grade corporate bonds, in or issued by any corporation the book value of which shall not exceed 5% of the total intergovernmental risk management entity's investment account at book value in which those securities are held, determined as of the date of the investment, provided that investments in the stock of any one corporation shall not exceed 5% of the total outstanding stock of the corporation and that the investments in the convertible debt of any one corporation shall not exceed 5% of the total amount of such debt that may be outstanding;

(3) the straight preferred stocks or convertible preferred stocks and convertible debt securities issued or guaranteed by a corporation whose common stock is listed on a recognized exchange or market;

(4) mutual funds or commingled funds that meet the following requirements:

(i) the mutual fund or commingled fund is managed by an investment company as defined and registered under the federal Investment Company Act of 1940 [15 U.S.C. § 80a-1 et seq.] and registered under the Illinois Securities Law of 1953 [815 ILCS 5/1 et seq.] or an investment adviser as defined under the federal Investment Advisers Act of 1940 [15 U.S.C. § 80b-1 et seq.];

(ii) the mutual fund has been in operation for at least 5 years; and

(iii) the mutual fund has total net assets of $250,000,000 or more;

(5) commercial grade real estate located in the State of Illinois.

Any investment advisor retained by the board of the intergovernmental risk management entity must be a fiduciary, who has the power to manage, acquire, or dispose of any asset of the intergovernmental risk management entity, has acknowledged in writing that he or she is a fiduciary with respect to the intergovernmental risk management entity and that he or she has read and understands the intergovernmental risk management entity's investment policy and will adhere to all of the principles and standards set forth in that policy, and is one or more of the following:

(i) registered as an investment adviser under the federal Investment Adviser Act of 1940 [15 U.S.C. § 80b-1 et seq.];

(ii) registered as an investment adviser under the Illinois Securities Law of 1953 [815 ILCS 5/1 et seq.];

(iii) a bank, as defined in the federal Investment Adviser Act of 1940 [15 U.S.C. § 80b-1 et seq.];

(iv) an insurance company authorized to transact business in this State.

Nothing in this Section shall be construed to authorize an intergovernmental risk management entity to accept the deposit of public funds except for risk management purposes.

HISTORY:
P.A. 89-592, § 5; 90-319, § 5.

5 ILCS 220/16 Investment policy

(a) Investments made by an intergovernmental risk management entity may be governed by a written investment policy adopted by the corporate authorities of the entity.

An intergovernmental risk management entity may have an investment policy for any public funds in excess of the amount needed to meet current expenses as provided in subsection (b). The policy shall address safety of principal, liquidity of funds, and return on investment.

(b) The investment policy shall apply to funds under the control of the intergovernmental risk management entity in excess of those required to meet short-term expenses.

(c) The intergovernmental risk management entity shall develop performance measures appropriate

for the nature and size of the funds within its custody.

(d) The intergovernmental risk management entity shall adopt the prudent person rule, which provides that: "investments should be made with the judgment and care, under circumstances then prevailing, that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment."

(e) The investment policy shall list authorized investments as provided by law.

(f) The investment policy shall require that the investment portfolio be structured in such manner as to provide sufficient liquidity to pay obligations as they come due.

(g) The investment policy shall establish guidelines for investments. The guidelines shall be appropriate with the nature and size of the public funds within the custody of the intergovernmental risk management entity.

(h) The investment policy shall provide for guidelines for appropriate diversification of the investment portfolio. Diversification strategies within the established guidelines shall be reviewed and revised periodically, as deemed necessary by the intergovernmental risk management entity.

(i) The investment policy shall provide guidelines for the selection of investment advisors, money managers, and banks.

(j) The investment policy shall provide appropriate arrangements for the holding of assets of the intergovernmental risk management entity. No withdrawal of securities, in whole or in part, shall be made, except by an authorized staff member of the intergovernmental risk management entity.

(k) The investment policy shall provide for a system of internal controls and operational procedures. The intergovernmental risk management entity's chief executive officer shall, by January 1, 1997, establish a system of internal controls that shall be in writing and made a part of the intergovernmental risk management entity's operational procedures. The investment policy shall provide for review of the controls by independent auditors as part of any financial audit periodically required of the intergovernmental risk management entity. The internal controls shall be designed to prevent losses of funds that might arise from fraud, employee error, misrepresentation by third parties, or imprudent actions by employees of the intergovernmental risk management entity.

(*l*) The investment policy shall provide for appropriate quarterly or more frequent reporting of investment activities. To that end, the intergovernmental risk management entities' chief financial officer shall prepare periodic reports for submission to the governing body and chief executive officer of the intergovernmental risk management entity, which shall include securities in the portfolio by class or type, book value, income earned, and market value as of the report date.

HISTORY:
P.A. 89-592, § 5.

TRANSPORTATION COOPERATION ACT OF 1971

5 ILCS 225/1 [Short title]

This Act shall be known and may be cited as the "Transportation Cooperation Act of 1971."

HISTORY:
P.A. 77-182.

5 ILCS 225/2 [Definitions]

For the purposes of this Act:

(a) "Railroad passenger service" means any railroad passenger service within the State of Illinois, including the equipment and facilities used in connection therewith, with the exception of the basic system operated by the National Railroad Passenger Corporation pursuant to Title II and Section 403(a) of the Federal Rail Passenger Service Act of 1970 [45 U.S.C. § 521].

(b) "Federal Railroad Corporation" means the National Railroad Passenger Corporation established pursuant to an Act of Congress known as the "Rail Passenger Service Act of 1970 [45 U.S.C § 501 et seq.]."

(c) "Transportation system" means any and all modes of public transportation within the State, including, but not limited to, transportation of persons or property by rapid transit, rail, bus, and aircraft, and all equipment, facilities and property, real and personal, used in connection therewith.

(d) "Carrier" means any corporation, authority, partnership, association, person or district authorized to maintain a transportation system within the State with the exception of the Federal Railroad Corporation.

(e) "Units of local government" means cities, villages, incorporated towns, counties, municipalities, townships, and special districts, including any district created pursuant to the "Local Mass Transit District Act", approved July 21, 1959, as amended [70 ILCS 3610/1 et seq.]; any Authority created pursuant to the "Metropolitan Transit Authority Act", approved April 12, 1945, as amended [70 ILCS 3605/1 et seq.]; and, any authority, commission or other entity which by virtue of an interstate compact approved by Congress is authorized to provide mass transportation.

(f) "Universities" means all public institutions of higher education as defined in an "Act creating a Board of Higher Education, defining its powers and duties, making an appropriation therefor, and repealing an Act herein named", approved August 22,

1961, as amended [110 ILCS 205/0.01 et seq.], and all private institutions of higher education as defined in the Illinois Finance Authority Act [20 ILCS 3501/801-1 et seq.].

(g) "Department" means the Illinois Department of Transportation, or such other department designated by law to perform the duties and functions of the Illinois Department of Transportation prior to January 1, 1972.

(h) "Association" means any Transportation Service Association created pursuant to Section 4 of this Act [5 ILCS 225/4].

(i) "Contracting Parties" means any units of local government or universities which have associated and joined together pursuant to Section 3 of this Act [5 ILCS 225/3].

(j) "Governing authorities" means (1) the city council or similar legislative body of a city; (2) the board of trustees or similar body of a village or incorporated town; (3) the council of a municipality under the commission form of municipal government; (4) the board of trustees in a township; (5) the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, and the Illinois Community College Board; (6) the county board of a county; and (7) the trustees, commissioners, board members, or directors of a university, special district, authority or similar agency.

HISTORY:
P.A. 86-1028; 89-4, § 50-5; 93-205, § 890-29.

5 ILCS 225/3 [Joint agreements]

For the purpose of acquiring, constructing, owning, operating, extending, reconstructing, maintaining, improving, and subsidizing railroad passenger service, and promoting efficient transportation systems within the State, two or more units of local government and universities by resolution or ordinance approved by a majority vote of their respective governing authorities, may associate and join together by agreement or contract.

HISTORY:
P.A. 77-182.

5 ILCS 225/4 [Transportation Service Association]

Any two or more units of local government and universities may, at their option, by contract, create a Transportation Service Association through which they shall exercise all powers conferred by this Act. The powers of any Association created hereunder shall repose in and be exercised by a Board of Directors. Directors may be chosen in such manner and for such terms as the creators of the Association may determine. The Board of Directors may employ a manager of the Association and may employ and contract for a secretary, treasurer, technical experts and such other officers, agents and employees, permanent and temporary, as it may require, and shall fix and determine their qualifications, duties, and compensation.

HISTORY:
P.A. 77-182.

5 ILCS 225/4.1 [Purchases]

Purchases made pursuant to this Act shall be made in compliance with the "Local Government Prompt Payment Act", approved by the Eighty-fourth General Assembly [50 ILCS 505/1 et seq.].

HISTORY:
P.A. 84-731.

5 ILCS 225/5 [Contracts with carriers]

The Contracting Parties or the Board of Directors of any Association may, from time to time, enter into agreements or contracts with the Federal Railroad Corporation, the Department of Transportation and any other carrier, or any of the foregoing, for the establishment or maintenance of railroad passenger service or other transportation services between such points as may be agreed upon among or between the parties to the agreement or contract.

HISTORY:
P.A. 77-182.

5 ILCS 225/6 [Division of costs]

Whenever an agreement or contract is entered into between or among the Federal Railroad Corporation, the Department of Transportation, and any Contracting Parties, or any Association or Associations created pursuant to this Act for the provision by the Railroad Corporation of railroad passenger service, the costs related to such services shall be borne in such proportion as by agreement or contract the parties may determine. Nothing contained in this Act shall be interpreted to prevent any Contracting Parties or Association or Associations from contracting directly and solely with Federal Railroad Corporation for the reimbursement by the Contracting Parties or Association of such costs sustained by the Federal Railroad Corporation as agreed upon between the parties to the contract.

HISTORY:
P.A. 77-182.

5 ILCS 225/7 [Promotion of efficient transportation systems]

(a) The Contracting Parties or the Board of Directors of every Association may take such action alone,

or by agreement or contract with any other university or unit of local government as shall be necessary or appropriate to maintain and promote efficient transportation systems within the State.

(b) The Contracting Parties and the Board of Directors of any Association shall have authority to receive and utilize such funds as may be allocated to the Contracting Parties or Association by the Department of Transportation, or any other agency of the State or Federal Government, for the purposes and in accordance with the procedures, established by this Act.

HISTORY:
P.A. 77-182.

5 ILCS 225/8 [Severability]

If any provision of this Act should be held to be invalid, such provision shall be deemed to be excised from this Act, and the invalidity thereof shall not affect any other provision of this Act. If the application of any provision of this Act to any person or circumstance is held invalid, such invalidity shall not affect the application of such provision to persons or circumstances other than those as to which it is invalid.

HISTORY:
P.A. 77-182.

OFFICERS AND EMPLOYEES

Illinois Public Labor Relations Act

Section

ILLINOIS PUBLIC LABOR RELATIONS ACT

5 ILCS 315/1 [Short title]

This Act shall be known and may be cited as the "Illinois Public Labor Relations Act".

HISTORY:
P.A. 83-1012.

5 ILCS 315/20 Prohibitions

(a) Nothing in this Act shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this Act be construed to make the quitting of his labor by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent; nor shall the quitting of labor by an employee or employees in good faith because of abnormally dangerous conditions for work at the place of employment of such employee be deemed a strike under this Act.

(b) This Act shall not be applicable to units of local government employing less than 5 employees at the time the Petition for Certification or Representation is filed with the Board. This prohibition shall not apply to bargaining units in existence on the effective date of this Act and units of local government employing more than 5 employees where the total number of employees falls below 5 after the Board has certified a bargaining unit.

HISTORY:
P.A. 87-736; 93-442, § 5; 93-1080, § 5; 94-67, § 5.

CHAPTER 10
ELECTIONS

ELECTION CODE

Article 3. Qualification of Voters

Article 28. Submitting Public Questions

ARTICLE 3.
QUALIFICATION OF VOTERS

10 ILCS 5/3-7 Voters in consolidating and merging townships.

(a) In the consolidated election where township trustees are elected next following the certification of a successful referendum to consolidate townships under Article 22 of the Township Code [60 ILCS 1/22-5 et seq.], the qualified electors entitled to caucus, vote for, be nominated for, and run for offices in the consolidated township that is to be formed are those registered voters residing in any of the townships identified in the referendum as they exist prior to consolidation.

(b) In the consolidated election where township trustees are elected next following the certification of a successful referendum to dissolve a township and merge its territory into 2 adjacent townships under Article 23 of the Township Code [60 ILCS 1/23-5 et seq.], the qualified electors entitled to caucus, vote for, be nominated for, and run for offices in a receiving township shall also include those registered voters residing in the territory of the dissolving township described in the resolutions adopted under Section 23-10 of the Township Code [60 ILCS 1/23-10] as the territory to be merged with the receiving township. For purposes of this subsection (b) only, "dissolving township" and "receiving township" have the meaning provided in Section 23-5 of the Township Code [60 ILCS 1/23-5].

HISTORY:
2017 P.A. 100-107, § 5, effective January 1, 2018.

ARTICLE 28.
SUBMITTING PUBLIC QUESTIONS

10 ILCS 5/28-1 [Applicability; ballot; number of questions]

The initiation and submission of all public questions to be voted upon by the electors of the State or of any political subdivision or district or precinct or combination of precincts shall be subject to the provisions of this Article.

Questions of public policy which have any legal effect shall be submitted to referendum only as authorized by a statute which so provides or by the Constitution. Advisory questions of public policy shall be submitted to referendum pursuant to Section 28-5 [10 ILCS 5/28-5] or pursuant to a statute which so provides.

The method of initiating the submission of a public question shall be as provided by the statute authorizing such public question, or as provided by the Constitution.

All public questions shall be initiated, submitted and printed on the ballot in the form required by Section 16-7 of this Act [10 ILCS 5/16-7], except as may otherwise be specified in the statute authorizing a public question.

Whenever a statute provides for the initiation of a public question by a petition of electors, the provisions of such statute shall govern with respect to the number of signatures required, the qualifications of persons entitled to sign the petition, the contents of the petition, the officer with whom the petition must be filed, and the form of the question to be submitted. If such statute does not specify any of the foregoing petition requirements, the corresponding petition requirements of Section 28-6 [10 ILCS 5/28-6] shall govern such petition.

Irrespective of the method of initiation, not more than 3 public questions other than (a) back door referenda, (b) referenda to determine whether a disconnection may take place where a city coterminous with a township is proposing to annex territory from an adjacent township, (c) referenda held under the provisions of the Property Tax Extension Limitation Law in the Property Tax Code [35 ILCS 200/1-1 et seq.], (d) referenda held under Section 2-3002 of the Counties Code [55 ILCS 5/2-3002], or (e) referenda held under Article 22, 23, or 29 of the Township Code [60 ILCS 1/22-5 et seq., 60 ILCS 1/23-5 et seq., or 60 ILCS 1/29-5 et seq.] may be submitted to referendum with respect to a political subdivision at the same election.

If more than 3 propositions are timely initiated or certified for submission at an election with respect to a political subdivision, the first 3 validly initiated, by the filing of a petition or by the adoption of a resolution or ordinance of a political subdivision, as the case may be, shall be printed on the ballot and submitted at that election. However, except as expressly authorized by law not more than one propo-

sition to change the form of government of a municipality pursuant to Article VII of the Constitution [Illinois Const., Art. VII, § 1] may be submitted at an election. If more than one such proposition is timely initiated or certified for submission at an election with respect to a municipality, the first validly initiated shall be the one printed on the ballot and submitted at that election.

No public question shall be submitted to the voters of a political subdivision at any regularly scheduled election at which such voters are not scheduled to cast votes for any candidates for nomination for, election to or retention in public office, except that if, in any existing or proposed political subdivision in which the submission of a public question at a regularly scheduled election is desired, the voters of only a portion of such existing or proposed political subdivision are not scheduled to cast votes for nomination for, election to or retention in public office at such election, but the voters in one or more other portions of such existing or proposed political subdivision are scheduled to cast votes for nomination for, election to or retention in public office at such election, the public question shall be voted upon by all the qualified voters of the entire existing or proposed political subdivision at the election.

Not more than 3 advisory public questions may be submitted to the voters of the entire state at a general election. If more than 3 such advisory propositions are initiated, the first 3 timely and validly initiated shall be the questions printed on the ballot and submitted at that election; provided however, that a question for a proposed amendment to Article IV of the Constitution [Illinois Const., Art. IV, § 1] pursuant to Section 3, Article XIV of the Constitution [Illinois Const., Art. XIV, § 3], or for a question submitted under the Property Tax Cap Referendum Law [35 ILCS 248/1-1 et seq.], shall not be included in the foregoing limitation.

HISTORY:

P.A. 87-17; 87-919, § 15; 88-116, § 1-105; 89-510, § 5; 93-308, § 5; 2017 P.A. 100-107, § 5, effective January 1, 2018.

10 ILCS 5/28-7 [Initiation]

Except as provided in Article 24 of the Township Code [60 ILCS 1/1-1 et seq.], in any case in which Article VII or paragraph (a) of Section 5 of the Transition Schedule of the Constitution authorizes any action to be taken by or with respect to any unit of local government, as defined in Section 1 of Article VII of the Constitution, by or subject to approval by referendum, any such public question shall be initiated in accordance with this Section.

Any such public question may be initiated by the governing body of the unit of local government by resolution or by the filing with the clerk or secretary of the governmental unit of a petition signed by a number of qualified electors equal to or greater than at least 8% of the total votes cast for candidates for Governor in the preceding gubernatorial election, requesting the submission of the proposal for such action to the voters of the governmental unit at a regular election.

If the action to be taken requires a referendum involving 2 or more units of local government, the proposal shall be submitted to the voters of such governmental units by the election authorities with jurisdiction over the territory of the governmental units. Such multi-unit proposals may be initiated by appropriate resolutions by the respective governing bodies or by petitions of the voters of the several governmental units filed with the respective clerks or secretaries.

This Section is intended to provide a method of submission to referendum in all cases of proposals for actions which are authorized by Article VII of the Constitution by or subject to approval by referendum and supersedes any conflicting statutory provisions except those contained in Division 2-5 of the Counties Code [55 ILCS 5/2-5001 et seq.] or Article 24 of the Township Code.

Referenda provided for in this Section may not be held more than once in any 23-month period on the same proposition, provided that in any municipality a referendum to elect not to be a home rule unit may be held only once within any 47-month period.

HISTORY:

P.A. 82-750; 97-81, § 10; 2018 P.A. 100-863, § 25, effective August 14, 2018; 2019 P.A. 101-230, § 5, effective August 9, 2019.

CHAPTER 20

EXECUTIVE BRANCH

EXECUTIVE DEPARTMENTS

Civil Administrative Code of Illinois (General Provisions and Departments of State Government)

CIVIL ADMINISTRATIVE CODE OF ILLINOIS (GENERAL PROVISIONS AND DEPARTMENTS OF STATE GOVERNMENT)

Article 1. General Provisions

Article 5. Departments of State Government

ARTICLE 1.

GENERAL PROVISIONS

20 ILCS 5/1-1 Short title

This Act may be cited as the Civil Administrative Code of Illinois.

HISTORY:
P.A. 86-1475; 91-239, § 5-5.

ARTICLE 5.

DEPARTMENTS OF STATE GOVERNMENT

20 ILCS 5/5-5 "Department"

As used in the Civil Administrative Code of Illinois, unless the context otherwise clearly indicates, the word "department" means the several departments of the State government as designated in Section 5-15 of this Law [20 ILCS 5/5-15], and none other.

HISTORY:
Laws 1917, p. 2; P.A. 91-239, § 5-5.

20 ILCS 5/5-10 "Director"

As used in the Civil Administrative Code of Illinois, unless the context clearly indicates otherwise, the word "director" means the several directors of the departments of State government as designated in Section 5-20 [20 ILCS 5/5-20] of this Law and includes the Secretary of Financial and Professional Regulation, the Secretary of Innovation and Technology, the Secretary of Human Services, and the Secretary of Transportation.

HISTORY:
P.A. 89-507, § 90-1; 91-239, § 5-5; 2018 P.A. 100-611, § 1-905, effective July 20, 2018.

20 ILCS 5/5-15 Departments of State government.

The Departments of State government are created as follows:

The Department on Aging.

The Department of Agriculture.

The Department of Central Management Services.

The Department of Children and Family Services.

The Department of Commerce and Economic Opportunity.

The Department of Corrections.

The Department of Employment Security.

The Illinois Emergency Management Agency.

The Department of Financial and Professional Regulation.

The Department of Healthcare and Family Services.

The Department of Human Rights.

The Department of Human Services.

The Department of Innovation and Technology.

The Department of Insurance.
The Department of Juvenile Justice.
The Department of Labor.
The Department of the Lottery.
The Department of Natural Resources.
The Department of Public Health.
The Department of Revenue.
The Illinois State Police.
The Department of Transportation.
The Department of Veterans' Affairs.

HISTORY:
P.A. 85-225; 89-445, § 9A-4; 89-507, § 90-1; 91-239, § 5-5; 93-25, § 25-5; 93-1029, § 905; 94-696, § 5; 95-331, § 90; 95-481, § 5-905; 95-777, § 5; 96-328, § 35; 97-618, § 830; 2018 P.A. 100-611, § 1-905, effective July 20, 2018; 2018 P.A. 100-1179, § 5, effective January 18, 2019; 2021 P.A. 102-538, § 95, effective August 20, 2021.

20 ILCS 5/5-20 Heads of departments.

Each department shall have an officer as its head who shall be known as director or secretary and who shall, subject to the provisions of the Civil Administrative Code of Illinois, execute the powers and discharge the duties vested by law in his or her respective department.

The following officers are hereby created:

Director of Aging, for the Department on Aging.

Director of Agriculture, for the Department of Agriculture.

Director of Central Management Services, for the Department of Central Management Services.

Director of Children and Family Services, for the Department of Children and Family Services.

Director of Commerce and Economic Opportunity, for the Department of Commerce and Economic Opportunity.

Director of Corrections, for the Department of Corrections.

Director of the Illinois Emergency Management Agency, for the Illinois Emergency Management Agency.

Director of Employment Security, for the Department of Employment Security.

Secretary of Financial and Professional Regulation, for the Department of Financial and Professional Regulation.

Director of Healthcare and Family Services, for the Department of Healthcare and Family Services.

Director of Human Rights, for the Department of Human Rights.

Secretary of Human Services, for the Department of Human Services.

Secretary of Innovation and Technology, for the Department of Innovation and Technology.

Director of Insurance, for the Department of Insurance.

Director of Juvenile Justice, for the Department of Juvenile Justice.

Director of Labor, for the Department of Labor.

Director of the Lottery, for the Department of the Lottery.

Director of Natural Resources, for the Department of Natural Resources.

Director of Public Health, for the Department of Public Health.

Director of Revenue, for the Department of Revenue.

Director of the Illinois State Police, for the Illinois State Police.

Secretary of Transportation, for the Department of Transportation.

Director of Veterans' Affairs, for the Department of Veterans' Affairs.

HISTORY:
P.A. 85-225; 89-445, § 9A-4; 89-507, § 90-1; 91-239, § 5-5; 93-25, § 25-5; 93-1029, § 905; 94-696, § 5; 95-331, § 90; 95-481, § 5-905; 95-777, § 5; 96-328, § 35; 97-464, § 5; 97-618, § 830; 97-813, § 50; 98-499, § 5; 2018 P.A. 100-611, § 1-905, effective July 20, 2018; 2018 P.A. 100-1179, § 5, effective January 18, 2019; 2021 P.A. 102-538, § 95, effective August 20, 2021.

20 ILCS 5/5-100 Executive and administrative officers, boards, and commissions

In addition to the directors of departments, the executive and administrative officers, boards, and commissions designated in the Sections following this Section and preceding Section 5-200 [20 ILCS 5/5-200] are created. These officers, boards, and commissions in the respective departments shall hold offices created and designated in those Sections.

HISTORY:
P.A. 76-1158; 89-507, § 90-1; 91-239, § 5-5.

20 ILCS 5/5-105 Direction, supervision, and control of officers

Each officer named in the Sections following Section 5-100 [20 ILCS 5/5-100] and preceding Section 5-200 [20 ILCS 5/5-200] shall, except as otherwise provided in the Civil Administrative Code of Illinois [20 ILCS 5/1-1 et seq.], be under the direction, supervision, and control of the director or secretary of the officer's respective department and shall perform the duties prescribed by the director or secretary.

HISTORY:
P.A. 83-1503; 89-507, § 90-1; 91-239, § 5-5.

20 ILCS 5/5-185 In the Department of Transportation

Assistant Secretary of Transportation.

HISTORY:
P.A. 77-153; 91-239, § 5-5.

20 ILCS 5/5-300 Officers' qualifications and salaries.

The executive and administrative officers, whose offices are created by this Act, must have the qualifications prescribed by law and shall receive annual salaries, payable in equal monthly installments, as

designated in the Sections following this Section and preceding Section 5-500 [20 ILCS 5/5-500]. If set by the Governor, those annual salaries may not exceed 85% of the Governor's annual salary. Notwithstanding any other provision of law, for terms beginning after the effective date of this amendatory Act of the 100th General Assembly, the annual salary of the director or secretary and assistant director or assistant secretary of each department created under Section 5-15 [20 ILCS 5/5-15] shall be an amount equal to 15% more than the annual salary of the respective officer in effect as of December 31, 2018. The calculation of the 2018 salary base for this adjustment shall not include any cost of living adjustments, as authorized by Senate Joint Resolution 192 of the 86th General Assembly, for the period beginning July 1, 2009 to June 30, 2019. Beginning July 1, 2019 and each July 1 thereafter, the directors, secretaries, assistant directors, and assistant secretaries shall receive an increase in salary based on a cost of living adjustment as authorized by Senate Joint Resolution 192 of the 86th General Assembly.

HISTORY:
P.A. 81-1516; 91-25, § 3; 91-239, § 5-5; 92-16, § 11; 2018 P.A. 100-1179, § 5, effective January 18, 2019.

20 ILCS 5/5-415 In the Department of Transportation.

For terms ending before December 31, 2019, the Secretary of Transportation shall receive an annual salary as set by the Compensation Review Board.

For terms ending before December 31, 2019, the Assistant Secretary of Transportation shall receive an annual salary as set by the Compensation Review Board.

HISTORY:
P.A. 83-1177; 91-25, § 3; 91-239, § 5-5; 92-16, § 11; 96-800, § 5; 2018 P.A. 100-1179, § 5, effective January 18, 2019.

20 ILCS 5/5-515 Compensation prohibited

No member of an advisory and non-executive board shall receive any compensation.

HISTORY:
Laws 1917, p. 2; P.A. 91-239, § 5-5.

20 ILCS 5/5-600 Officer's performance of duties

Each officer provided for by the Civil Administrative Code of Illinois [20 ILCS 5/1-1 et seq.] shall perform the duties that are prescribed by law for the officer's position and to the best of the officer's ability shall render faithful and efficient service in the performance of those duties, to the end that the public interest and welfare may be furthered.

HISTORY:
Laws 1927, p. 844; P.A. 91-239, § 5-5.

20 ILCS 5/5-605 Appointment of officers.

Each officer whose office is created by the Civil Administrative Code of Illinois or by any amendment to the Code shall be appointed by the Governor, by and with the advice and consent of the Senate. In case of vacancies in those offices during the recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when the Governor shall nominate some person to fill the office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until his or her successor is appointed and qualified. If the Senate is not in session at the time the Code or any amendments to the Code take effect, the Governor shall make a temporary appointment as in the case of a vacancy.

During the absence or inability to act of the director or secretary of any department, or in case of a vacancy in any such office until a successor is appointed and qualified, the Governor may designate some person as acting director or acting secretary to execute the powers and discharge the duties vested by law in that director or secretary.

During the term of a General Assembly, the Governor may not designate a person to serve as an acting director or secretary under this Section if that person's nomination to serve as the director or secretary of that same Department was rejected by the Senate of the same General Assembly. This Section is subject to the provisions of subsection (c) of Section 3A-40 of the Illinois Governmental Ethics Act [5 ILCS 420/3A-40].

HISTORY:
P.A. 79-347; 89-507, § 90-1; 91-239, § 5-5; 97-582, § 10; 2018 P.A. 100-611, § 1-905, effective July 20, 2018.

20 ILCS 5/5-610 Term of office

Each officer whose office is created by the Civil Administrative Code of Illinois [20 ILCS 5/1-1 et seq.], except as otherwise specifically provided for in the Code, shall hold office for a term of 2 years from the third Monday in January of each odd-numbered year and until the officer's successor is appointed and qualified. Where the provisions of the Code require General Assembly members to be included in the membership of any advisory and nonexecutive board, the General Assembly members shall serve such terms or until termination of their legislative service, whichever first occurs.

HISTORY:
P.A. 83-1250; 91-239, § 5-5.

20 ILCS 5/5-615 Officer's oath

Each officer whose office is created by the Civil Administrative Code of Illinois [20 ILCS 5/1-1 et seq.] or by any amendments to the Code shall, before entering upon the discharge of the duties of the office, qualify for the office by taking and subscribing the constitutional oath of office and filing the signed oath in the office of the Secretary of State.

HISTORY:
P.A. 79-1348; 91-239, § 5-5.

20 ILCS 5/5-620 Bond

Each executive and administrative officer whose office is created by the Civil Administrative Code of Illinois [20 ILCS 5/1-1 et seq.] or by any amendments to the Code shall give bond before entering upon the discharge of the duties of his or her office by inclusion in the blanket bond or bonds or self-insurance program provided for in Sections 14.1 and 14.2 of the Official Bond Act [5 ILCS 260/14.1 and 5 ILCS 260/14.2].

All official bonds required to be executed and filed under this Section are subject to the requirements of the Official Bond Act [5 ILCS 260/0.01 et seq.].

HISTORY:
P.A. 79-1348; 90-372, § 5-55; 91-239, § 5-5.

20 ILCS 5/5-625 Department regulations

The director of each department (see Section 5-10 of this Law [20 ILCS 5/5-10] for the definition of "director") is empowered to prescribe regulations, not inconsistent with law, for the government of the director's department, the conduct of the department's employees and clerks, the distribution and performance of the department's business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining to the department.

HISTORY:
P.A. 77-153; 91-239, § 5-5.

20 ILCS 5/5-630 Department offices

Each department shall maintain a central office in Springfield, in space provided by the Secretary of State, the Department of Central Management Services, or the Architect of the Capitol, excepting the Department of Agriculture, which shall maintain a central office at the State fair grounds at Springfield, and the Department of Transportation, which shall also maintain a Division of Aeronautics at Capital Airport. The director of each department (see Section 5-10 of this Law [20 ILCS 5/5-10] for the definition of "director") may, in the director's discretion and with the approval of the Governor, establish and maintain, at places other than the seat of government, branch offices for the conduct of any one or more functions of the director's department.

HISTORY:
P.A. 82-789; 91-239, § 5-5; 93-632, § 10.

20 ILCS 5/5-635 Department office hours

Each department shall be open for the transaction of public business at least from 8:30 in the morning until 5:00 in the evening of each day except Saturdays, Sundays, and days that may hereafter be declared by the Governor to be holidays for State employees.

HISTORY:
Laws 1965, p. 542; P.A. 91-239, § 5-5.

20 ILCS 5/5-640 Department seal

Each department shall adopt and keep an official seal.

HISTORY:
Laws 1917, p. 2; P.A. 91-239, § 5-5.

20 ILCS 5/5-645 Department employees

Each department may obtain necessary employees and, if the rate of compensation is not otherwise fixed by law, may fix their compensation subject to the Personnel Code [20 ILCS 415/1 et seq.].

HISTORY:
Laws 1967, p. 4068; P.A. 91-239, § 5-5.

20 ILCS 5/5-650 Department reports

The Governor may require from each director of a department (see Section 5-10 of this Law [20 ILCS 5/5-10] for the definition of "director") a report in writing concerning the condition, management, and financial transactions of the director's department. In addition to those reports, each director of a department shall make the semi-annual and biennial reports provided by the Constitution.

HISTORY:
P.A. 82-905; 91-239, § 5-5.

20 ILCS 5/5-655 Cooperation by directors

The directors of departments (see Section 5-10 of this Law [20 ILCS 5/5-10] for the definition of "director") shall devise a practical and working basis for co-operation and co-ordination of work, eliminating duplication and overlapping of functions. They shall, so far as practicable, co-operate with each other in the employment of services and the use of quarters and equipment. The director of any department may empower or require an employee of another department, subject to the consent of the superior officer of the employee, to perform any duty that the director might require of his or her own subordinates.

The directors of departments may co-operate in the investigation of any licensed health care professional or may jointly investigate such a person and may share the results of any cooperative, joint, or independent investigation of such a person.

HISTORY:
P.A. 84-1252; 91-239, § 5-5.

20 ILCS 5/5-675 Acquisition of land

The Secretary of Transportation and the Director of Natural Resources are respectively authorized,

with the consent in writing of the Governor, to acquire by private purchase, or by condemnation in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.], any and all lands, buildings, and grounds for which an appropriation may be made by the General Assembly to their respective departments. To the extent necessary to comply with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act [42 U.S.C. § 4601 et seq.], Public Law 91-646, the Department of Transportation and the Department of Natural Resources, respectively, are authorized to operate a relocation program and to pay relocation costs. The departments are authorized to exceed the maximum payment limits of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act when necessary to ensure the provision of decent, safe, or sanitary housing or to secure a suitable relocation site.

The Director of Central Management Services is authorized, with the consent in writing of the Governor, to acquire by private purchase, or by condemnation in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act, all other lands, buildings, and grounds for which an appropriation may be made by the General Assembly. To the extent necessary to comply with the federal "Uniform Relocation Assistance and Real Property Acquisition Policies Act", Public Law 91-646, the Department of Central Management Services is authorized to operate a relocation program and to pay relocation costs. The Department is authorized to exceed the maximum payment limits of the federal "Uniform Relocation Assistance and Real Property Acquisition Policies Act" when necessary to ensure the provision of decent, safe, and sanitary housing or to secure a suitable relocation site. The Department shall make or direct the payment of the relocation amounts from the funds available to acquire the property.

HISTORY:
P.A. 85-1407; 89-445, § 9A-4; 91-239, § 5-5; 94-1055, § 95-10-10.

20 ILCS 5/5-680 Eminent domain

Notwithstanding any other provision of this Code, any power granted under this Code to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.].

HISTORY:
P.A. 94-1055, § 95-5-15.

CIVIL ADMINISTRATION OF ILLINOIS (DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY LAW)

Electric Vehicle Act

Section

ELECTRIC VEHICLE ACT

20 ILCS 627/1 Short title

This Act may be cited as the Electric Vehicle Act.

HISTORY:
P.A. 97-89, § 1.

20 ILCS 627/5 Findings

The General Assembly finds that the adoption and use of electric vehicles would benefit the State of Illinois by (i) improving the health and environmental quality of the residents of Illinois through reduced pollution, (ii) reducing the operating costs of vehicle transportation, and (iii) shifting the demand for imported petroleum to locally produced electricity.

HISTORY:
P.A. 97-89, § 5.

20 ILCS 627/10 Definitions

"Coordinator" means the Electric Vehicle Coordinator created in Section 15 [20 ILCS 627/15].

"Council" means the Electric Vehicle Advisory Council created in Section 20 [20 ILCS 627/20].

"Electric vehicle" means (i) a battery-powered electric vehicle operated solely by electricity or (ii) a plug-in hybrid electric vehicle that operates on electricity and gasoline and has a battery that can be recharged from an external source.

HISTORY:
P.A. 97-89, § 10.

20 ILCS 627/15 Electric Vehicle Coordinator.

The Governor, with the advice and consent of the Senate, shall appoint a person within the Illinois Environmental Protection Agency to serve as the Electric Vehicle Coordinator for the State of Illinois. The Electric Vehicle Coordinator shall receive an annual salary as set by the Governor and beginning July 1, 2022 shall be compensated from appropriations made to the Comptroller for this purpose. This person may be an existing employee with other duties. The Coordinator shall act as a point person for electric vehicle-related and electric vehicle charging-related policies and activities in Illinois, including, but not limited to, the issuance of electric vehicle rebates for consumers and electric vehicle charging rebates for organizations and companies.

HISTORY:
P.A. 97-89, § 15; 2021 P.A. 102-444, § 900, effective August 20, 2021; 2021 P.A. 102-662, § 90-20, effective September 16, 2021; 2022 P.A. 102-699, § 5-16, effective April 19, 2022.

20 ILCS 627/20 Electric vehicle advisory council

(a) There is created the Illinois Electric Vehicle Advisory Council. The Council shall investigate and recommend strategies that the Governor and the General Assembly may implement to promote the use of electric vehicles, including, but not limited to, potential infrastructure improvements, State and local regulatory streamlining, and changes to electric utility rates and tariffs.

(b) The Council shall include all of the following members:

(1) The Electric Vehicle Coordinator to serve as chairperson.

(2) Four members of the General Assembly, one appointed by the Speaker of the House of Representatives, one appointed by the Minority Leader of the House of Representatives, one appointed by the President of the Senate, and one appointed by the Minority Leader of the Senate.

(3) The Director of Commerce and Economic Opportunity or his or her designee.

(4) The Director of the Environmental Protection Agency or his or her designee.

(5) The Executive Director of the Illinois Commerce Commission or his or her designee.

(6) The Secretary of the Illinois Department of Transportation or his or her designee.

(7) Ten at-large members appointed by the Governor as follows:

(A) two representatives of statewide environmental organizations;

(B) two representatives of national or regional environmental organizations;

(C) one representative of a nonprofit car-sharing organization;

(D) two representatives of automobile manufacturers;

(E) one representative of the City of Chicago; and

(F) two representatives of electric utilities.

(c) The Council shall report its findings to the Governor and General Assembly by December 31, 2011.

(d) The Department of Commerce and Economic Opportunity shall provide administrative and other support to the Council.

HISTORY:
P.A. 97-89, § 20.

20 ILCS 627/25 Charging station installations

The installation, maintenance, and repair of an electric vehicle charging station shall comply with the requirements of subsection (a) of Section 16-128 and Section 16-128A of the Public Utilities Act [220 ILCS 5/16-128 and 220 ILCS 5/16-128A].

HISTORY:
P.A. 97-1128, § 1.

20 ILCS 627/40 Rulemaking; resources.

The Agency shall adopt rules as necessary and dedicate sufficient resources to implement Sections 45 [20 ILCS 627/45] and 55 [20 ILCS 627/55].

HISTORY:
2021 P.A. 102-662, § 90-20, effective September 16, 2021.

20 ILCS 627/45 Beneficial electrification.

(a) It is the intent of the General Assembly to decrease reliance on fossil fuels, reduce pollution from the transportation sector, increase access to electrification for all consumers, and ensure that electric vehicle adoption and increased electricity usage and demand do not place significant additional burdens on the electric system and create benefits for Illinois residents.

(1) Illinois should increase the adoption of electric vehicles in the State to 1,000,000 by 2030.

(2) Illinois should strive to be the best state in the nation in which to drive and manufacture electric vehicles.

(3) Widespread adoption of electric vehicles is necessary to electrify the transportation sector, diversify the transportation fuel mix, drive economic development, and protect air quality.

(4) Accelerating the adoption of electric vehicles will drive the decarbonization of Illinois' transportation sector.

(5) Expanded infrastructure investment will help Illinois more rapidly decarbonize the transportation sector.

(6) Statewide adoption of electric vehicles requires increasing access to electrification for all consumers.

(7) Widespread adoption of electric vehicles requires increasing public access to charging equipment throughout Illinois, especially in low-income

and environmental justice communities, where levels of air pollution burden tend to be higher.

(8) Widespread adoption of electric vehicles and charging equipment has the potential to provide customers with fuel cost savings and electric utility customers with cost-saving benefits.

(9) Widespread adoption of electric vehicles can improve an electric utility's electric system efficiency and operational flexibility, including the ability of the electric utility to integrate renewable energy resources and make use of off-peak generation resources that support the operation of charging equipment.

(10) Widespread adoption of electric vehicles should stimulate innovation, competition, and increased choices in charging equipment and networks and should also attract private capital investments and create high-quality jobs in Illinois.

(b) As used in this Section:

"Agency" means the Environmental Protection Agency.

"Beneficial electrification programs" means programs that lower carbon dioxide emissions, replace fossil fuel use, create cost savings, improve electric grid operations, reduce increases to peak demand, improve electric usage load shape, and align electric usage with times of renewable generation. All beneficial electrification programs shall provide for incentives such that customers are induced to use electricity at times of low overall system usage or at times when generation from renewable energy sources is high. "Beneficial electrification programs" include a portfolio of the following:

(1) time-of-use electric rates;

(2) hourly pricing electric rates;

(3) optimized charging programs or programs that encourage charging at times beneficial to the electric grid;

(4) optional demand-response programs specifically related to electrification efforts;

(5) incentives for electrification and associated infrastructure tied to using electricity at off-peak times;

(6) incentives for electrification and associated infrastructure targeted to medium-duty and heavy-duty vehicles used by transit agencies;

(7) incentives for electrification and associated infrastructure targeted to school buses;

(8) incentives for electrification and associated infrastructure for medium-duty and heavy-duty government and private fleet vehicles;

(9) low-income programs that provide access to electric vehicles for communities where car ownership or new car ownership is not common;

(10) incentives for electrification in eligible communities;

(11) incentives or programs to enable quicker adoption of electric vehicles by developing public charging stations in dense areas, workplaces, and low-income communities;

(12) incentives or programs to develop electric vehicle infrastructure that minimizes range anxiety, filling the gaps in deployment, particularly in rural areas and along highway corridors;

(13) incentives to encourage the development of electrification and renewable energy generation in close proximity in order to reduce grid congestion;

(14) offer support to low-income communities who are experiencing financial and accessibility barriers such that electric vehicle ownership is not an option; and

(15) other such programs as defined by the Commission.

"Black, indigenous, and people of color" or "BIPOC" means people who are members of the groups described in subparagraphs (a) through (e) of paragraph (A) of subsection (1) of Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act [30 ILCS 575/2].

"Commission" means the Illinois Commerce Commission.

"Coordinator" means the Electric Vehicle Coordinator.

"Electric vehicle" means a vehicle that is exclusively powered by and refueled by electricity, must be plugged in to charge, and is licensed to drive on public roadways. "Electric vehicle" does not include electric mopeds, electric off-highway vehicles, or hybrid electric vehicles and extended-range electric vehicles that are also equipped with conventional fueled propulsion or auxiliary engines.

"Electric vehicle charging station" means a station that delivers electricity from a source outside an electric vehicle into one or more electric vehicles.

"Environmental justice communities" means the definition of that term based on existing methodologies and findings, used and as may be updated by the Illinois Power Agency and its program administrator in the Illinois Solar for All Program.

"Equity investment eligible community" or "eligible community" means the geographic areas throughout Illinois which would most benefit from equitable investments by the State designed to combat discrimination and foster sustainable economic growth. Specifically, "eligible community" means the following areas:

(1) areas where residents have been historically excluded from economic opportunities, including opportunities in the energy sector, as defined pursuant to Section 10-40 of the Cannabis Regulation and Tax Act [410 ILCS 705/10-40]; and

(2) areas where residents have been historically subject to disproportionate burdens of pollution, including pollution from the energy sector, as established by environmental justice communities as defined by the Illinois Power Agency pursuant to Illinois Power Agency Act [20 ILCS 3855/1-1 et seq.], excluding any racial or ethnic indicators.

"Equity investment eligible person" or "eligible person" means the persons who would most benefit from equitable investments by the State designed to combat discrimination and foster sustainable economic growth. Specifically, "eligible person" means the following people:

(1) persons whose primary residence is in an equity investment eligible community;

(2) persons who are graduates of or currently enrolled in the foster care system; or

(3) persons who were formerly incarcerated.

"Low-income" means persons and families whose income does not exceed 80% of the state median income for the current State fiscal year as established by the U.S. Department of Health and Human Services.

"Make-ready infrastructure" means the electrical and construction work necessary between the distribution circuit to the connection point of charging equipment.

"Optimized charging programs" mean programs whereby owners of electric vehicles can set their vehicles to be charged based on the electric system's current demand, retail or wholesale market rates, incentives, the carbon or other pollution intensity of the electric generation mix, the provision of grid services, efficient use of the electric grid, or the availability of clean energy generation. Optimized charging programs may be operated by utilities as well as third parties.

(c) The Commission shall initiate a workshop process no later than November 30, 2021 for the purpose of soliciting input on the design of beneficial electrification programs that the utility shall offer. The workshop shall be coordinated by the Staff of the Commission, or a facilitator retained by Staff, and shall be organized and facilitated in a manner that encourages representation from diverse stakeholders, including stakeholders representing environmental justice and low-income communities, and ensures equitable opportunities for participation, without requiring formal intervention or representation by an attorney.

The stakeholder workshop process shall take into consideration the benefits of electric vehicle adoption and barriers to adoption, including:

(1) the benefit of lower bills for customers who do not charge electric vehicles;

(2) benefits to the distribution system from electric vehicle usage;

(3) the avoidance and reduction in capacity costs from optimized charging and off-peak charging;

(4) energy price and cost reductions;

(5) environmental benefits, including greenhouse gas emission and other pollution reductions;

(6) current barriers to mass-market adoption, including cost of ownership and availability of charging stations;

(7) current barriers to increasing access among populations that have limited access to electric vehicle ownership, communities significantly impacted by transportation-related pollution, and market segments that create disproportionate pollution impacts;

(8) benefits of and incentives for medium-duty and heavy-duty fleet vehicle electrification;

(9) opportunities for eligible communities to benefit from electrification;

(10) geographic areas and market segments that should be prioritized for electrification infrastructure investment.

The workshops shall consider barriers, incentives, enabling rate structures, and other opportunities for the bill reduction and environmental benefits described in this subsection.

The workshop process shall conclude no later than February 28, 2022. Following the workshop, the Staff of the Commission, or the facilitator retained by the Staff, shall prepare and submit a report, no later than March 31, 2022, to the Commission that includes, but is not limited to, recommendations for transportation electrification investment or incentives in the following areas:

(i) publicly accessible Level 2 and fast-charging stations, with a focus on bringing access to transportation electrification in densely populated areas and workplaces within eligible communities;

(ii) medium-duty and heavy-duty charging infrastructure used by government and private fleet vehicles that serve or travel through environmental justice or eligible communities;

(iii) medium-duty and heavy-duty charging infrastructure used in school bus operations, whether private or public, that primarily serve governmental or educational institutions, and also serve or travel through environmental justice or eligible communities;

(iv) public transit medium-duty and heavy-duty charging infrastructure, developed in consultation with public transportation agencies; and

(v) publicly accessible Level 2 and fast-charging stations targeted to fill gaps in deployment, particularly in rural areas and along State highway corridors.

The report must also identify the participants in the process, program designs proposed during the process, estimates of the costs and benefits of proposed programs, any material issues that remained unresolved at the conclusions of such process, and any recommendations for workshop process improvements. The report shall be used by the Commission to inform and evaluate the cost effectiveness and achievement of goals within the submitted Beneficial Electrification Plans.

(d) No later than July 1, 2022, electric utilities serving greater than 500,000 customers in the State shall file a Beneficial Electrification Plan with the Illinois Commerce Commission for programs that start no later than January 1, 2023. The plan shall take into consideration recommendations from the workshop report described in this Section. Within 45 days after the filing of the Beneficial Electrification Plan, the Commission shall, with reasonable notice, open an investigation to consider whether the plan meets the objectives and contains the information required by this Section. The Commission shall determine if the proposed plan is cost-beneficial and in

the public interest. When considering if the plan is in the public interest and determining appropriate levels of cost recovery for investments and expenditures related to programs proposed by an electric utility, the Commission shall consider whether the investments and other expenditures are designed and reasonably expected to:

(1) maximize total energy cost savings and rate reductions so that nonparticipants can benefit;

(2) address environmental justice interests by ensuring there are significant opportunities for residents and businesses in eligible communities to directly participate in and benefit from beneficial electrification programs;

(3) support at least a 40% investment of make-ready infrastructure incentives to facilitate the rapid deployment of charging equipment in or serving environmental justice, low-income, and eligible communities; however, nothing in this subsection is intended to require a specific amount of spending in a particular geographic area;

(4) support at least a 5% investment target in electrifying medium-duty and heavy-duty school bus and diesel public transportation vehicles located in or serving environmental justice, low-income, and eligible communities in order to provide those communities and businesses with greater economic investment, transportation opportunities, and a cleaner environment so they can directly benefit from transportation electrification efforts; however, nothing in this subsection is intended to require a specific amount of spending in a particular geographic area;

(5) stimulate innovation, competition, private investment, and increased consumer choices in electric vehicle charging equipment and networks;

(6) contribute to the reduction of carbon emissions and meeting air quality standards, including improving air quality in eligible communities who disproportionately suffer from emissions from the medium-duty and heavy-duty transportation sector;

(7) support the efficient and cost-effective use of the electric grid in a manner that supports electric vehicle charging operations; and

(8) provide resources to support private investment in charging equipment for uses in public and private charging applications, including residential, multi-family, fleet, transit, community, and corridor applications.

The plan shall be determined to be cost-beneficial if the total cost of beneficial electrification expenditures is less than the net present value of increased electricity costs (defined as marginal avoided energy, avoided capacity, and avoided transmission and distribution system costs) avoided by programs under the plan, the net present value of reductions in other customer energy costs, net revenue from all electric charging in the service territory, and the societal value of reduced carbon emissions and surface-level pollutants, particularly in environmental justice communities. The calculation of costs and benefits should be based on net impacts, including the impact on customer rates.

The Commission shall approve, approve with modifications, or reject the plan within 270 days from the date of filing. The Commission may approve the plan if it finds that the plan will achieve the goals described in this Section and contains the information described in this Section. Proceedings under this Section shall proceed according to the rules provided by Article IX of the Public Utilities Act [220 ILCS 5/9-101 et seq.]. Information contained in the approved plan shall be considered part of the record in any Commission proceeding under Section 16-107.6 of the Public Utilities Act [220 ILCS 5/16-107.6], provided that a final order has not been entered prior to the initial filing date. The Beneficial Electrification Plan shall specifically address, at a minimum, the following:

(i) make-ready investments to facilitate the rapid deployment of charging equipment throughout the State, facilitate the electrification of public transit and other vehicle fleets in the light-duty, medium-duty, and heavy-duty sectors, and align with Agency-issued rebates for charging equipment;

(ii) the development and implementation of beneficial electrification programs, including time-of-use rates and their benefit for electric vehicle users and for all customers, optimized charging programs to achieve savings identified, and new contracts and compensation for services in those programs, through signals that allow electric vehicle charging to respond to local system conditions, manage critical peak periods, serve as a demand response or peak resource, and maximize renewable energy use and integration into the grid;

(iii) optional commercial tariffs utilizing alternatives to traditional demand-based rate structures to facilitate charging for light duty, heavy duty, and fleet electric vehicles;

(iv) financial and other challenges to electric vehicle usage in low-income communities, and strategies for overcoming those challenges, particularly in communities and for people for whom car ownership is not an option;

(v) methods of minimizing ratepayer impacts and exempting or minimizing, to the extent possible, low-income ratepayers from the costs associated with facilitating the expansion of electric vehicle charging;

(vi) plans to increase access to Level 3 Public Electric Vehicle Charging Infrastructure to serve vehicles that need quicker charging times and vehicles of persons who have no other access to charging infrastructure, regardless of whether those projects participate in optimized charging programs;

(vii) whether to establish charging standards for type of plugs eligible for investment or incentive programs, and if so, what standards;

(viii) opportunities for coordination and cohesion with electric vehicle and electric vehicle charging equipment incentives established by any agency, department, board, or commission of the State, any other unit of government in the State, any national programs, or any unit of the federal government;

(ix) ideas for the development of online tools, applications, and data sharing that provide essential information to those charging electric vehicles, and enable an automated charging response to price signals, emission signals, real-time renewable generation production, and other Commission-approved or customer-desired indicators of beneficial charging times; and

(x) customer education, outreach, and incentive programs that increase awareness of the programs and the benefits of transportation electrification, including direct outreach to eligible communities;

(e) Proceedings under this Section shall proceed according to the rules provided by Article IX of the Public Utilities Act. Information contained in the approved plan shall be considered part of the record in any Commission proceeding under Section 16-107.6 of the Public Utilities Act, provided that a final order has not been entered prior to the initial filing date.

(f) The utility shall file an update to the plan on July 1, 2024 and every 3 years thereafter. This update shall describe transportation investments made during the prior plan period, investments planned for the following 24 months, and updates to the information required by this Section. Beginning with the first update, the utility shall develop the plan in conjunction with the distribution system planning process described in Section 16-105.17 [20 ILCS 627/16-105.7], including incorporation of stakeholder feedback from that process.

(g) Within 35 days after the utility files its report, the Commission shall, upon its own initiative, open an investigation regarding the utility's plan update to investigate whether the objectives described in this Section are being achieved. The Commission shall determine whether investment targets should be increased based on achievement of spending goals outlined in the Beneficial Electrification Plan and consistency with outcomes directed in the plan stakeholder workshop report. If the Commission finds, after notice and hearing, that the utility's plan is materially deficient, the Commission shall issue an order requiring the utility to devise a corrective action plan, subject to Commission approval, to bring the plan into compliance with the goals of this Section. The Commission's order shall be entered within 270 days after the utility files its annual report. The contents of a plan filed under this Section shall be available for evidence in Commission proceedings. However, omission from an approved plan shall not render any future utility expenditure to be considered unreasonable or imprudent. The Commission may, upon sufficient evidence, allow expenditures that were not part of any particular distribution plan. The Commission shall consider revenues from electric vehicles in the utility's service territory in evaluating the retail rate impact. The retail rate impact from the development of electric vehicle infrastructure shall not exceed 1% per year of the total annual revenue requirements of the utility.

(h) In meeting the requirements of this Section, the utility shall demonstrate efforts to increase the use of contractors and electric vehicle charging station installers that meet multiple workforce equity actions, including, but not limited to:

(1) the business is headquartered in or the person resides in an eligible community;

(2) the business is majority owned by eligible person or the contractor is an eligible person;

(3) the business or person is certified by another municipal, State, federal, or other certification for disadvantaged businesses;

(4) the business or person meets the eligibility criteria for a certification program such as:

(A) certified under Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act;

(B) certified by another municipal, State, federal, or other certification for disadvantaged businesses;

(C) submits an affidavit showing that the vendor meets the eligibility criteria for a certification program such as those in items (A) and (B); or

(D) if the vendor is a nonprofit, meets any of the criteria in those in item (A), (B), or (C) with the exception that the nonprofit is not required to meet any criteria related to being a for-profit entity, or is controlled by a board of directors that consists of 51% or greater individuals who are equity investment eligible persons; or

(E) ensuring that program implementation contractors and electric vehicle charging station installers pay employees working on electric vehicle charging installations at or above the prevailing wage rate as published by the Department of Labor.

Utilities shall establish reporting procedures for vendors that ensure compliance with this subsection, but are structured to avoid, wherever possible, placing an undue administrative burden on vendors.

(i) Program data collection.

(1) In order to ensure that the benefits provided to Illinois residents and business by the clean energy economy are equitably distributed across the State, it is necessary to accurately measure the applicants and recipients of this Program. The purpose of this paragraph is to require the implementing utilities to collect all data from Program applicants and beneficiaries to track and improve equitable distribution of benefits across Illinois communities. The further purpose is to measure any potential impact of racial discrimination on

the distribution of benefits and provide the utilities the information necessary to correct any discrimination through methods consistent with State and federal law.

(2) The implementing utilities shall collect demographic and geographic data for each applicant and each person or business awarded benefits or contracts under this Program.

(3) The implementing utilities shall collect the following information from applicants and Program or procurement beneficiaries where applicable:

(A) demographic information, including racial or ethnic identity for real persons employed, contracted, or subcontracted through the program;

(B) demographic information, including racial or ethnic identity of business owners;

(C) geographic location of the residency of real persons or geographic location of the headquarters for businesses; and

(D) any other information necessary for the purpose of achieving the purpose of this paragraph.

(4) The utility shall publish, at least annually, aggregated information on the demographics of program and procurement applicants and beneficiaries. The utilities shall protect personal and confidential business information as necessary.

(5) The utilities shall conduct a regular review process to confirm the accuracy of reported data.

(6) On a quarterly basis, utilities shall collect data necessary to ensure compliance with this Section and shall communicate progress toward compliance to program implementation contractors and electric vehicle charging station installation vendors.

(7) Utilities filing Beneficial Electrification Plans under this Section shall report annually to the Illinois Commerce Commission and the General Assembly on how hiring, contracting, job training, and other practices related to its Beneficial electrification programs enhance the diversity of vendors working on such programs. These reports must include data on vendor and employee diversity.

(j) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes [5 ILCS 70/1.31].

HISTORY:
2021 P.A. 102-662, § 90-20, effective September 16, 2021; 2022 P.A. 102-820, § 5, effective May 13, 2022.

20 ILCS 627/55 Charging rebate program.

(a) In order to substantially offset the installation costs of electric vehicle charging infrastructure, beginning July 1, 2022, and continuing as long as funds are available, the Agency shall issue rebates, consistent with the Commission-approved Beneficial Electrification Plans in accordance with Section 45 [20 ILCS 627/45], to public and private organizations and companies to install and maintain Level 2 or Level 3 charging stations.

(b) The Agency shall award rebates or grants that fund up to 80% of the cost of the installation of charging stations. The Agency shall award additional incentives per port for every charging station installed in an eligible community and every charging station located to support eligible persons. In order to be eligible to receive a rebate or grant, the organization or company must submit an application to the Agency and commit to paying the prevailing wage for the installation project. The Agency shall by rule provide application and other programmatic details and requirements, including additional incentives for eligible communities. The Agency may determine per port or project caps based on a review of best practices and stakeholder engagement. The Agency shall accept applications on a rolling basis and shall award rebates or grants within 60 days of each application. The Agency must require that any grant or rebate applicant comply with the requirements of the Prevailing Wage Act for any installation of a charging station for which it seeks a rebate or grant.

HISTORY:
2021 P.A. 102-662, § 90-20, effective September 16, 2021; 2021 P.A. 102-673, § 5, effective November 30, 2021.

20 ILCS 627/60 Study on loss of infrastructure funds and replacement options. [Repealed January 1, 2024]

The Illinois Department of Transportation shall conduct a study to be delivered to the members of the Illinois General Assembly and made available to the public no later than September 30, 2022. The study shall consider how the proliferation of electric vehicles will adversely affect resources needed for transportation infrastructure and take into consideration any relevant federal actions. The study shall identify the potential revenue loss and offer multiple options for replacing those lost revenues. The Illinois Department of Transportation shall collaborate with organizations representing businesses involved in designing and building transportation infrastructure, organized labor, the general business community, and users of the system. In addition, the Illinois Department of Transportation may collaborate with other state agencies, including but not limited to the Illinois Secretary of State and the Illinois Department of Revenue.

This Section is repealed on January 1, 2024.

HISTORY:
2021 P.A. 102-662, § 90-20, effective September 16, 2021; 2021 P.A. 102-673, § 5, effective November 30, 2021.

20 ILCS 627/99 Effective date

This Act takes effect upon becoming law.

HISTORY:
P.A. 97-89, § 99.

DEPARTMENT OF NATURAL RESOURCES

Interagency Wetland Policy Act of 1989
Recreational Trails of Illinois Act

INTERAGENCY WETLAND POLICY ACT OF 1989

Article I. GENERAL PROVISIONS

Article II. Agency Coordination

Article III. STATE WETLAND MITIGATION POLICY

Article IV. ADMINISTRATION

ARTICLE I.

GENERAL PROVISIONS

20 ILCS 830/1-1 Short Title

This Act shall be known and may be cited as the "Interagency Wetland Policy Act of 1989".

HISTORY:
P.A. 86-157.

20 ILCS 830/1-2 Legislative declaration

The General Assembly finds and determines that:

(a) In 1818, Illinois contained an estimated 8.2 million acres of wetlands. Based upon preliminary results of the Illinois portion of the National Wetlands Inventory, less than nine percent of the original acres remain.

(b) With the significant loss in acreage, a corresponding loss in the functional values and benefits that wetlands provide has occurred.

(c) Continued loss of Illinois' wetlands may deprive the people of this State of some or all of the benefits which they provide, including:

(1) reducing flood damages by absorbing, storing and conveying peak flows from storms;

(2) improving water quality by serving as sedimentation and filtering basins and as natural biological treatment areas;

(3) providing breeding, nesting, forage and protective habitat for approximately 40 percent of the State's threatened and endangered plants and animals, in addition to other forms of fish, wildlife, waterfowl and shorebirds;

(4) protecting underground water resources and helping to recharge rivers, streams and local or regional underground water supplies;

(5) serving as recreational areas for hunting, fishing, boating, hiking, bird watching, photography and other uses;

(6) providing open space and aesthetic values, particularly in rapidly developing areas;

(7) providing unique educational and research opportunities because of their high diversity of plants and animals, their support for a high incidence of threatened and endangered species, and their function as a natural buffer for rivers, lakes and streams;

(8) supplying nutrients in freshwater food cycles and serving as nursery areas and sanctuaries for young fish; and

(9) helping to protect shorelines from the forces of water erosion.

HISTORY:
P.A. 86-157.

20 ILCS 830/1-3 Application

The General Assembly recognizes the environmental, economic and social values of the State's remaining wetlands and directs that State agencies shall preserve, enhance, and create wetlands where possible and avoid adverse impacts to wetlands from:

(a) State and State pass-through funded construction activities. This Act does not apply to construction activities costing less than $10,000, in which nonpublic contributions are at least 25 percent of the total cost. This Act does not apply to cleanup of contaminated sites authorized, funded or approved pursuant to: (1) the federal Comprehensive Environmental Response Compensation and Liability Act of 1980 (P.L. 96-510), as amended [42 U.S.C. § 9602]; (2) the leaking underground storage tank program, as established in Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616), as amended [42 U.S.C. § 6901 et seq.], of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580) [42 U.S.C. § 6901 et seq.]; (3) the State remedial action program established under Section 4 of the Environmental Protection Act, as amended [415 ILCS 5/4], or any other Section of this Act or regulations promulgated thereunder which pertain to the above exempted federal cleanup programs.

This Act does not apply to projects receiving loan assistance provided to local government units under the provisions of the Illinois Water Pollution Control Revolving Fund, that are subject to review under the

National Environmental Policy Act of 1969 (NEPA) [42 U.S.C. § 4321 et seq.] or the state equivalent, pursuant to rules governing the Illinois Water Pollution Control Revolving Fund.

(b) State supported land management activities;

(c) State and State supported technical assistance programs; and

(d) Other State activities that result in adverse impacts to wetlands.

Educational materials produced with State support, shall be consistent with the policies contained within this Act.

HISTORY:
P.A. 86-157.

20 ILCS 830/1-4 State goal

It shall be the goal of the State that there be no overall net loss of the State's existing wetland acres or their functional value due to State supported activities. Further, State agencies shall preserve, enhance and create wetlands where necessary in order to increase the quality and quantity of the State's wetland resource base.

HISTORY:
P.A. 86-157.

20 ILCS 830/1-5 Goal implementation

The goal is implemented through a State Wetland Mitigation Policy and the development of Agency Action Plans.

HISTORY:
P.A. 86-157.

20 ILCS 830/1-6 Definitions

As used in this Act:

(a) "Wetland" means land that has a predominance of hydric soils (soils which are usually wet and where there is little or no free oxygen) and that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation (plants typically found in wet habitats) typically adapted for life in saturated soil conditions. Areas which are restored or created as the result of mitigation or planned construction projects and which function as a wetland are included within this definition even when all three wetland parameters are not present.

(b) "Adverse wetland impacts" means any land management and construction or related project activity which directly or indirectly reduces the size of a wetland or impairs a wetland's functional value, as described in subsection (c) of Section 1-2 of this Act [20 ILCS 830/1-2], or the hydraulic and hydrologic characteristics of a wetland.

(c) "Director" means the Director of Natural Resources.

(d) "Department" with reference to this Act means the Department of Natural Resources.

(e) "Committee" means the Interagency Wetlands Committee created by this Act.

(f) "Mitigation" includes avoiding, minimizing or compensating for adverse wetland impacts. This includes:

(1) Avoiding the impact altogether by not taking a certain action or parts of an action;

(2) Minimizing the impact by limiting the magnitude of the action; and

(3) Compensating for the impact by replacing or providing substitute wetland resources or environments.

(g) "Agency Action Plan" means a plan developed by an individual agency to implement this Act.

(h) "Wetland Compensation Plan" means a plan developed for each individual construction project that details how the responsible agency will compensate for actions which will result in adverse wetland impacts.

(i) "Conservation Organization" means an organization, legally established under Illinois Law, for the purpose of managing and protecting natural resources.

(j) "Necessary" means in a manner consistent with the intent of this Act.

HISTORY:
P.A. 86-157; 89-445, § 9A-13.

ARTICLE II.

AGENCY COORDINATION

20 ILCS 830/2-1 Interagency Wetlands Committee.

An Interagency Wetlands Committee, chaired by the Director of Natural Resources or his or her representative, is established. The Directors of the following agencies, or their respective representatives, shall serve as members of the Committee:

Capital Development Board,

Department of Agriculture,

Department of Commerce and Economic Opportunity,

Environmental Protection Agency, and

Department of Transportation.

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

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

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

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

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

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

(e) Preparing reports, including:

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

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

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

HISTORY:
P.A. 86-157; 89-445, § 9B-6; 92-651, § 13; 94-793, § 215; 2018 P.A. 100-695, § 10, effective August 3, 2018.

20 ILCS 830/2-2 Agency Action Plans

Within one year following passage of this Act each State agency serving on the Interagency Wetlands Committee shall prepare an Agency Action Plan, which shall be used as the agency's procedural plan for the implementation of this Act. Guidelines for Agency Action Plans shall be developed by the Department and reviewed by the Committee within 6 months of the effective date of this Act.

(a) Minimum elements of each Agency Action Plan will include:

(1) Provisions for both a consultation process with the Department and conflict resolution process through the Governor's office;

(2) Procedures for the development of a Wetland Compensation Plan;

(3) Procedures to scientifically monitor the success of wetland restoration/creation projects.

(4) Procedures to minimize the destruction of wetlands caused or encouraged by State supported construction, land management, technical assistance, educational and other activities;

(5) Procedures to increase the quantity and quality of wetlands as a standard component of agency activities including incentives for the creation of wetlands in the agency's regulation of activities for which wetland compensation plans are not required by this Act;

(6) Procedures to coordinate the responsibilities contained within this Act with other State programs;

(7) Procedures to ensure that historic and archaeological resources will not be negatively impacted by this Act; and

(8) An acquisition policy related to implementation of this Act.

(b) Agency Action Plans may also include: (1) procedures for the development and management of a Wetland Compensation Account; and (2) procedures to expedite the review of certain classes of projects.

(c) Agency Action Plans shall be submitted to the Governor and the General Assembly after review and approval by the Department.

HISTORY:
P.A. 86-157.

ARTICLE III.

STATE WETLAND MITIGATION POLICY

20 ILCS 830/3-1 State Wetland Mitigation Policy

This Act implements the State Wetland Mitigation Policy, which directs that each State agency shall preserve wetlands as a priority of action when they develop construction or land management plans. When an agency can establish that no other feasible alternative exists and adverse wetland impacts are unavoidable, adverse impacts are to be compensated for through the development and implementation of a Department approved Wetland Compensation Plan.

The policy requires progressive levels of compensation based upon the level of impact to the existing wetland and the location of compensation wetlands. Priority shall be given to locating compensation wetlands close to the wetland area impacted.

Proposed State and State-supported construction activities which may impact wetlands identified on the Illinois Natural Areas Inventory, under public ownership or which provide habitat for State or federally threatened or endangered species will continue to require direct consultation with the Department and compliance with the Endangered Species Protection Act of 1986 [520 ILCS 10/1 et seq.].

HISTORY:
P.A. 86-157.

20 ILCS 830/3-2 Ownership and management

Wetlands, whether purchased, restored or created as the result of this Act shall be protected through either easements or fee simple transfer to either a public conservation agency or private conservation organization which will protect and manage the area.

HISTORY:
P.A. 86-157.

20 ILCS 830/3-3 Wetland Compensation Account

Each State agency is hereby authorized to establish a Wetland Compensation Account to reconcile debits and credits established as the result of Wetland Compensation Plans.

Management of a Wetland Compensation Account, if established, is the responsibility of the individual State agency. The Department shall review each agency's Compensation Account to confirm that all debits and credits are accounted for and balanced.

HISTORY:
P.A. 86-157.

20 ILCS 830/3-4 Impact evaluation

For each project action involving a wetland, State agencies shall follow a multi-step process to avoid and minimize adverse wetland impacts as the preferred course of action. An agency must document that no other feasible alternative exists before adverse impacts are considered.

In order of priority, these steps shall include:

(1) The avoidance of adverse wetland impacts;

(2) Minimal alteration with compensation on the site of the proposed project;

(3) Significant alteration with compensation on the site of the proposed project;

(4) Wetland destruction with compensation on the site of the proposed project;

(5) Wetland destruction with compensation off the site of the proposed project but within the same drainage basin; and

(6) Wetland destruction with compensation both off the site of the proposed project and out of the drainage basin.

HISTORY:
P.A. 86-157.

20 ILCS 830/3-5 Value

Value shall include: Value for each compensation plan shall be established by the agency developing the compensation plan in consultation with the Department.

HISTORY:
P.A. 86-157.

20 ILCS 830/3-6 Compensation ratios

Wetland Compensation Plans must adhere to a schedule of increasing compensation ratios based upon the amount of adverse wetland impact and the location of compensation projects.

(a) Compensation ratios are required to:

(1) Ensure that wetland systems are not destroyed without careful evaluation of other alternatives; and

(2) Discourage destruction of wetland resources in rapidly developing areas of Illinois and their replacement within other regions of the State.

(b) Compensation ratios shall be established and shall be progressively higher to reflect the priority actions identified in Section 3-4 [20 ILCS 830/3-4].

The lowest compensation ratio shall be for minimal alteration and compensation on-site. The highest compensation ratio shall be for destruction and compensation outside the impacted wetland's drainage basin.

Progressively higher compensation ratios shall strongly encourage agencies to avoid or minimize adverse wetland impacts and to compensate on-site.

(c) Compensation may be accomplished through a combination of creation of new wetlands, restoration of degraded wetlands, acquisition of existing wetlands, or research. Compensation shall be accomplished using the best available technology.

(d) The Department, through the Interagency Wetlands Committee, shall review the compensation ratios to determine their adequacy and appropriateness, and shall report the results of this review in the biennial report required in Section 2-1 [20 ILCS 830/2-1].

(e) When adverse wetland impacts occur, the Wetland Compensation Plan must include the creation of at least one-for-one replacement of new wetlands of comparable functional type and size, before restoration, acquisition or research alternatives are considered.

One provision of a Wetland Compensation Plan may include funding for needed research on wetland functions, restoration or creation. Credit for research funding requires approval of the Department upon consultation of the Committee.

HISTORY:
P.A. 86-157.

ARTICLE IV.

ADMINISTRATION

20 ILCS 830/4-1 Administration

The Department shall administer this Act and shall formulate rules and regulations necessary for its implementation.

HISTORY:
P.A. 86-157.

RECREATIONAL TRAILS OF ILLINOIS ACT

Section

20 ILCS 862/10 Definitions.

As used in this Act:

"Department" means the Department of Natural Resources.

"Director" means the Director of Natural Resources.

"Facilities" means equipment or other man-made improvement that is directly associated with, and provided for, a recreational trail. Typical recreational trail facilities include signage, gates, culverts, trail

bridges, railings, benches, security cameras, security lighting, aggregate and other erosion control measures, picnic shelters, informational kiosks, and vault toilets.

"Large non-highway vehicle" means any motorized off-highway device designed to travel primarily off-highway, greater than 64 inches and not more than 75 inches in width, having a manufacturer's dry weight of 3,500 pounds or less, traveling on 4 or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers.

"Off-highway vehicle" means a motor-driven recreational vehicle capable of cross-country travel on natural terrain without benefit of a road or trail, including an all-terrain vehicle and off-highway motorcycle as defined in the Illinois Vehicle Code. "Off-highway vehicle" does not include a snowmobile; a motorcycle; a watercraft; snow-grooming equipment when used for its intended purpose; an aircraft; or a large non-highway vehicle.

"Recreational trail" means a thoroughfare or track across land or snow or along water, used for recreational purposes such as bicycling, cross-country skiing, day hiking, equestrian activities, jogging or similar fitness activities, trail biking, overnight and long-distance backpacking, snowmobiling, aquatic or water activity, and vehicular travel by motorcycle or off-highway vehicles.

HISTORY:
P.A. 90-287, § 10; 97-1136, § 90-15; 2018 P.A. 100-798, § 5, effective January 1, 2019; 2021 P.A. 102-312, § 5, effective January 1, 2022.

20 ILCS 862/36.7 Large non-highway vehicles.

A large non-highway vehicle may not be granted an off-highway vehicle trails public access sticker under Section 25.5 [20 ILCS 862/25.5] or be operated on lands or waters under that Section.

HISTORY:
2021 P.A. 102-312, § 5, effective January 1, 2022.

DEPARTMENT OF STATE POLICE

Civil Administrative Code of Illinois (Department of State Police Law)
Illinois State Police Act

CIVIL ADMINISTRATIVE CODE OF ILLINOIS (DEPARTMENT OF STATE POLICE LAW)

Article 2605. Illinois State Police

Section
20 ILCS 2605/2605-410 Over Dimensional Load Police Escort Fund. [Effective until January 1, 2023]

ARTICLE 2605.

ILLINOIS STATE POLICE

20 ILCS 2605/2605-410 Over Dimensional Load Police Escort Fund. [Effective until January 1, 2023]

To charge, collect, and receive fees or moneys as described in Section 15-312 of the Illinois Vehicle Code [625 ILCS 5/15-312]. All fees received by the Illinois State Police under Section 15-312 of the Illinois Vehicle Code shall be deposited into the Over Dimensional Load Police Escort Fund, a special fund that is created in the State treasury. Subject to appropriation, the money in the Over Dimensional Load Police Escort Fund shall be used by the Illinois State Police for its expenses in providing police escorts and commercial vehicle enforcement activities. This Fund is dissolved upon the transfer of the remaining balance from the Over Dimensional Load Police Escort Fund to the State Police Operations Assistance Fund as provided under subsection (a-5) of Section 6z-82 of the State Finance Act [30 ILCS 105/6z-82]. This Section is repealed on January 1, 2023.

HISTORY:
P.A. 95-787, § 5; 2021 P.A. 102-538, § 195, effective August 20, 2021; 2022 P.A. 102-813, § 170, effective May 13, 2022.

ILLINOIS STATE POLICE ACT

Section
20 ILCS 2610/16 [Duties and powers of State policemen]
20 ILCS 2610/21 [Policing toll highways; powers and duties of officers]

20 ILCS 2610/16 [Duties and powers of State policemen]

State policemen shall enforce the provisions of The Illinois Vehicle Code [625 ILCS 5/1-100 et seq.], approved September 29, 1969, as amended, and Article 9 of the "Illinois Highway Code" [605 ILCS 5/9-101 et seq.] as amended; and shall patrol the public highways and rural districts to make arrests for violations of the provisions of such Acts. They are conservators of the peace and as such have all powers possessed by policemen in cities, and sheriffs, except that they may exercise such powers anywhere in this State. The State policemen shall cooperate with the police of cities, villages and incorporated towns, and with the police officers of any county, in enforcing the laws of the State and in making arrests and recovering property. They may be equipped with standardized and tested devices for weighing motor vehicles and may stop and weigh, acting reasonably, or cause to be weighed, any motor vehicle which appears to weigh in excess of the weight permitted by law. It shall also be the duty of the Illinois State Police to determine, whenever possible, the person or persons

or the causes responsible for the breaking or destruction of any improved hard-surfaced roadway; to arrest all persons criminally responsible for such breaking or destruction and bring them before the proper officer for trial. The Illinois State Police shall divide the State into Districts and assign each district to one or more policemen. No person employed under this Act, however, shall serve or execute civil process, except for process issued under the authority of the General Assembly, or a committee or commission thereof vested with subpoena powers when the county sheriff refuses or fails to serve such process, and except for process issued under the authority of the Illinois Department of Revenue.

HISTORY:
P.A. 84-25; 2021 P.A. 102-538, § 200, effective August 20, 2021.

20 ILCS 2610/21 [Policing toll highways; powers and duties of officers]

(a) The Illinois State Police shall appoint as State policemen the number of persons required for assignment to the policing of toll highways by contracts made pursuant to Section 20 of this Act [20 ILCS 2610/20]; and such policemen shall have the same qualifications and shall be appointed and paid and shall receive the same benefits, as all other State policemen.

(b) The Director shall assign such policemen in accordance with the contract provisions, which may authorize temporary increases or decreases in the number of policemen so assigned when emergency conditions so require.

(c) State policemen so assigned have, in policing the toll highways, all powers and duties of enforcement and arrest which Section 16 of this Act [20 ILCS 2610/16] confers upon State policemen generally in policing other public highways and other areas, and in addition have the duty to enforce all regulations established by the Illinois State Toll Highway Authority pursuant to the authority of the Toll Highway Act [605 ILCS 10/1 et seq.].

HISTORY:
P.A. 85-1042; 2021 P.A. 102-538, § 200, effective August 20, 2021.

DEPARTMENT OF TRANSPORTATION

Civil Administrative Code of Illinois (Department of Transportation Law)

CIVIL ADMINISTRATIVE CODE OF ILLINOIS (DEPARTMENT OF TRANSPORTATION LAW)

Article 2705. Department of Transportation

Section

ARTICLE 2705.

DEPARTMENT OF TRANSPORTATION

20 ILCS 2705/2705-1 Article short title

This Article 2705 of the Civil Administrative Code of Illinois may be cited as the Department of Transportation Law.

HISTORY:
P.A. 91-239, § 5-5.

20 ILCS 2705/2705-5 Definitions

In this Law:

"Department" means the Department of Transportation.

"Secretary" means the Secretary of Transportation.

HISTORY:
P.A. 91-239, § 5-5.

20 ILCS 2705/2705-10 Powers, generally

The Department has the powers enumerated in the following Sections.

HISTORY:
P.A. 86-610; 91-239, § 5-5.

20 ILCS 2705/2705-15 Administrative organization

(a) The Secretary may create and establish offices, divisions, and administrative units as necessary for the efficient administration and operation of the Department and may assign functions, powers, and duties to the several offices, divisions, and administrative units in the Department.

(b) The Department has the power to establish the administrative organization within the Department that is required to carry out the powers, duties, and functions of the Department and best utilize the personnel, skills, facilities, and resources of the Department and its offices, divisions, and agencies.

HISTORY:
P.A. 77-153; 91-239, § 5-5.

20 ILCS 2705/2705-90 Criminal history record information from Illinois State Police.

Whenever the Department is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Illinois State Police Law [20 ILCS 2605/2605-400], the Illinois State Police is authorized to furnish, pursuant to positive identification, the information contained in State files that is necessary to fulfill the request.

HISTORY:
P.A. 86-610; 91-239, § 5-5; 2021 P.A. 102-538, § 245, effective August 20, 2021.

20 ILCS 2705/2705-100 Aeronautics; transfer from Department of Aeronautics

The Department has the power to exercise, administer, and enforce, through a Division of Aeronautics, all rights, powers, and duties vested in the Department of Aeronautics by the Illinois Aeronautics Act [620 ILCS 5/1 et seq.]. The Department has the power to regulate and supervise aeronautics in this State and to administer and enforce all laws of this State pertaining to aeronautics.

HISTORY:
P.A. 78-479; 91-239, § 5-5.

20 ILCS 2705/2705-105 Bridge and ferry operation; transfer from Department of Public Works and Buildings

The Department has the power to exercise, administer, and enforce the rights, powers, and duties vested in the Department of Public Works and Buildings by any law relating to the operation of bridges and ferries.

HISTORY:
P.A. 77-153; 89-445, § 9E-2; 91-239, § 5-5.

20 ILCS 2705/2705-110 Motor vehicles; transfer from Department of Public Works and Buildings

The Department has the power to exercise, administer and enforce all rights, powers, and duties vested in the Department of Public Works and Buildings by the Illinois Vehicle Code [625 ILCS 5/1-100 et seq.].

HISTORY:
P.A. 77-153; 91-239, § 5-5.

20 ILCS 2705/2705-115 Roads and bridges; transfer from Department of Public Works and Buildings

The Department has the power to exercise, administer, and enforce all rights, powers, and duties vested in the Department of Public Works and Buildings by the Illinois Highway Code [605 ILCS 5/1-101 et seq.], and any other law relating to roads, streets, and bridges and toll highways.

HISTORY:
P.A. 77-153; 91-239, § 5-5.

20 ILCS 2705/2705-120 Transfer of other rights, powers, and duties from Department of Public Works and Buildings

The Department has the power to exercise all rights, powers, and duties vested by law in the Department of Public Works and Buildings and in the Director of Public Works and Buildings not otherwise expressly transferred to and vested in another department.

HISTORY:
P.A. 77-153; 91-239, § 5-5.

20 ILCS 2705/2705-125 Safety inspection of motor vehicles; transfer from various State agencies.

The Department has the power to administer, exercise, and enforce the rights, powers, and duties presently vested in the Illinois State Police and the Division of State Troopers under the Illinois Vehicle Inspection Law [625 ILCS 5/13-101 et seq.], in the Illinois Commerce Commission, in the State Board of Education, and in the Secretary of State under laws relating to the safety inspection of motor vehicles operated by common carriers, of school buses, and of motor vehicles used in the transportation of school children and motor vehicles used in driver exam training schools for hire licensed under Article IV of the Illinois Driver Licensing Law [625 ILCS 5/6-401 et seq.] or under any other law relating to the safety inspection of motor vehicles of the second division as defined in the Illinois Vehicle Code [625 ILCS 5/1-100 et seq.].

HISTORY:
P.A. 84-25; 91-239, § 5-5; 96-740, § 5; 2021 P.A. 102-538, § 245, effective August 20, 2021.

20 ILCS 2705/2705-175 State employees; effect of transfer to Department

The transfer to the Department of Transportation of employees of the Department of Public Works and Buildings or of any other department, office, or agency of the State shall not affect the status of those employees under civil service, merit service, the Personnel Code [20 ILCS 415/1 et seq.], or other laws relating to State employees.

HISTORY:
P.A. 77-153; 91-239, § 5-5.

20 ILCS 2705/2705-200 Master plan; reporting requirements

(a) The Department has the power to develop and maintain a continuing, comprehensive, and integrated planning process that shall develop and periodically revise a statewide master plan for transportation to guide program development and to foster efficient and economical transportation services in ground, air, water, and all other modes of transportation throughout the State. The Department shall coordinate its transportation planning activities with those of other State agencies and authorities and shall supervise and review any transportation planning performed by other Executive agencies under the direction of the Governor. The Department shall cooperate and participate with federal, regional, interstate, State, and local agencies, in accordance with Sections 5-301 and 7-301 of the Illinois Highway Code [605 ILCS 5/5-301 and 605 ILCS 5/7-301], and with interested private individuals and organizations in the coordination of plans and policies for development of the state's transportation system.

To meet the provisions of this Section, the Department shall publish and deliver to the Governor and General Assembly by December 31, 2012 and every 5 years thereafter, its master plan for highway, waterway, aeronautic, mass transportation, and railroad systems. The plan shall identify priority subsystems or components of each system that are critical to the economic and general welfare of this State regardless of public jurisdictional responsibility or private ownership.

The master plan shall include a comprehensive and multimodal freight mobility plan which shall

analyze commodity flows, assess the freight transportation network, and identify significant freight system trends, needs, and economic opportunities. It shall recommend improvements in the operation and management of the freight system, projects that will eliminate inefficiencies in the State's freight network, methods of funding needed for freight system improvements, and policies to ensure the safe, reliable, and efficient movement of goods within and through the State and to ensure the State's economic vitality. The freight mobility plan shall incorporate and maintain compatibility with any federally required rail plan affecting this State.

The master plan shall provide particular emphasis and detail of at least the 5-year period in the immediate future.

Annual and 5-year, or longer, project programs for each State system in this Section shall be published and furnished the General Assembly on the first Wednesday in April of each year.

Identified needs included in the project programs shall be listed and mapped in a distinctive fashion to clearly identify the priority status of the projects: (1) projects to be committed for execution; (2) tentative projects that are dependent upon funding or other constraints; and (3) needed projects that are not programmed due to lack of funding or other constraints.

All projects shall be related to the priority systems of the master plan, and the priority criteria identified. Cost and estimated completion dates shall be included for work required to complete a useable segment or component beyond the period of the program.

(b) The Department shall publish and deliver to the Governor and General Assembly on the first Wednesday in April of each year a 5-year, or longer, Highway Improvement Program reporting the number of fiscal years each project has been on previous plans submitted by the Department.

(c) The Department shall publish and deliver to the Governor and the General Assembly by November 1 of each year a For the Record report that shall include the following:

(1) All the projects accomplished in the previous fiscal year listed by each Illinois Department of Transportation District.

(2) The award cost and the beginning dates of each listed project.

HISTORY:

P.A. 82-110; 90-277, § 5; 91-239, § 5-5; 91-357, § 40; 92-16, § 25; 94-91, § 15-5; 97-32, § 5.

20 ILCS 2705/2705-203 Transportation asset management plan and performance-based programming.

(a) The General Assembly declares it to be in the public interest that a project prioritization process be developed and implemented to: improve the efficiency and effectiveness of the State's transportation system and transportation safety; enhance movement and multi-modal connections of people and goods; mitigate environmental impacts; and promote inclusive economic growth throughout the State.

(b) In accordance with Section 2705-200 [20 ILCS 2705/2705-200], the Department of Transportation shall develop and publish a statewide multi-modal transportation improvement program for all transportation facilities under its jurisdiction. The development of the program shall use the following methods:

(1) use transportation system information to make investment and policy decisions to achieve statewide and regional performance goals established in the State's long-range transportation plan;

(2) ensure transportation investment decisions emerge from an objective and quantifiable technical analysis;

(3) evaluate the need and financial support necessary for maintaining, expanding, and modernizing existing transportation infrastructure;

(4) ensure that all State transportation funds invested are directed to support progress toward the achievement of performance targets established in the State's long-range transportation plan;

(5) make investment decisions transparent and accessible to the public;

(6) consider emissions and increase infrastructure resilience to climate change; and

(7) reduce disparities in transportation system performance experienced by racially marginalized communities, low-income to moderate-income consumers, and other disadvantaged groups and populations identified under the Environmental Justice Act [415 ILCS 155/1 et seq.].

(c) The Department shall develop a risk-based, statewide highway system asset management plan in accordance with 23 U.S.C. 119 and 23 CFR Part 515 to preserve and improve the condition of highway and bridge assets and enhance the performance of the system while minimizing the life-cycle cost. The asset management plan shall be made publicly available on the Department's website.

(d) The Department shall develop a needs-based transit asset management plan for State-supported public transportation assets, including vehicles, facilities, equipment, and other infrastructure in accordance with 49 CFR Part 625. The goal of the transit asset management plan is to preserve and modernize capital transit assets that will enhance the performance of the transit system. Federally required transit asset management plans developed by the Regional Transportation Authority (RTA) or service boards, as defined in Section 1.03 of the Regional Transportation Authority Act [70 ILCS 3615/1.03], shall become the transportation asset management plans for all public transportation assets owned and operated by the service boards. The Department's transit asset management plan shall be made pub-

licly available on the Department's website. The RTA shall be responsible for making public transit asset management plans for its service area publicly available.

(e) The Department shall develop a performance-based project selection process to prioritize taxpayer investment in State-owned transportation assets that add capacity. The goal of the process is to select projects through an evaluation process. This process shall provide the ability to prioritize projects based on geographic regions. The Department shall solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, representatives of labor and private businesses, the public, community-based organizations, and other stakeholders in its development of the prioritization process pursuant to this subsection.

The selection process shall include a defined public process by which candidate projects are evaluated and selected. The process shall include both a quantitative analysis of the evaluation factors and qualitative review by the Department. The Department may apply different weights to the performance measures based on regional geography or project type. Projects selected as part of the process will be considered for inclusion in the State's multi-year transportation program and the annual element of the multi-year program. Starting April 1, 2022, no new capacity project shall be included in the multi-year transportation plan or annual element without being evaluated under the selection process described in this Section. Existing projects in the multi-year highway improvement program may be included regardless of the outcome of using the performance-based project selection tool. The policies that guide the performance-based project selection process shall be derived from State and regional long-range transportation plans. The Department shall certify that it is making progress toward the goals included in the State's long-range transportation plan. All plan and program development based on the project selection process described in this subsection shall include consideration of regional balance. The selection process shall be based on an objective and quantifiable analysis that considers, at a minimum, the goals identified in the long-range transportation plan and shall:

(1) consider emissions and increase infrastructure resilience due to climate change; and

(2) reduce disparities in transportation system performance experienced by racially marginalized communities, low-income to moderate-income consumers, and other disadvantaged groups and populations identified under the Environmental Justice Act.

(f) The prioritization process developed under subsection (e) may apply only to State jurisdiction projects and not to:

(1) projects funded by the Congestion Mitigation and Air Quality Improvement funds apportioned to the State pursuant to 23 U.S.C. 104(b)(4) and State matching funds;

(2) projects funded by the Highway Safety Improvement Program funds apportioned to the State pursuant to 23 U.S.C. 104(b)(3) and State matching funds;

(3) projects funded by the Transportation Alternatives funds set-aside pursuant to 23 U.S.C. 133(h) and State matching funds;

(4) projects funded by the National Highway Freight Program pursuant to 23 U.S.C. 167 and State matching funds;

(5) funds to be allocated to urban areas based on population under federal law; and

(6) any new federal program that requires competitive selection, distribution to local public agencies, or specific eligibility.

(g) A summary of the project evaluation process, measures, program, and scores for all candidate projects shall be published on the Department website in a timely manner.

HISTORY:
2021 P.A. 102-573, § 5, effective August 24, 2021.

20 ILCS 2705/2705-205 Study of demand for transportation.

The Department has the power, in cooperation with State universities and other research oriented institutions, to study the extent and nature of the demand for transportation and to collect and assemble information regarding the most feasible, technical and socio-economic solutions for meeting that demand and the costs thereof. The Department has the power to report to the Governor and the General Assembly, by February 15 of each odd-numbered year, the results of the study and recommendations based on the study.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act [25 ILCS 5/3.1] and by filing additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act [15 ILCS 320/7].

HISTORY:
P.A. 84-1438; 91-239, § 5-5; 2018 P.A. 100-1148, § 60, effective December 10, 2018.

20 ILCS 2705/2705-207: [Repealed] Repealed by P.A. 93-405, § 5, effective January 1, 2005.

20 ILCS 2705/2705-210 Traffic control and prevention of accidents. [Effective until July 1, 2023]

The Department has the power to develop, consolidate, and coordinate effective programs and activities for the advancement of driver education, for the facilitation of the movement of motor vehicle traffic, and for the protection and conservation of life and

property on the streets and highways of this State and to advise, recommend, and consult with the several departments, divisions, boards, commissions, and other agencies of this State in regard to those programs and activities. The Department has the power to aid and assist the counties, cities, towns, and other political subdivisions of this State in the control of traffic and the prevention of traffic accidents. That aid and assistance to counties, cities, towns, and other political subdivisions of this State shall include assistance with regard to planning, traffic flow, light synchronizing, preferential lanes for carpools, and carpool parking allocations.

To further the prevention of accidents, the Department shall conduct a traffic study following the occurrence of any accident involving a pedestrian fatality that occurs at an intersection of a State highway. The study shall include, but not be limited to, consideration of alternative geometric design improvements, traffic control devices, and any other improvements that the Department deems necessary. The Department shall make the results of the study available to the public on its website.

HISTORY:
P.A. 80-1016; 91-239, § 5-5; 2021 P.A. 102-333, § 5, effective January 1, 2022.

20 ILCS 2705/2705-210 Traffic control and prevention of crashes. [Effective July 1, 2023]

The Department has the power to develop, consolidate, and coordinate effective programs and activities for the advancement of driver education, for the facilitation of the movement of motor vehicle traffic, and for the protection and conservation of life and property on the streets and highways of this State and to advise, recommend, and consult with the several departments, divisions, boards, commissions, and other agencies of this State in regard to those programs and activities. The Department has the power to aid and assist the counties, cities, towns, and other political subdivisions of this State in the control of traffic and the prevention of traffic crashes. That aid and assistance to counties, cities, towns, and other political subdivisions of this State shall include assistance with regard to planning, traffic flow, light synchronizing, preferential lanes for carpools, and carpool parking allocations.

To further the prevention of crashes, the Department shall conduct a traffic study following the occurrence of any crash involving a pedestrian fatality that occurs at an intersection of a State highway. The study shall include, but not be limited to, consideration of alternative geometric design improvements, traffic control devices, and any other improvements that the Department deems necessary. The Department shall make the results of the study available to the public on its website.

HISTORY:
P.A. 80-1016; 91-239, § 5-5; 2021 P.A. 102-333, § 5, effective January 1, 2022; 2022 P.A. 102-982, § 20, effective July 1, 2023.

20 ILCS 2705/2705-215 Cooperative utilization of equipment and services of governmental entities and not-for-profit organizations for the transportation needs in public service programs

(a) The Department is directed to encourage and assist governmental entities, not-for-profit corporations, and nonprofit community service associations, between or among themselves, in the development of reasonable utilization of transportation equipment and operational service in satisfying the general and specialized public transportation needs.

The Department shall develop and encourage cooperative development, among all entities, of programs promoting efficient service and conservation of capital investment and energy and shall assist all entities in achieving their goals and in their applications for transportation grants under appropriate State or federal programs.

(b) Implementation of cooperative programs is to be developed within the meaning of the provisions of the Intergovernmental Cooperation Act [5 ILCS 220/1 et seq.]. In the circumstances of nongovernmental entities, the Department shall be guided by that Act and any other State law in encouraging the cooperative programs between those entities.

(c) The Department shall report to the members of the General Assembly, by March 1 of each year, its successes, failures and progress in achieving the intent of this Section. The report shall also include identification of problems as well as the Department's recommendations.

HISTORY:
P.A. 81-1404; 91-239, § 5-5.

20 ILCS 2705/2705-220 Public private partnerships for transportation

The Department may exercise all powers granted to it under the Public Private Agreements for the Illiana Expressway Act and the Public-Private Agreements for the South Suburban Airport Act [605 ILCS 130/1 et seq. and 620 ILCS 75/2-1 et seq.].

HISTORY:
P.A. 96-913, § 905; 98-109, § 4-5.

20 ILCS 2705/2705-222 Public-private partnerships for transportation

The Department may exercise all powers granted to it under the Public-Private Partnerships for Transportation Act [630 ILCS 5/1 et seq.].

HISTORY:
P.A. 97-502, § 905.

20 ILCS 2705/2705-225 Air transportation for State officers and employees

The Department may provide air transportation for officers and employees of the offices, departments,

and agencies of the State government and charge the office, department, or agency for that transportation. Charges for the transportation shall not exceed the expenses incurred and costs involved in providing air transportation and may include expenses for equipment, personnel, and operational expenses.

All requests for air transportation shall be made in writing and shall be signed by the executive officer or employee of the office, department, or agency.

Except as provided herein, all requests shall be filled in the following priority: (1) the Governor, (2) the Lieutenant Governor, (3) the legislative leaders of the General Assembly, specifically, the President and minority leader of the Senate and the Speaker and minority leader of the House of Representatives, (4) the Judges of the Supreme Court, (5) the Attorney General, (6) the Secretary of State, (7) the Comptroller, (8) the Treasurer, (9) other members of the General Assembly; and thereafter as provided by the Department.

HISTORY:
P.A. 84-994; 84-1101; 91-239, § 5-5.

20 ILCS 2705/2705-233 Innovations for Transportation Infrastructure Act.

The Department may exercise all powers granted to it under the Innovations for Transportation Infrastructure Act [630 ILCS 10/1 et. seq.], including, but not limited to, the power to enter into all contracts or agreements necessary or incidental to the performance of its powers under that Act, and powers related to any transportation facility implemented under that Act.

History.
2022 P.A. 102-1094, § 905, effective June 15, 2022.

20 ILCS 2705/2705-240 Grants for capital assistance

The Department has the power to administer the allocation of State monies appropriated as grants for capital assistance purposes in the manner prescribed by law. No transportation program administered by any other Executive agency under the direction of the Governor or project undertaken thereunder shall be eligible for capital assistance from the State until that program and project have been approved by the Department.

HISTORY:
P.A. 77-153; 91-239, § 5-5.

20 ILCS 2705/2705-245 Inspection of property and records of applicants for and recipients of assistance

The Department at reasonable times may inspect the property and examine the books, records, and other information relating to the nature or adequacy of services, facilities, or equipment of any municipality, district, or carrier that is receiving or has applied for assistance under this Law. It may conduct investigations and hold hearings within or without the State. This section shall not affect the regulatory power of any other State or local agency with respect to transportation rates and services. Annual statements of assets, revenues, and expenses and annual audit reports shall be submitted to the Department by any municipality, district, or carrier receiving or applying for capital assistance from the State when requested by the Department as part of an inspection under this Section.

HISTORY:
P.A. 77-153; 91-239, § 5-5; 96-37, § 55-5.

20 ILCS 2705/2705-255 Appropriations from Build Illinois Bond Fund.

Any expenditure of funds by the Department for interchanges, for access roads to and from any State or local highway in Illinois, or for other transportation capital improvements related to an economic development project pursuant to appropriations to the Department from the Build Illinois Bond Fund shall be used for funding improvements related to existing or planned scientific, research, manufacturing, or industrial development or expansion in Illinois. In addition, the Department may use those funds to encourage and maximize public and private participation in those improvements. The Department shall consult with the Department of Commerce and Economic Opportunity prior to expending any funds for those purposes pursuant to appropriations from the Build Illinois Bond Fund.

HISTORY:
P.A. 84-109; 91-239, § 5-5; 94-793, § 265; 2022 P.A. 102-1071, article 20, § 20-10, effective June 10, 2022.

20 ILCS 2705/2705-260 Use of Illinois resident labor

To the extent permitted by any applicable federal law or regulation, for all work performed for State construction projects which are funded in whole or in part by a capital infrastructure bill enacted by the 96th General Assembly [P.A. 96-37] by sums appropriated to the Illinois Department of Transportation, at least 50% of the total labor hours must be performed by actual residents of the State of Illinois. For purposes of this Section, "actual residents of the State of Illinois" means persons domiciled in the State of Illinois. The Department of Labor shall promulgate rules providing for the enforcement of this Section.

HISTORY:
P.A. 96-37, § 80-20.

20 ILCS 2705/2705-265 Use of coal combustion by-products

The Department shall, where economically feasible and safe, foster the use of coal combustion by-prod-

ucts by specifying usage of these by-products in road building materials and by developing and including specifications for their use in beds, fills, backfills, trenches, and embankments.

HISTORY:
P.A. 89-93, § 15; 91-239, § 5-5.

20 ILCS 2705/2705-275 Grants for airport facilities

The Department may make grants to municipalities and airport authorities for the renovation, construction, and development of airport facilities. The grants may be made from funds appropriated for that purpose from the Build Illinois Bond Fund.

HISTORY:
P.A. 84-109; 91-239, § 5-5; 94-91, § 55-35.

20 ILCS 2705/2705-285 Ports and waterways.

(a) The Department has the power to undertake port and waterway development planning and studies of port and waterway development problems and to provide technical assistance to port districts and units of local government in connection with port and waterway development activities. The Department may provide financial assistance for the ordinary and contingent expenses of port districts upon the terms and conditions that the Department finds necessary to aid in the development of those districts.

(b) The Department shall coordinate all its activities under this Section with the Department of Commerce and Economic Opportunity.

(c) The Department, in coordination with the Department of Commerce and Economic Opportunity, shall establish a Port Facilities Capital Investment Grant Program. The Department shall, subject to appropriation, make capital improvement grants to port districts. The Multi-modal Transportation Bond Fund shall be the source of funding for the program. Eligible grant recipients shall be public port districts that offer facilities and services in a manner that supports and fulfills the mission of the Department. Eligible grant recipients have no entitlement to a grant under this Section.

(d) The Department, in consultation with the Department of Commerce and Economic Opportunity, shall adopt rules to implement this Section and shall create a competitive application procedure for grants to be awarded. The rules shall specify: the manner of applying for grants; grantee eligibility requirements; project eligibility requirements; restrictions on the use of grant moneys; the manner in which grantees must account for the use of grant moneys; and any other provision that the Department or the Department of Commerce and Economic Opportunity determine to be necessary or useful for the administration of this Section. Rules may include a requirement for grantees to provide local matching funds in an amount equal to a specific percentage of the grant.

(e) The Department of Commerce and Economic Opportunity shall establish standards for determining the priorities concerning the necessity for capital facilities for ports based on data available to the Department.

(f) No portion of a capital investment grant awarded under this Section may be used by a grantee to pay for any on-going operational costs or outstanding debt.

HISTORY:
P.A. 81-1509; 91-239, § 5-5; 94-793, § 265; 2019 P.A. 101-10, § 30-10, effective June 5, 2019.

20 ILCS 2705/2705-300 Powers concerning mass transportation.

The Department has the power to do the following:

(1) Advise and assist the Governor and the General Assembly in formulating (i) a mass transportation policy for the State, (ii) proposals designed to help meet and resolve special problems of mass transportation within the State, and (iii) programs of assistance for the comprehensive planning, development, and administration of mass transportation facilities and services.

(2) Appear and participate in proceedings before any federal, State, or local regulatory agency involving or affecting mass transportation in the State.

(3) Study mass transportation problems and provide technical assistance to units of local government.

(4) Encourage experimentation in developing new mass transportation facilities and services.

(5) Recommend policies, programs, and actions designed to improve utilization of mass transportation services.

(6) Cooperate with mass transit districts and systems, local governments, and other State agencies in meeting those problems of air, noise, and water pollution associated with transportation.

(7) Participate fully in a statewide effort to improve transport safety, including, as the designated State agency responsible for overseeing the safety and security of rail fixed guideway public transportation systems in compliance with 49 U.S.C. 5329 and 49 U.S.C. 5330:

(A) developing, adopting, and implementing a system safety program standard and procedures meeting the compliance requirements of 49 U.S.C. 5329 and 49 U.S.C. 5330, as now or hereafter amended, for the safety and security of rail fixed guideway public transportation systems within the State; and

(B) establishing procedures in accordance with 49 U.S.C. 5329 and 49 U.S.C. 5330 to review, approve, oversee, investigate, audit, and enforce all other necessary and incidental functions related to the effectuation of 49 U.S.C. 5329 and 49 U.S.C. 5330, or other federal law, pertaining to public transportation oversight. The De-

partment may contract for the services of a qualified consultant to comply with this subsection.

The security portion of the system safety program, investigation reports, surveys, schedules, lists, or data compiled, collected, or prepared by or for the Department under this subsection shall not be subject to discovery or admitted into evidence in federal or State court or considered for other purposes in any civil action for damages arising from any matter mentioned or addressed in such reports, surveys, schedules, lists, data, or information. Except for willful or wanton conduct, neither the Department nor its employees, nor the Regional Transportation Authority, nor the St. Clair County Transit District, nor any mass transit district nor service board subject to this Section, nor their respective directors, officers, or employees, shall be held liable in any civil action for any injury to or death of any person or loss of or damage to property for any act, omission, or failure to act under this Section or 49 U.S.C. 5329 or 49 U.S.C. 5330 as now or hereafter amended.

(8) Conduct by contract or otherwise technical studies, and demonstration and development projects which shall be designed to test and develop methods for increasing public use of mass transportation and for providing mass transportation in an efficient, coordinated, and convenient manner.

(9) Make applications for, receive, and make use of grants for mass transportation.

(10) Make grants for mass transportation from the Transportation Fund pursuant to the standards and procedures of Sections 2705-305 and 2705-310 [20 ILCS 2705/2705-305 and 20 ILCS 2705/2705-310].

Nothing in this Section alleviates an individual's duty to comply with the State Officials and Employees Ethics Act [5 ILCS 430/2705-300].

HISTORY:

P.A. 81-1464; 91-239, § 5-5; 2021 P.A. 102-559, § 10, effective August 20, 2021.

20 ILCS 2705/2705-305 Grants for mass transportation

(a) For the purpose of mass transportation grants and contracts, the following definitions apply:

"Carrier" means any corporation, authority, partnership, association, person, or district authorized to provide mass transportation within the State.

"District" means all of the following:

(i) Any district created pursuant to the Local Mass Transit District Act [70 ILCS 3610/1 et seq.].

(ii) The Authority created pursuant to the Metropolitan Transit Authority Act [70 ILCS 3605/1 et seq.].

(iii) Any authority, commission, or other entity that by virtue of an interstate compact approved by Congress is authorized to provide mass transportation.

(iv) The Authority created pursuant to the Regional Transportation Authority Act [70 ILCS 3615/1.01 et seq.].

"Facilities" comprise all real and personal property used in or appurtenant to a mass transportation system, including parking lots.

"Mass transportation" means transportation provided within the State of Illinois by rail, bus, or other conveyance and available to the general public on a regular and continuing basis, including the transportation of persons with disabilities or elderly persons as provided more specifically in Section 2705-310 [20 ILCS 2705/2705-310].

"Unit of local government" means any city, village, incorporated town, or county.

(b) Grants may be made to units of local government, districts, and carriers for the acquisition, construction, extension, reconstruction, and improvement of mass transportation facilities. Grants shall be made upon the terms and conditions that in the judgment of the Secretary are necessary to ensure their proper and effective utilization.

(c) The Department shall make grants under this Law in a manner designed, so far as is consistent with the maintenance and development of a sound mass transportation system within the State, to: (i) maximize federal funds for the assistance of mass transportation in Illinois under the Federal Transit Act [49 U.S.C. § 5301 et seq.] and other federal Acts; (ii) facilitate the movement of persons who because of age, economic circumstance, or physical infirmity are unable to drive; (iii) contribute to an improved environment through the reduction of air, water, and noise pollution; and (iv) reduce traffic congestion.

(d) The Secretary shall establish procedures for making application for mass transportation grants. The procedures shall provide for public notice of all applications and give reasonable opportunity for the submission of comments and objections by interested parties. The procedures shall be designed with a view to facilitating simultaneous application for a grant to the Department and to the federal government.

(e) Grants may be made for mass transportation projects as follows:

(1) In an amount not to exceed 100% of the nonfederal share of projects for which a federal grant is made.

(2) In an amount not to exceed 100% of the net project cost for projects for which a federal grant is not made.

(3) In an amount not to exceed five-sixths of the net project cost for projects essential for the maintenance of a sound transportation system and eligible for federal assistance for which a federal grant application has been made but a federal grant has been delayed. If and when a federal grant is made, the amount in excess of the nonfederal share shall be promptly returned to the Department.

In no event shall the Department make a grant that, together with any federal funds or funds from

any other source, is in excess of 100% of the net project cost.

(f) Regardless of whether any funds are available under a federal grant, the Department shall not make a mass transportation grant unless the Secretary finds that the recipient has entered into an agreement with the Department in which the recipient agrees not to engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operators where those private school bus operators are able to provide adequate transportation, at reasonable rates, in conformance with applicable safety standards, provided that this requirement shall not apply to a recipient that operates a school system in the area to be served and operates a separate and exclusive school bus program for the school system.

(g) Grants may be made for mass transportation purposes with funds appropriated from the Build Illinois Bond Fund consistent with the specific purposes for which those funds are appropriated by the General Assembly. Grants under this subsection (g) are not subject to any limitations or conditions imposed upon grants by any other provision of this Section, except that the Secretary may impose the terms and conditions that in his or her judgment are necessary to ensure the proper and effective utilization of the grants under this subsection.

(h) The Department may let contracts for mass transportation purposes and facilities for the purpose of reducing urban congestion funded in whole or in part with bonds described in subdivision (b)(1) of Section 4 of the General Obligation Bond Act [30 ILCS 330/4], not to exceed $75,000,000 in bonds.

(i) The Department may make grants to carriers, districts, and units of local government for the purpose of reimbursing them for providing reduced fares for mass transportation services for students, persons with disabilities, and the elderly. Grants shall be made upon the terms and conditions that in the judgment of the Secretary are necessary to ensure their proper and effective utilization.

(j) The Department may make grants to carriers, districts, and units of local government for costs of providing ADA paratransit service.

HISTORY:

P.A. 86-16; 90-774, § 3; 91-239, § 5-5; 94-91, § 55-35; 99-143, § 225.

20 ILCS 2705/2705-310 Grants for transportation for persons with disabilities

(a) For the purposes of this Section, the following definitions apply:

"Carrier" means a district or a not for profit corporation providing mass transportation for persons with disabilities on a regular and continuing basis.

Person with a disability means any individual who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special mass transportation facilities or special planning or design to utilize ordinary mass transportation facilities and services as effectively as persons who are not so affected.

"Unit of local government", "district", and "facilities" have the meanings ascribed to them in Section 2705-305 [20 ILCS 2705/2705-305].

(b) The Department may make grants from the Transportation Fund and the General Revenue Fund (i) to units of local government, districts, and carriers for vehicles, equipment, and the acquisition, construction, extension, reconstruction, and improvement of mass transportation facilities for persons with disabilities and (ii) during State fiscal years 1986 and 1987, to the Regional Transportation Authority for operating assistance for mass transportation for mobility limited persons, including paratransit services for the mobility limited. The grants shall be made upon the terms and conditions that in the judgment of the Secretary are necessary to ensure their proper and effective utilization. The procedures, limitations, and safeguards provided in Section 2705-305 to govern grants for mass transportation shall apply to grants made under this Section.

For the efficient administration of grants, the Department, on behalf of grant recipients under this Section and on behalf of recipients receiving funds under Sections 5309 and 5311 of the Federal Transit Act [49 U.S.C. §§ 5309 and 5311] and State funds, may administer and consolidate procurements and may enter into contracts with manufacturers of vehicles and equipment.

(c) The Department may make operating assistance grants from the Transportation Fund to those carriers that, during federal fiscal year 1986, directly received operating assistance pursuant to Section 5307 or Section 5311 of the Federal Transit Act [49 U.S.C. § 5307 or 5311], or under contracts with a unit of local government or mass transit district that received operating expenses under Section 5307 or Section 5311 of the Federal Transit Act [49 U.S.C. § 5307 or 5311], to provide public paratransit services to the general mobility limited population. The Secretary shall take into consideration the reduction in federal operating expense grants to carriers when considering the grant applications. The procedures, limitations, and safeguards provided in Section 2705-305 [20 ILCS 2705/2705-305] to govern grants for mass transportation shall apply to grants made under this Section.

HISTORY:

P.A. 86-16; 90-774, § 3; 91-239, § 5-5; 99-143, § 225.

20 ILCS 2705/2705-315 Grants for passenger security

The Department may make grants from the Transportation Fund and the General Revenue Fund to the Regional Transportation Authority created under the Regional Transportation Authority Act to be used to provide protection against crime for the consumers of

public transportation, and for the employees and facilities of public transportation providers, in the metropolitan region. The grants may be used (1) to provide that protection directly, or (2) to contract with any municipality or county in the metropolitan region to provide that protection, or (3) except for the Chicago Transit Authority created under the Metropolitan Transit Authority Act [70 ILCS 3605/1 et seq.], to contract with a private security agency to provide that protection.

The grants shall be made upon the terms and conditions that in the judgment of the Secretary are necessary to ensure their proper and effective utilization. The procedures provided in Section 2705-305 [20 ILCS 2705/2705-305] to govern grants for mass transportation shall apply to grants made under this Section.

HISTORY:
P.A. 84-1246; 91-239, § 5-5.

20 ILCS 2705/2705-317 Safe Routes to School Construction Program. [Effective until July 1, 2023]

(a) Upon enactment of a federal transportation bill with a dedicated fund available to states for safe routes to schools, the Department, in cooperation with the State Board of Education and the Illinois State Police, shall establish and administer a Safe Routes to School Construction Program for the construction of bicycle and pedestrian safety and traffic-calming projects using the federal Safe Routes to Schools Program funds.

(b) The Department shall make construction grants available to local governmental agencies under the Safe Routes to School Construction Program based on the results of a statewide competition that requires submission of Safe Routes to School proposals for funding and that rates those proposals on all of the following factors:

(1) Demonstrated needs of the grant applicant.

(2) Potential of the proposal for reducing child injuries and fatalities.

(3) Potential of the proposal for encouraging increased walking and bicycling among students.

(4) Identification of safety hazards.

(5) Identification of current and potential walking and bicycling routes to school.

(6) Consultation and support for projects by school-based associations, local traffic engineers, local elected officials, law enforcement agencies, and school officials.

(7) Proximity to parks and other recreational facilities.

With respect to the use of federal Safe Routes to Schools Program funds, prior to the award of a construction grant or the use of those funds for a Safe Routes to School project encompassing a highway, the Department shall consult with and obtain approval from the Illinois State Police and the highway authority with jurisdiction to ensure that the Safe Routes to School proposal is consistent with a statewide pedestrian safety statistical analysis.

(c) On March 30, 2006 and each March 30th thereafter, the Department shall submit a report to the General Assembly listing and describing the projects funded under the Safe Routes to School Construction Program.

(d) The Department shall study the effectiveness of the Safe Routes to School Construction Program, with particular emphasis on the Program's effectiveness in reducing traffic accidents and its contribution to improving safety and reducing the number of child injuries and fatalities in the vicinity of a Safe Routes to School project. The Department shall submit a report to the General Assembly on or before December 31, 2006 regarding the results of the study.

(e) The Department, the State Board of Education, and the Illinois State Police may adopt any rules necessary to implement this Section.

HISTORY:
P.A. 94-493, § 5; 2021 P.A. 102-538, § 245, effective August 20, 2021.

20 ILCS 2705/2705-317 Safe Routes to School Construction Program. [Effective July 1, 2023]

(a) Upon enactment of a federal transportation bill with a dedicated fund available to states for safe routes to schools, the Department, in cooperation with the State Board of Education and the Illinois State Police, shall establish and administer a Safe Routes to School Construction Program for the construction of bicycle and pedestrian safety and traffic-calming projects using the federal Safe Routes to Schools Program funds.

(b) The Department shall make construction grants available to local governmental agencies under the Safe Routes to School Construction Program based on the results of a statewide competition that requires submission of Safe Routes to School proposals for funding and that rates those proposals on all of the following factors:

(1) Demonstrated needs of the grant applicant.

(2) Potential of the proposal for reducing child injuries and fatalities.

(3) Potential of the proposal for encouraging increased walking and bicycling among students.

(4) Identification of safety hazards.

(5) Identification of current and potential walking and bicycling routes to school.

(6) Consultation and support for projects by school-based associations, local traffic engineers, local elected officials, law enforcement agencies, and school officials.

(7) Proximity to parks and other recreational facilities.

With respect to the use of federal Safe Routes to Schools Program funds, prior to the award of a construction grant or the use of those funds for a Safe Routes to School project encompassing a highway,

the Department shall consult with and obtain approval from the Illinois State Police and the highway authority with jurisdiction to ensure that the Safe Routes to School proposal is consistent with a statewide pedestrian safety statistical analysis.

(c) On March 30, 2006 and each March 30th thereafter, the Department shall submit a report to the General Assembly listing and describing the projects funded under the Safe Routes to School Construction Program.

(d) The Department shall study the effectiveness of the Safe Routes to School Construction Program, with particular emphasis on the Program's effectiveness in reducing traffic crashes and its contribution to improving safety and reducing the number of child injuries and fatalities in the vicinity of a Safe Routes to School project. The Department shall submit a report to the General Assembly on or before December 31, 2006 regarding the results of the study.

(e) The Department, the State Board of Education, and the Illinois State Police may adopt any rules necessary to implement this Section.

HISTORY:

P.A. 94-493, § 5; 2021 P.A. 102-538, § 245, effective August 20, 2021; 2022 P.A. 102-982, § 20, effective July 1, 2023.

20 ILCS 2705/2705-321 Illinois Transit Ridership and Economic Development (TRED) Pilot Project Program; new facilities and service

(a) Subject to appropriation, the Department of Transportation shall establish the Illinois Transit Ridership and Economic Development (TRED) Pilot Project Program to build transit systems that more effectively address the needs of Illinois workers, families, and businesses. The Illinois TRED Pilot Project Program shall provide for new or expanded mass transportation service and facilities, including rapid transit, rail, bus, and other equipment used in connection with mass transit, by the State, a public entity, or 2 or more of these entities authorized to provide and promote public transportation in order to increase the level of service available in local communities, as well as improve the quality of life and economic viability of the State of Illinois.

The Illinois TRED Pilot Project Program expenditures for mass transportation service and facilities within the State must:

(1) Improve the economic viability of Illinois by facilitating the transportation of Illinois residents to places of employment, to educational facilities, and to commercial, medical, and shopping districts.

(2) Increase the frequency and reliability of public transit service.

(3) Facilitate the movement of all persons, including those persons who, because of age, economic circumstance, or physical infirmity, are unable to drive.

(4) Contribute to an improved environment through the reduction of air, water, and noise pollution.

(b) Under the Illinois TRED Pilot Project Program, subject to appropriation, the Department shall fund each fiscal year, in coordination and consultation with other government agencies that provide or fund transportation services, the Illinois Public Transportation Association, and transit advocates, projects as specified in subsection (c). Total funding for each project shall not exceed $500,000 and the funding for all projects shall not exceed $4,500,000. The Department shall submit annual reports to the General Assembly by March 1 of each fiscal year regarding the status of these projects, including service to constituents including local businesses, seniors, and people with disabilities, costs, and other appropriate measures of impact.

(c) Subject to appropriation, the Department shall make grants to any of the following in order to create:

(1) Two demonstration projects for the Chicago Transit Authority to increase services to currently underserved communities and neighborhoods, such as, but not limited to, Altgeld Gardens, Pilsen, and Lawndale.

(2) (Blank.)

(3) The Intertownship Transportation Program for Northwest Suburban Cook County, which shall complement existing Pace service and involve cooperation of several townships to provide transportation services for senior residents and residents with disabilities across village and township boundaries that is currently not provided by Pace and by individual townships and municipalities.

(4) RIDES transit services to Richland and Lawrence Counties to extend transit services into Richland and Lawrence Counties and enhance service in Wayne, Edwards, and Wabash Counties that share common travel patterns and needs with Lawrence and Richland counties. Funding shall be used to develop a route structure that shall coordinate social service and general public requirements and obtain vehicles to support the additional service.

(5) Peoria Regional Transportation Initiative, which shall fund the development of a plan to create a regional transportation service in the Peoria-Pekin MSA that integrates and expands the existing services and that would allow local leaders to develop a funding plan and a timetable to secure final political approval. The plan is intended to facilitate regional economic development and provide greater mobility to workers, senior citizens, and people with disabilities.

(6) Rock Island MetroLINK/Black Hawk College Coordination Project, which shall increase mobility for lower income students to access educational services and job training on the metropolitan bus system, which will better link community college students with transportation alternatives.

(7) The West Central Transit District to serve Scott and Morgan Counties. Funding shall be used

to develop a route structure that shall coordinate social service and general public requirements and obtain vehicles to support the service.

(8) Additional community college coordination projects, which shall increase mobility for lower income students to access educational services and job training on any Champaign-Urbana MTD and Danville Mass Transit bus routes, which will better link community college students with transportation alternatives.

HISTORY:
P.A. 93-1004, § 5; 99-143, § 225.

20 ILCS 2705/2705-350 Intercity Bus Service Assistance

For the purposes of providing intercity bus passenger service and the promotion of an efficient intercity bus passenger system within this State as authorized by Section 22 of the Urban Mass Transportation Act of 1964 [49 U.S.C. § 1618], the Department is authorized to enter into agreements with any carrier. The cost related to the services shall be borne in the proportion that, by agreement or contract, the parties may determine; provided, however, that no State monies shall be expended for those purposes.

HISTORY:
P.A. 81-326; 91-239, § 5-5.

20 ILCS 2705/2705-375 The Meigs Users Advisory Committee

(a) The Meigs Users Advisory Committee is hereby created. The Meigs Users Advisory Committee shall be composed of the following members: (i) 4 members appointed by the Governor with the advice and consent of the Senate, 2 of whom shall have extensive knowledge of business and corporate aviation and 2 of whom shall have extensive knowledge of general aviation; (ii) 4 members appointed by the Mayor of the City of Chicago, all of whom shall have extensive knowledge of general aviation; (iii) 4 members of the General Assembly, one each appointed by the President of the Senate, the Speaker of the House, the Minority Leader of the Senate, and the Minority Leader of the House; and (iv) the Secretary of Transportation or his or her designee, who shall serve as Chairperson. The members appointed by the Governor and the Mayor shall be users of Meigs Field.

(b)(1) The Secretary of Transportation or his or her designee shall serve during the Secretary's term of office.

(2) Members of the committee appointed under subdivision (a)(iii) shall serve for their terms of office, except that no such appointment shall be for a term of more than 3 years. If a committee member who was appointed under subdivision (a)(iii) ceases to be a member of the chamber of the General Assembly from which the member was appointed, he or she shall be replaced in accordance with the method for filling vacancies.

(3) The initial members of the committee who are appointed by the Mayor of the City of Chicago shall be appointed as follows: one shall be appointed for a term of one year, 2 shall be appointed for terms of 2 years, and one shall be appointed for a term of 3 years. After the expiration of the initial terms, all members of the committee who are appointed by the Mayor of the City of Chicago shall be appointed for terms of 3 years.

(4) The initial members of the committee who are appointed by the Governor shall be appointed as follows: one shall be appointed for a term of one year, one shall be appointed for a term of 2 years, and 2 shall be appointed for terms of 3 years. After the expiration of the initial terms, all members of the committee who are appointed by the Governor shall be appointed for terms of 3 years.

(5) Any member of the committee is eligible for reappointment unless he or she no longer meets the applicable qualifications. All members appointed to serve on the committee shall serve until their respective successors are appointed and confirmed. Vacancies shall be filled in the same manner as original appointments.

(6) If a vacancy in membership under subdivision (a)(i) occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies.

(7) The committee shall be deemed established on the date that a majority of the total number of members has been appointed, regardless of whether any of those initial members are then serving pursuant to appointment and confirmation or pursuant to temporary appointments that are made by the Governor as in the case of vacancies.

(c) The Committee shall have the power to inspect all books, records, contracts, financial data, agreements, and documents relating to the operation and maintenance of Meigs Field, including, without limitation, as-built plans for all buildings, runways, taxiways, and aprons, the control tower, terminal, and all related facilities, all security agreements, fire protection agreements, airline agreements, FOB agreements, concessionaire agreements, rental/lease agreements, service agreements, financial data and budget reports including revenues and expenditures, and any and all studies or plans regarding the land use of Meigs Field.

(d) The chairperson shall give notice to the members of the time and place for every meeting. The members of the committee shall receive no compensation or reimbursement of expenses in the performance of their duties. The Committee shall review and hold public hearings on any proposals or actions affecting the operation of Meigs Field. The Commit-

tee shall issue recommendations to the Governor, the Mayor of the City of Chicago, and the General Assembly with regard to these proposals or actions and any other matters concerning the operation of Meigs Field.

HISTORY:
P.A. 90-6, § 1.8; 91-239, § 5-5.

20 ILCS 2705/2705-400 Authorization concerning rail assistance funds.

The Department is hereby authorized to exercise those powers necessary for the State to qualify for rail assistance funds pursuant to relevant federal or State legislation, including but not limited to authority to do the following:

(1) Establish a State plan for rail transportation and local rail services, including projects funded under Section 2705-435 [20 ILCS 2705/2705-435].

(2) Administer and coordinate the State plan.

(3) Provide in the plan for the equitable distribution of federal rail assistance funds among State, local, and regional transportation authorities.

(4) Develop or assist the development of local or regional rail plans.

(5) Promote, supervise, and support safe, adequate, and efficient rail services in accordance with the provisions and limitations of Public Act 79-834.

(6) Employ sufficient trained and qualified personnel for these purposes.

(7) Maintain, in accordance with the provisions and limitations of Public Act 79-834, adequate programs of investigation, research, promotion, and development in connection with these purposes and provide for public hearings.

(8) Provide satisfactory assurances on behalf of the State that fiscal control and fund accounting procedures will be adopted by the State that may be necessary to ensure proper disbursement of and account for federal funds paid to the State as rail assistance.

(9) Comply with the regulations of the Secretary of Transportation of the United States Department of Transportation affecting federal rail assistance funds.

(10) Review all impending rail abandonments and provide its recommendations on those abandonments to the federal Surface Transportation Board.

HISTORY:
P.A. 84-111; 84-292; 91-239, § 5-5; 2017 P.A. 100-430, § 5, effective August 25, 2017.

20 ILCS 2705/2705-405 Preparation of State Rail Plan

In preparation of the State Rail Plan under Section 2705-400 [20 ILCS 2705/2705-400], the Department shall consult with recognized railroad labor organizations, the Department of Commerce and Economic Opportunity, railroad management, affected units of local government, affected State agencies, and affected shipping interests.

HISTORY:
P.A. 84-111; 84-292; 91-239, § 5-5; 94-793, § 265.

20 ILCS 2705/2705-410 Access to information

The Secretary may authorize any of the Department's officers, employees, or agents to enter upon, inspect, and examine, at reasonable times and in a reasonable manner, the books, documents, records, equipment, and property of and to request information kept in the ordinary course of business from any railroad to the extent necessary to carry out the powers enumerated in Sections 2705-400 through 2705-445 [20 ILCS 2705/2705-400 through 20 ILCS 2705/2705-445]. Railroads operating within the State shall provide access to those books, documents, records, equipment, and property and shall provide the information kept in the ordinary course of business that the Department may request. Should any railroad fail or refuse to provide that access or information, the Secretary is hereby granted subpoena power to obtain that access and to require the production of that information. The Department shall pay the reasonable costs associated with providing any such information that is not otherwise already required by law. Any officer, employee, or agent of the Department exercising the powers granted by this Section shall, upon request, display proper credentials. The Department shall exercise all necessary caution to avoid disclosure of confidential information supplied under this Section.

HISTORY:
P.A. 80-32; 91-239, § 5-5.

20 ILCS 2705/2705-415 State Rail Plan; responsibilities of other agencies

The State Rail Plan, in its provisions concerning requiring supervision of safety aspects and other railroad matters, shall not abrogate the present statutory responsibilities of the Illinois Commerce Commission and shall meet the requirements of the Federal Railroad Safety Act of 1970 [45 U.S.C. § 431 et seq.]. Nothing herein shall provide for or effect the transfer of responsibilities between State agencies.

HISTORY:
P.A. 79-834; 91-239, § 5-5.

20 ILCS 2705/2705-420 Copies of State Rail Plan; report

The Department shall provide copies of the State Rail Plan to the President of the Senate, the Senate Minority Leader, the Speaker of the House, and the House Minority Leader prior to submitting the Plan to the federal government. The Department shall also so provide, by October 15, 1975, a report includ-

ing its findings concerning the extent, nature, and proposed use of federal aid available and its recommendations concerning the source and extent of non-federal assistance, both during the period in which federal assistance is available and thereafter.

HISTORY:
P.A. 79-834; 91-239, § 5-5.

20 ILCS 2705/2705-425 Rail freight services assistance; loans; Rail Freight Loan Repayment Fund

No funds available for operating or capital assistance under Section 5 of the United States Department of Transportation Act [49 U.S.C. § 1654], for rail freight services in Illinois may be expended without specific appropriation of those funds. Reimbursements for those loans that financially responsible persons are required by agreement to repay shall be deposited in the State treasury as follows: (1) the State's share shall be deposited in the fund from which the original expenditure was made, and (2) the federal share shall be deposited in the Rail Freight Loan Repayment Fund. In the case of repaid funds deposited in the Rail Freight Loan Repayment Fund, the Department shall have the reuse of those funds and the interest accrued thereon, which shall also be deposited by the State Treasurer in that Fund, as the federal share in other eligible projects. However, no expenditures from the Rail Freight Loan Repayment Fund for those projects shall at any time exceed the total sum of funds repaid and deposited in the Rail Freight Loan Repayment Fund and interest earned by investment by the State Treasurer that the State Treasurer shall have deposited in that Fund.

HISTORY:
P.A. 83-1301; 91-239, § 5-5.

20 ILCS 2705/2705-430 Railroad freight service assistance; lines designated for discontinuation of service or subject to abandonment.

The Department shall enter into agreements with any railroad as necessary to provide assistance for continuous freight service on lines of railroads within Illinois designated for discontinuation of service by the United States Railway Association Final System Plan and not conveyed to a railroad company other than Consolidated Rail Corporation. The Department may enter into such agreements with any railroad as necessary to provide assistance for continuous rail freight service on lines of railroads within Illinois subject to an abandonment proceeding in the federal Surface Transportation Board or classified as potentially subject to abandonment pursuant to Sections 10903 through 10905 of Title 49 of the United States Code or upon which a certificate of discontinuance or abandonment has been issued. The Department shall make rail continuation subsidy payments pursuant to the agreements. The agreements shall provide for a minimum level of service at least equivalent to that provided in calendar year 1975. The agreements shall conform to relevant federal law. The Department shall determine that all payments under this Section are eligible for federal share reimbursement.

Any nonfederal share of the assistance provided under this Section shall be provided by the Department. The State share may include funds, grants, gifts, or donations from the federal government, any local public body, or any person.

Reimbursements shall be deposited in the State fund from which the assistance was paid.

The Department shall provide technical assistance to any local public body or rail user to ensure that rail freight services under these agreements are, to the extent possible, adequate to the needs of Illinois citizens.

The Department shall review the effects of the rail freight service assistance provided under this Section.

For the purpose of promoting efficient rail freight service, the Department shall have the power to either grant or loan funds to any railroad or unit of local government in the State to maintain, improve, and construct rail facilities. The Department shall also have the power to grant or loan funds to any rail users located on an abandoned line, unit of local government, or an owner or lessee of an abandoned railroad right-of-way to undertake substitute service projects that reduce the social, economic, and environmental costs associated with the loss of a particular rail freight service in a manner less expensive than continuing that rail freight service. To facilitate the continuation of rail freight services, the Department shall have the power to purchase railroad materials and supplies.

HISTORY:
P.A. 84-1438; 91-239, § 5-5; 2017 P.A. 100-430, § 5, effective August 25, 2017.

20 ILCS 2705/2705-435 Loans, grants, or contracts to rehabilitate, improve, or construct rail facilities; State Rail Freight Loan Repayment Fund

In addition to the powers under Section 105-430 [20 ILCS 2705/105-430], the Department shall have the power to enter into agreements to loan or grant State funds to any railroad, unit of local government, rail user, or owner or lessee of a railroad right of way to rehabilitate, improve, or construct rail facilities.

For each project proposed for funding under this Section the Department shall, to the extent possible, give preference to cost effective projects that facilitate continuation of existing rail freight service. In the exercise of its powers under this Section, the Department shall coordinate its program with the industrial retention and attraction programs of the Department of Commerce and Economic Opportunity. No funds provided under this Section shall be

expended for the acquisition of a right of way or for operating subsidies. The costs of a project funded under this Section shall be apportioned in accordance with the agreement of the parties for the project. Projects are eligible for a loan or grant under this Section only when the Department determines that the transportation, economic, and public benefits associated with a project are greater than the capital costs of that project incurred by all parties to the agreement and that the project would not have occurred without its participation. In addition, a project to be eligible for assistance under this Section must be included in a State plan for rail transportation and local rail service prepared by the Department. The Department may also expend State funds for professional engineering services to conduct feasibility studies of projects proposed for funding under this Section, to estimate the costs and material requirements for those projects, to provide for the design of those projects, including plans and specifications, and to conduct investigations to ensure compliance with the project agreements.

The Department, acting through the Department of Central Management Services, shall also have the power to let contracts for the purchase of railroad materials and supplies. The Department shall also have the power to let contracts for the rehabilitation, improvement, or construction of rail facilities. Any such contract shall be let, after due public advertisement, to the lowest responsible bidder or bidders, upon terms and conditions to be fixed by the Department. With regard to rehabilitation, improvement, or construction contracts, the Department shall also require the successful bidder or bidders to furnish good and sufficient bonds to ensure proper and prompt completion of the work in accordance with the provisions of the contracts.

In the case of an agreement under which State funds are loaned under this Section, the agreement shall provide the terms and conditions of repayment. The agreement shall provide for the security that the Department shall determine to protect the State's interest. The funds may be loaned with or without interest. Loaned funds that are repaid to the Department shall be deposited in a special fund in the State treasury to be known as the State Rail Freight Loan Repayment Fund. In the case of repaid funds deposited in the State Rail Freight Loan Repayment Fund, the Department shall, subject to appropriation, have the reuse of those funds and the interest accrued thereon, which shall also be deposited by the State Treasurer in the Fund, as the State share in other eligible projects under this Section. However, no expenditures from the State Rail Freight Loan Repayment Fund for those projects shall at any time exceed the total sum of funds repaid and deposited in the State Rail Freight Loan Repayment Fund and interest earned by investment by the State Treasurer which the State Treasurer shall have deposited in that Fund.

For the purposes of promoting efficient rail freight service, the Department may also provide technical assistance to railroads, units of local government or rail users, or owners or lessees of railroad rights-of-way.

The Department shall take whatever actions are necessary or appropriate to protect the State's interest in the event of bankruptcy, default, foreclosure, or noncompliance with the terms and conditions of financial assistance or participation provided hereunder, including the power to sell, dispose, lease, or rent, upon terms and conditions determined by the Secretary to be appropriate, real or personal property that the Department may receive as a result thereof.

The Department is authorized to make reasonable rules and regulations consistent with law necessary to carry out the provisions of this Section.

HISTORY:
P.A. 85-1033; 91-239, § 5-5; 94-807, § 5; 94-793, § 265.

20 ILCS 2705/2705-440 Intercity Rail Service.

(a) For the purposes of providing intercity railroad passenger service within this State and throughout the United States, the Department is authorized to enter into agreements with any state, state agency, units of local government or political subdivisions, the Commuter Rail Division of the Regional Transportation Authority (or a public corporation on behalf of that Division), architecture or engineering firms, the National Railroad Passenger Corporation, any carrier, or any individual, corporation, partnership, or public or private entity. The cost related to such services shall be borne in such proportion as, by agreement or contract the parties may desire.

(b) In providing any intercity railroad passenger service as provided in this Section, the Department shall have the following additional powers:

(1) to enter into trackage use agreements with rail carriers;

(1.5) to freely lease or otherwise contract for any purpose any of the locomotives, passenger railcars, and other rolling stock equipment or accessions to any state or state agency, public or private entity, or quasi-public entities;

(2) to enter into haulage agreements with rail carriers;

(3) to lease or otherwise contract for use, maintenance, servicing, and repair of any needed locomotives, rolling stock, stations, or other facilities, the lease or contract having a term not to exceed 50 years (but any multi-year contract shall recite that the contract is subject to termination and cancellation, without any penalty, acceleration payment, or other recoupment mechanism, in any fiscal year for which the General Assembly fails to make an adequate appropriation to cover the contract obligation);

(4) to enter into management agreements;

(5) to include in any contract indemnification of carriers or other parties for any liability with regard to intercity railroad passenger service;

(6) to obtain insurance for any losses or claims with respect to the service;

(7) to promote the use of the service;

(8) to make grants to any body politic and corporate, any unit of local government, or the Commuter Rail Division of the Regional Transportation Authority to cover all or any part of any capital or operating costs of the service and to enter into agreements with respect to those grants;

(9) to set any fares or make other regulations with respect to the service, consistent with any contracts for the service; and

(10) to otherwise enter into any contracts necessary or convenient to provide rail services, operate or maintain locomotives, passenger railcars, and other rolling stock equipment or accessions, including the lease or use of such locomotives, railcars, equipment, or accessions.

(c) All service provided under this Section shall be exempt from all regulations by the Illinois Commerce Commission (other than for safety matters). To the extent the service is provided by the Commuter Rail Division of the Regional Transportation Authority (or a public corporation on behalf of that Division), it shall be exempt from safety regulations of the Illinois Commerce Commission to the extent the Commuter Rail Division adopts its own safety regulations.

(d) In connection with any powers exercised under this Section, the Department

(1) shall not have the power of eminent domain; and

(2) shall not directly operate any railroad service with its own employees.

(e) Any contract with the Commuter Rail Division of the Regional Transportation Authority (or a public corporation on behalf of the Division) under this Section shall provide that all costs in excess of revenue received by the Division generated from intercity rail service provided by the Division shall be fully borne by the Department, and no funds for operation of commuter rail service shall be used, directly or indirectly, or for any period of time, to subsidize the intercity rail operation. If at any time the Division does not have sufficient funds available to satisfy the requirements of this Section, the Division shall forthwith terminate the operation of intercity rail service. The payments made by the Department to the Division for the intercity rail passenger service shall not be made in excess of those costs or as a subsidy for costs of commuter rail operations. This shall not prevent the contract from providing for efficient coordination of service and facilities to promote cost effective operations of both intercity rail passenger service and commuter rail services with cost allocations as provided in this paragraph.

(f) Whenever the Department enters into an agreement with any carrier, state or state agency, any public or private entity, or quasi-public entity for either the Department's payment of such railroad required maintenance expenses necessary for intercity passenger service or for the lease or use of locomotives, passenger railcars, and other rolling stock equipment or accessions, the Department may deposit such required maintenance funds, use fees, or rental payments into any escrow account. For purposes of this subsection, an escrow account means any fiduciary account established with (i) any banking corporation which is both organized under the Illinois Banking Act [205 ILCS 5/2705-400] and authorized to accept and administer trusts in this State, or (ii) any national banking association which has its principal place of business in this State and which also is authorized to accept and administer trusts in this State. The funds in any required maintenance escrow account may be withdrawn by the carrier or entity in control of the railroad being maintained, only with the consent of the Department, pursuant to a written maintenance agreement and pursuant to a maintenance plan that shall be updated each year. Funds in an escrow account holding lease, use fees, or rental payments may be withdrawn by the Department to be used or expended on acquisition, offsets, overhaul fees, or costs of locomotives, railcars, equipment or accessions, including any future equipment purchase, expenses, fees, or costs, or any other purpose permitted or required by the escrow agreement or any other agreement regarding disbursement of funds. The moneys deposited in the escrow accounts shall be invested and reinvested, pursuant to the direction of the Department, in bonds and other interest bearing obligations of this State, or in such accounts, certificates, bills, obligations, shares, pools or other securities as are authorized for the investment of public funds under the Public Funds Investment Act 30 [ILCS 235/0.01 et seq.]. Escrow accounts created under this subsection shall not have terms that exceed 20 years. At the end of the term of an escrow account, the remaining balance shall be deposited in the High-Speed Rail Rolling Stock Fund, a special fund that is created in the State Treasury. Moneys in the High-Speed Rail Rolling Stock Fund may be used for any purpose related to locomotives, passenger railcars, and other rolling stock equipment. The Department shall prepare a report for presentation to the Comptroller and the Treasurer each year that shows the amounts deposited and withdrawn, the purposes for withdrawal, the balance, and the amounts derived from investment.

HISTORY:

P.A. 85-1033; 89-710, § 5; 91-239, § 5-5; 94-807, § 5; 97-1080, § 5; 2018 P.A. 100-773, § 5, effective January 1, 2019.

20 ILCS 2705/2705-441 Intercity passenger rail equipment; public-private partnerships

The Department, on behalf of the State, may enter into public-private partnerships for the acquisition of equipment for intercity passenger rail service.

HISTORY:

P.A. 96-728, § 5.

20 ILCS 2705/2705-445 Validation of prior agreements and contracts

Any agreement or contract for the purposes of Section 2705-440 [20 ILCS 2705/2705-440] that was entered into prior to June 16, 1976 (the effective date of Public Act 79-1213) is hereby validated and continued in full force and effect.

HISTORY:
P.A. 79-1213; 91-239, § 5-5.

20 ILCS 2705/2705-450 High-speed rail and magnetic levitation transportation development

The Department is authorized to enter into agreements with any public or private entity for the purpose of promoting and developing high-speed rail and magnetic levitation transportation within this State. The cost related to the service shall be borne in a proportion that the parties may determine by agreement or contract.

HISTORY:
P.A. 87-829; 91-239, § 5-5.

20 ILCS 2705/2705-500 Scenic route connecting Mississippi and Ohio Rivers

The Department shall prepare or have prepared maps, surveys, or plans, shall conduct studies, and shall consult with the Department of Natural Resources for the purpose of proposing a route connecting the Mississippi and Ohio Rivers through the Shawnee National Forest, to be designated as a scenic route. The proposed route shall consist of existing roads to the greatest extent possible, but the proposal may call for any improvements consistent with federal law that the Department deems necessary or desirable. The Department shall submit its proposal, along with any other supporting information it deems appropriate, to the Governor and the General Assembly no later than March 1, 1986.

HISTORY:
P.A. 84-1308; 89-445, § 9A-25; 91-239, § 5-5.

20 ILCS 2705/2705-505 Signs indicating travel-related facilities or tourist-oriented businesses

The Department shall, where economically feasible and safe, install along various interstate highways and other freeways with full control of access, except those that are toll highways, signs to alert motorists of the travel-related facilities available in communities served by upcoming interstate exits. The Department may also install, along other rural State highways, signs to alert motorists of the tourist-oriented businesses available on intersecting highways and roads under local jurisdiction in rural areas. The Department has the authority to sell or lease space on the signs to the owners or operators of the facilities and to promulgate rules and regulations for the leasing or purchasing of space.

HISTORY:
P.A. 86-1340; 90-272, § 5; 91-239, § 5-5.

20 ILCS 2705/2705-505.5 Child abduction message signs.

The Department of Transportation shall coordinate with the Illinois State Police in the use of electronic message signs on roads and highways in the vicinity of a child abduction to immediately provide critical information to the public.

HISTORY:
P.A. 93-310, § 10; 2021 P.A. 102-538, § 245, effective August 20, 2021.

20 ILCS 2705/2705-505.6 Endangered Missing Persons Advisory message signs.

The Department of Transportation shall coordinate with the Illinois State Police in the use of electronic message signs on roads and highways to immediately provide critical information to the public concerning missing persons who are believed to be high risk, missing persons with Alzheimer's disease, other related dementia, or other dementia-like cognitive impairment, as allowed by federal guidelines.

HISTORY:
2015 P.A. 99-322, § 10, effective January 1, 2016; 2021 P.A. 102-538, § 245, effective August 20, 2021.

20 ILCS 2705/2705-510 Use of prisoners for highway cleanup

The Department has the power to request, from the Department of Corrections, the use of prisoners in a program as provided in paragraph (f) of Section 3-2-2 of the Unified Code of Corrections [730 ILCS 5/3-2-2], for the cleaning of trash and garbage from the highways of this State.

HISTORY:
P.A. 81-214; 91-239, § 5-5.

20 ILCS 2705/2705-550 Transfer of realty to other State agency; acquisition of federal lands

The department has the power to transfer jurisdiction of any realty under the control of the department to any other department of the State government or to any authority, commission, or other agency of the State or to acquire or accept federal lands when the transfer, acquisition, or acceptance is advantageous to the State and is approved in writing by the Governor.

HISTORY:
Laws 1955, p. 1196; P.A. 91-239, § 5-5.

20 ILCS 2705/2705-555 Lease of land or property

(a) The Department has the power from time to time to lease any land or property, with or without appurtenances, of which the Department has jurisdiction and that is not immediately to be used or developed by the State; provided that no such lease be for a longer period of time than that in which it can reasonably be expected the State will not have use for the property, and further provided that no such lease be for a longer period of time than 5 years, except as provided in subsection (b).

(b) In counties with a population of not less than 500,000 and not more than 800,000, a lease to any other department of State government, any authority, commission, or agency of the State, or a municipality, county, or township of the State, including in any land lease the corresponding vertical rights, subterranean and air rights, and sublease rights, may be for a period of time no longer than 25 years.

(c) In counties with a population of not less than 3,000,000, a lease initially entered into within one year after the effective date of this amendatory Act of the 93rd General Assembly [P.A. 93-1100], including in any land lease the corresponding vertical rights, subterranean and air rights, and sublease rights, may be for a period of time no longer than 35 years. The land or property shall be leased by the Department at fair market value.

HISTORY:
Laws 1953, p. 1443; P.A. 91-239, § 5-5; 91-783, § 5; 93-1100, § 5.

20 ILCS 2705/2705-565 North Chicago property; study; conveyance.

(a) The Department shall perform a study of property owned by the Department consisting of approximately 160 acres located in North Chicago, south of IL Route 137, between IL Route 43 and US Route 41. The study shall include, but not be limited to, a survey of the property for the purpose of delineating jurisdictional wetlands in accordance with the Interagency Wetland Policy Act of 1989 [20 ILCS 830/1-1 et seq.] and identifying threatened and endangered species in accordance with the Illinois Endangered Species Protection Act [520 ILCS 10/1 et seq.], for the purpose of identifying property no longer needed for highway purposes.

(b) Upon completion of the study and for a period ending 3 years after the effective date of this amendatory Act of the 94th General Assembly [P.A. 94-1045], the City of North Chicago shall have an exclusive option to purchase for public purposes those portions of the property no longer needed for highway purposes for a consideration, which may be de minimis, negotiated by the parties. The Department of Transportation is authorized to convey the excess property to the City of North Chicago pursuant to this Section within 3 years after the effective date of this amendatory Act of the 94th General Assembly, but may not otherwise convey or transfer the property during that period.

(c) Any conveyance to the City of North Chicago under this Section shall provide (i) that title to the property reverts to the State of Illinois if the property ceases to be used for public purposes and (ii) the City of North Chicago may lease the property but may not convey its ownership of the property to any party, other than the State of Illinois.

HISTORY:
P.A. 94-1045, § 5; 99-642, § 110.

20 ILCS 2705/2705-575 Sale of used vehicles.

Whenever the Department has deemed a vehicle shall be replaced, it shall notify the Division of Property Control of the Department of Central Management Services and the Division of Vehicles of the Department of Central Management Services for potential reallocation of the vehicle to another State agency through inter-agency transfer per standard fleet vehicle allocation procedures. If the vehicle is not re-allocated for use into the State fleet or agencies by the Division of Property Control or the Division of Vehicles of the Department of Central Management Services, the Department shall make the vehicle available to those units of local government that have previously requested the notification and provide them the opportunity to purchase the vehicle. Any proceeds from the sale of vehicles pursuant to this Section shall be deposited in the Road Fund. The term "vehicle" as used in this Section is defined to include passenger automobiles, light duty trucks, heavy duty trucks, and other self-propelled motorized equipment in excess of 25 horsepower and attachments.

HISTORY:
P.A. 85-1010; 89-445, § 9A-25; 91-239, § 5-5; 97-42, § 5; 98-721, § 5; 2020 P.A. 101-636, § 25-5, effective June 10, 2020.

20 ILCS 2705/2705-580 Educational facility entrances

As part of State highway construction projects, the Department shall evaluate, fund, and repair, within the right-of-way, the entrances to public educational facilities that border State highways.

HISTORY:
P.A. 95-271, § 5.

20 ILCS 2705/2705-585 Diversity goals.

(a) To the extent permitted by any applicable federal law or regulation, all State construction projects funded from amounts (i) made available under the Governor's Fiscal Year 2009 supplemental budget or the American Recovery and Reinvestment Act of 2009 and (ii) that are appropriated to the Illinois Department of Transportation shall comply with the Business Enterprise for Minorities, Women, and Persons with Disabilities Act [30 ILCS 575/0.01 et seq.].

(b) The Illinois Department of Transportation shall appoint representatives to professional and artistic services selection committees representative of the State's ethnic, cultural, and geographic diversity, including, but not limited to, at least one person from each of the following: an association representing the interests of African American business owners, an association representing the interests of Latino business owners, and an association representing the interests of women business owners. These committees shall comply with all requirements of the Open Meetings Act [5 ILCS 120/1 et seq.].

HISTORY:
P.A. 96-8, § 5-5; 2017 P.A. 100-391, § 20, effective August 25, 2017.

20 ILCS 2705/2705-587 Diversity in Engineering scholarship program

(a) The Diversity in Engineering scholarship program is created to assist in increasing the representation of targeted group members among the civil engineers employed by the Department.

(b) For purposes of this Section:

"Targeted group member" means a person belonging to a class of race, color, sex, national origin, ancestry, age, or disability whose percentage of the civil engineer workforce employed by the Department is less than the percentage of the statewide labor market for civil engineers as determined by the Department's review of statewide labor statistics.

"Eligible student" means a person who: (i) is an Illinois resident at the time of application for a scholarship under the Program established by this Section; (ii) is enrolled at any Illinois college or university in any program leading toward a degree in civil engineering; (iii) agrees to conditions required by the Department, including the obligation to work for the Department after graduation if a position is offered for at least one year for each academic year the student receives a scholarship.

(c) The Department, subject to appropriation, shall award scholarships to up to 20 selected eligible students each year, unless no targeted group members are identified by the Department. The Department shall establish a process for selecting eligible students, which considers obtaining a critical mass of students in the program to remedy the underutilization of targeted group members. Each scholarship issued pursuant to this Section shall not exceed $7,500 per academic year.

(d) The Department shall adopt rules to implement and administer the scholarship program created by this Section.

HISTORY:
P.A. 97-288, § 5; 98-585, § 5.

20 ILCS 2705/2705-590 Roadbuilding criteria; life-cycle cost analysis

(a) As used in this Section, "life-cycle cost" means the total of the cost of the initial project plus all anticipated future costs over the life of the pavement. Actual, relevant data, and not assumptions or estimates, shall be used to the extent such data has been collected.

(b) The Department shall develop and implement a life-cycle cost analysis for each State road project under its jurisdiction for which the total pavement costs exceed $500,000 funded in whole, or in part, with State or State-appropriated funds. The Department shall design and award these paving projects utilizing material having the lowest life-cycle cost. All pavement design life shall ensure that State and State-appropriated funds are utilized as efficiently as possible. When alternative material options are substantially equivalent on a life-cycle cost basis, the Department may make a decision based on other criteria. At the discretion of the Department, interstate highways with high traffic volumes or experimental projects may be exempt from this requirement.

(c) Except as otherwise provided in this Section, a life-cycle cost analysis shall compare equivalent designs based upon this State's actual historic project schedules and costs as recorded by the pavement management system, and may include estimates of user costs throughout the entire pavement life.

(d) For pavement projects for which this State has no actual historic project schedules and costs as recorded by the pavement management system, the Department may use actual historical and comparable data for equivalent designs from states with similar climates, soil structures, or vehicle traffic.

HISTORY:
P.A. 96-715, § 5; 96-1000, § 100.

20 ILCS 2705/2705-593 Office of Business and Workforce Diversity

(a) The Office of Business and Workforce Diversity is established within the Department.

(b) The Office shall administer and be responsible for the Department's efforts to achieve greater diversity in its construction projects and in promoting equal opportunities within the Department. The responsibilities of the Office shall be administered between 2 distinct bureaus, designed to establish policy, procedures, and monitoring efforts pursuant to the governing regulations supporting minorities and those supporting women in contracting and workforce activities.

(c) Applicant firms must be found eligible to be certified as a Disadvantaged Business Enterprise (DBE) program under the federal regulations contained in 49 CFR part 26 and part 23. Only those businesses that are involved in highway construction-related services (non-vertical), consultant, and supplier/equipment rental/trucking services may be considered for participation in the Department's DBE program. Once certified, the firm's name shall be listed in the Illinois Unified Certification Program's (IL UCP) DBE Directory (Directory). The IL

UCP's 5 participating agencies shall maintain the Directory to provide a reference source to assist bidders and proposers in meeting DBE contract goals. The Directory shall list the firms in alphabetical order and provides the industry categories/list and the districts in which the firms have indicated they are available.

HISTORY:
P.A. 96-795, § 95-15; 96-1000, § 100.

20 ILCS 2705/2705-595 Prequalification of minority-owned and women-owned contractors

The Department shall, within 30 days after the effective date of this amendatory Act of the 96th General Assembly [P.A. 96-795], establish a committee to review the rules for prequalification of contractors adopted by the Department at 44 Illinois Administrative Code 650. The purpose of the review is to determine whether the rules for prequalification operate as a barrier to minority-owned and women-owned contractors becoming prequalified to bid on or make proposals for Department contracts. The committee shall, in addition to Department staff, be constituted with membership representing the construction industry and minority-owned and women-owned contractors. The committee shall complete its work and make recommendations for any changes to the rules for prequalification to the Secretary of Transportation within 180 days after the effective date of this amendatory Act of the 96th General Assembly.

HISTORY:
P.A. 96-795, § 95-15.

20 ILCS 2705/2705-597 Equal Employment Opportunity Contract Compliance Officers.

Notwithstanding any Department policy or rule to the contrary, the Secretary shall have jurisdiction over all Equal Employment Opportunity Contract Compliance Officers within the Department, or within districts controlled by the Department, and shall be responsible for the evaluation of such officers.

HISTORY:
2020 P.A. 101-657, § 40-100, effective January 1, 2022.

20 ILCS 2705/2705-600 Target market program. [Repealed]

HISTORY:
P.A. 96-795, § 95-15; 97-228, § 5; 98-670, § 5; 2017 P.A. 100-391, § 20, effective August 25, 2017; repealed internally, effective June 30, 2017.

20 ILCS 2705/2705-605 Construction projects; notification of the public.

(a) The Department shall develop and publish an updated policy for the notification of members of the public prior to the commencement of construction projects which impact their communities. The policy shall include procedures for ensuring that the public is informed of construction projects, excluding emergency projects, which are estimated to require the closure of a street or lane of traffic for a period longer than 5 consecutive business days. The policy shall include procedures for the notification of local public officials, including the highway commissioner in each Department district that will be impacted by the construction projects, and affected businesses of affected communities and shall provide the local public officials the opportunity to request a meeting with the Department prior to the initiation of the closure.

(b) The policy shall include a requirement that the Department contact the highway commissioner located in each Department district that will be impacted by a proposed construction project. The policy shall be completed and published on the Department's Internet website by January 1, 2022.

(c) The Department shall work with affected stakeholders, including residents, businesses, and other community members, before and during construction by considering various methods to mitigate and reduce project impacts to better serve those directly impacted by the improvement. Those methods could include, but need not be limited to, detour routing and temporary signage.

HISTORY:
P.A. 97-992, § 5; 98-412, § 5; 99-642, § 110; 2021 P.A. 102-393, § 5, effective August 16, 2021.

20 ILCS 2705/2705-610 Disadvantaged business revolving loan and grant program. [Repealed]

HISTORY:
P.A. 98-117, § 5; 2021 P.A. 102-558, § 150, effective August 20, 2021; repealed by 2022 P.A. 102-1071, article 25, § 25-20, effective June 10, 2022.

20 ILCS 2705/2705-615 Supplemental funding; Illinois Transportation Enhancement Program.

(a) In addition to any other funding that may be provided to the Illinois Transportation Enhancement Program from federal, State, or other sources, including, but not limited to, the Transportation Alternatives Set-Aside of the Surface Transportation Block Grant Program, the Department shall set aside $50,000,000 received by the Department from the Road Fund for the projects in the following categories: pedestrian and bicycle facilities and the conversion of abandoned railroad corridors to trails.

(b) Except as provided in subsection (c), funds set aside under subsection (a) shall be administered according to the requirements of the current Guidelines Manual published by the Department for the Illinois Transportation Enhancement Program, including, but not limited to, decision-making by the Department and the applicable Metropolitan Plan-

ning Organization and proportional fund distribution according to population size.

(c) For projects funded under this Section:

(1) local matching funding shall be required according to a sliding scale based on community size, median income, and total property tax base;

(2) Phase I Studies and Phase I Engineering Reports are not required to be completed before application is made; and

(3) at least 25% of funding shall be directed towards projects in high-need communities, based on community median income and total property tax base.

(d) The Department shall adopt rules necessary to implement this Section.

(e) The Department shall adhere to a 2-year funding cycle for the Illinois Transportation Enhancement Program with calls for projects at least every other year.

(f) The Department shall make all funded and unfunded Illinois Transportation Enhancement Program applications publicly available upon completion of each funding cycle, including how each application scored on the program criteria.

HISTORY:

2019 P.A. 101-32, § 30-5, effective June 28, 2019; 2021 P.A. 102-558, § 150, effective August 20, 2021.

20 ILCS 2705/2705-616 State safety oversight for rail fixed guideway systems.

The Department shall develop, adopt, and implement a system safety program standard and establish procedures to comply with 49 U.S.C. 5329 and 49 U.S.C. 5330 as required under paragraph (7) of Section 2705-300 of the Department of Transportation Law of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-300].

HISTORY:

2021 P.A. 102-559, § 10, effective August 20, 2021.

20 ILCS 2705/2705-620 Bond Reform in the Construction Industry Task Force. [Contingently enacted June 10, 2022; Effective until December 31, 2023]

(a) There is created the Bond Reform in the Construction Industry Task Force consisting of the following members:

(1) the Governor, or his or her designee;

(2) the State Treasurer, or his or her designee;

(3) the Director of Insurance, or his or her designee;

(4) 2 members appointed by the Speaker of the House of Representatives;

(5) 2 members appointed by the Minority Leader of the House of Representatives;

(6) 2 members appointed by the President of the Senate;

(7) 2 members appointed by the Minority Leader of the Senate; and

(8) 7 members representing the construction industry appointed by the Governor.

The Department of Transportation shall provide administrative support to the Task Force.

(b) The Task Force shall study innovative ways to reduce the cost of insurance in the private and public construction industry while protecting owners from risk of nonperformance. The Task Force shall consider options that include, but are not limited to, owner-financed insurance instead of contractor-financed insurance and alternative ways to manage risk other than bonds or other insurance products.

(c) The Task Force shall report its findings and recommendations to the General Assembly no later than March 1, 2023.

(d) This Section is repealed December 31, 2023.

History.

Contingently enacted by 2022 P.A. 102-1065, § 5, effective June 10, 2022.

HISTORIC PRESERVATION AGENCY

Illinois State Agency Historic Resources Preservation Act

Archaeological and Paleontological Resources Protection Act

ILLINOIS STATE AGENCY HISTORIC RESOURCES PRESERVATION ACT

20 ILCS 3420/1 Purposes.

The purpose of this Act is to provide Illinois State government leadership in preserving, restoring, and

maintaining the historic resources of the State. It is the purpose of this Act to establish a program whereby State agencies (1) administer the historic resources under their control to foster and enhance their availability to future generations, (2) prepare policies and plans to contribute to the preservation, restoration, and maintenance of State-owned historic resources for the inspiration and benefit of the people, and (3) in consultation with the Director of Natural Resources, institute procedures to ensure that State projects consider the preservation and enhancement of both State owned and non-State owned historic resources.

HISTORY:
P.A. 86-707; 2018 P.A. 100-695, § 45, effective August 3, 2018.

20 ILCS 3420/2 Short Title.

This Act shall be known and may be cited as the "Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420/1 et seq.]".

HISTORY:
P.A. 86-707.

20 ILCS 3420/3 Definitions.

(a) "Director" means the Director of Natural Resources, or his or her designee.

(b) "Agency" shall have the same meaning as in Section 1-20 of the Illinois Administrative Procedure Act [5 ILCS 100/1-20], and shall specifically include all agencies and entities made subject to such Act by any State statute.

(c) "Historic resource" means any property which is either publicly or privately held and which:

(1) is listed in the National Register of Historic Places (hereafter "National Register");

(2) has been formally determined by the Director to be eligible for listing in the National Register as defined in Section 106 of Title 16 of the United States Code;

(3) has been nominated by the Director and the Illinois Historic Sites Advisory Council for listing in the National Register;

(4) meets one or more criteria for listing in the National Register, as determined by the Director; or

(5) (blank).

(d) "Adverse effect" means:

(1) destruction or alteration of all or part of an historic resource;

(2) isolation or alteration of the surrounding environment of an historic resource;

(3) introduction of visual, audible, or atmospheric elements which are out of character with an historic resource or which alter its setting;

(4) neglect or improper utilization of an historic resource which results in its deterioration or destruction; or

(5) transfer or sale of an historic resource to any public or private entity without the inclusion of adequate conditions or restrictions regarding preservation, maintenance, or use.

(e) "Comment" means the written finding by the Director of the effect of a State undertaking on an historic resource.

(f) "Undertaking" means any project, activity, or program that can result in changes in the character or use of historic property, if any historic property is located in the area of potential effects. The project, activity or program shall be under the direct or indirect jurisdiction of a State agency or licensed or assisted by a State agency. An undertaking includes, but is not limited to, action which is:

(1) directly undertaken by a State agency;

(2) supported in whole or in part through State contracts, grants, subsidies, loan guarantees, or any other form of direct or indirect funding assistance; or

(3) carried out pursuant to a State lease, permit, license, certificate, approval, or other form of entitlement or permission.

(g) "Committee" means the Historic Preservation Mediation Committee.

(h) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(i) "Private undertaking" means any undertaking that does not receive public funding or is not on public lands.

(j) "High probability area" means any occurrence of Cahokia Alluvium, Carmi Member of the Equality Formation, Grayslake Peat, Parkland Sand, Peyton Colluvium, the Batavia Member of the Henry Formation, or the Mackinaw Member, as mapped by Lineback et al. (1979) at a scale of 1-500,000 within permanent stream floodplains and including:

(1) 500 yards of the adjoining bluffline crest of the Fox, Illinois, Kankakee, Kaskaskia, Mississippi, Ohio, Rock and Wabash Rivers and 300 yards of the adjoining bluffline crest of all other rivers or

(2) a 500 yard wide area along the shore of Lake Michigan abutting the high water mark.

HISTORY:
P.A. 86-707; 87-717; 87-739; 87-847; 88-45, § 3-11; 97-785, § 15; 98-463, § 110; 2018 P.A. 100-695, § 45, effective August 3, 2018.

20 ILCS 3420/4 State agency undertakings.

(a) As early in the planning process as may be practicable and prior to the approval of the final design or plan of any undertaking by a State agency, or prior to the funding of any undertaking by a State agency, or prior to an action of approval or entitlement of any private undertaking by a State agency, written notice of the project shall be given to the Director either by the State agency or the recipients of its funds, permits or licenses. The State agency shall consult with the Director to determine the documentation requirements necessary for identifi-

cation and treatment of historic resources. For the purposes of identification and evaluation of historic resources, the Director may require archaeological and historic investigations. Responsibility for notice and documentation may be delegated by the State agency to a local or private designee.

(b) Within 30 days after receipt of complete and correct documentation of a proposed undertaking, the Director shall review and comment to the agency on the likelihood that the undertaking will have an adverse effect on a historic resource. In the case of a private undertaking, the Director shall, not later than 30 days following the receipt of an application with complete documentation of the undertaking, either approve that application allowing the undertaking to proceed or tender to the applicant a written statement setting forth the reasons for the requirement of an archaeological investigation. If there is no action within 30 days after the filing of the application with the complete documentation of the undertaking, the applicant may deem the application approved and may proceed with the undertaking. Thereafter, all requirements for archaeological investigations are waived under this Act.

(c) If the Director finds that an undertaking will adversely affect an historic resource or is inconsistent with agency policies, the State agency shall consult with the Director and shall discuss alternatives to the proposed undertaking which could eliminate, minimize, or mitigate its adverse effect. During the consultation process, the State agency shall explore all feasible and prudent plans which eliminate, minimize, or mitigate adverse effects on historic resources. Grantees, permittees, licensees, or other parties in interest and representatives of national, State, and local units of government and public and private organizations may participate in the consultation process. The process may involve on-site inspections and public informational meetings pursuant to regulations issued by the Department of Natural Resources.

(d) The State agency and the Director may agree that there is a feasible and prudent alternative which eliminates, minimizes, or mitigates the adverse effect of the undertaking. Upon such agreement, or if the State agency and the Director agree that there are no feasible and prudent alternatives which eliminate, minimize, or mitigate the adverse effect, the Director shall prepare a Memorandum of Agreement describing the alternatives or stating the finding. The State agency may proceed with the undertaking once a Memorandum of Agreement has been signed by both the State agency and the Director.

(e) After the consultation process, the Director and the State agency may fail to agree on the existence of a feasible and prudent alternative which would eliminate, minimize, or mitigate the adverse effect of the undertaking on the historic resource. If no agreement is reached, the agency shall call a public meeting in the county where the undertaking is proposed within 60 days. If, within 14 days following conclusion of the public meeting, the State agency and the Director fail to agree on a feasible and prudent alternative, the proposed undertaking, with supporting documentation, shall be submitted to the Historic Preservation Mediation Committee. The document shall be sufficient to identify each alternative considered by the Agency and the Director during the consultation process and the reason for its rejection.

(f) The Mediation Committee shall consist of the Director and 5 persons appointed by the Director for terms of 3 years each, each of whom shall be no lower in rank than a division chief and each of whom shall represent a different State agency. An agency that is a party to mediation shall be notified of all hearings and deliberations and shall have the right to participate in deliberations as a non-voting member of the Committee. Within 30 days after submission of the proposed undertaking, the Committee shall meet with the Director and the submitting agency to review each alternative considered by the State agency and the Director and to evaluate the existence of a feasible and prudent alternative. In the event that the Director and the submitting agency continue to disagree, the Committee shall provide a statement of findings or comments setting forth an alternative to the proposed undertaking or stating the finding that there is no feasible or prudent alternative. The State agency shall consider the written comments of the Committee and shall respond in writing to the Committee before proceeding with the undertaking.

(g) When an undertaking is being reviewed pursuant to Section 106 of the National Historic Preservation Act of 1966 [16 U.S.C. § 470 et seq.], the procedures of this law shall not apply and any review or comment by the Director on such undertaking shall be within the framework or procedures of the federal law. This subsection shall not prevent the Department of Natural Resources from entering into an agreement with the Advisory Council on Historic Preservation pursuant to Section 106 of the National Historic Preservation Act to substitute this Act and its procedures for procedures set forth in Council regulations found in 36 C.F.R. Part 800.7. A State undertaking that is necessary to prevent an immediate and imminent threat to life or property shall be exempt from the requirements of this Act. Where possible, the Director shall be consulted in the determination of the exemption. In all cases, the agency shall provide the Director with a statement of the reasons for the exemption and shall have an opportunity to comment on the exemption. The statement and the comments of the Director shall be included in the annual report of the Department of Natural Resources as a guide to future actions. The provisions of this Act do not apply to undertakings pursuant to the Illinois Oil and Gas Act [225 ILCS 725/1 et seq.], the Surface-Mined Land Conservation and Reclamation Act [225 ILCS 715/1 et seq.] and the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/1.01 et seq.].

HISTORY:
P.A. 86-707; 87-739; 87-847; 87-895; 96-1000, § 115; 97-785, § 15; 2018 P.A. 100-695, § 45, effective August 3, 2018.

20 ILCS 3420/5 Responsibilities of the Department of Natural Resources.

(a) The Director shall include in the Department's annual report an outline of State agency actions on which comment was requested or issued under this Act.

(b) The Director shall maintain a current list of all historic resources owned, operated, or leased by the State and appropriate maps indicating the location of all such resources. These maps shall be in a form available to the public and State agencies, except that the location of archaeological resources shall be excluded.

(c) The Director shall make rules and issue appropriate guidelines to implement this Act. These shall include, but not be limited to, regulations for holding on-site inspections, public information meetings and procedures for consultation, mediation, and resolutions by the Committee pursuant to subsections (e) and (f) of Section 4 [20 ILCS 3420/4].

(d) The Director shall (1) assist, to the fullest extent possible, the State agencies in their identification of properties for inclusion in an inventory of historic resources, including provision of criteria for evaluation; (2) provide information concerning professional methods and techniques for preserving, improving, restoring, and maintaining historic resources when requested by State agencies; and (3) help facilitate State agency compliance with this Act.

(e) The Director shall monitor the implementation of actions of each State agency which have an effect, either adverse or beneficial, on an historic resource.

(f) The Department of Natural Resources shall manage and control the preservation, conservation, inventory, and analysis of fine and decorative arts, furnishings, and artifacts of the Illinois Executive Mansion in Springfield, the Governor's offices in the Capitol in Springfield and the James R. Thompson Center in Chicago, and the Hayes House in DuQuoin. The Department of Natural Resources shall manage the preservation and conservation of the buildings and grounds of the Illinois Executive Mansion in Springfield. The Governor shall appoint a Curator of the Executive Mansion, with the advice and consent of the Senate, to assist the Department of Natural Resources in carrying out the duties under this item (f). The person appointed Curator must have experience in historic preservation or as a curator. The Curator shall serve at the pleasure of the Governor. The Governor shall determine the compensation of the Curator, which shall not be diminished during the term of appointment.

HISTORY:
P.A. 86-707; 92-842, § 5; 2018 P.A. 100-695, § 45, effective August 3, 2018; 2022 P.A. 102-1005, § 15, effective May 27, 2022.

20 ILCS 3420/6 Review of private undertakings.

(a) The Department shall adopt standards, including maps, in accordance with the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.], for determining whether a private undertaking will affect a high probability area for the statewide occurrence of archaeological resources. The Illinois State Museum shall propose to the Department maps of high probability areas for each county in the State that the Department shall consider in creating its standards. The maps shall be made available to any interested person and shall be filed with all regional planning commissions to assist in the planning process.

(b) High probability area maps for each county in the State shall be prepared by the Illinois State Museum and submitted to the Department. Until maps for a particular county are adopted by the Department as rule, the Director's review within that county for archaeological resources shall be limited to determining whether there are known archaeological sites within the area of the undertaking. If there are no known sites, the Director shall so notify the State agency or the local or private designee responsible for the private undertaking and the undertaking may proceed. If there is a known archaeological site within the undertaking, the Director shall so notify the state agency or the local or private designee responsible for the private undertaking and may require additional archaeological investigations.

(c) The Director shall not require archaeological investigations for private undertakings outside high probability areas unless the undertaking may affect a known archaeological site. An archaeological investigation may be required only on that portion of property within a high probability area or where a known site exists on that property. Archaeological investigations shall be required in high probability areas unless the Director indicates that such investigations are not necessary.

HISTORY:
P.A. 87-847.

ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES PROTECTION ACT

20 ILCS 3435/.01 [Short title]

This Act shall be known and may be cited as the "Archaeological and Paleontological Resources Protection Act".

HISTORY:
P.A. 86-459; 86-707.

20 ILCS 3435/.02 [Definitions]

For purposes of this Act:

(a) "Archaeological resource" means any significant material remains or localities of past human life or activities on public land, including but not limited to artifacts, historic and prehistoric human skeletal remains, mounds, earthworks, shipwrecks, forts, village sites or mines.

(b) "Disturb" includes defacing, mutilating, injuring, exposing, removing, destroying, desecrating or molesting in any way.

(c) "Paleontological resource" means any significant fossil or material remains on public lands including traces or impressions of animals or plants that occur as part of the geological record that are known and are included in the files maintained by the Illinois State Museum under Section 10 [20 ILCS 3435/10].

(d) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation or a receiver, trustee, guardian or other representative appointed by order of any court, the federal and State governments, including State universities created by statute or any city, town, county or other political subdivision of this State.

(e) "Public land" means any land owned, but does not include land leased as lessee, by the State of Illinois or its agencies, a State university created by statute, a municipality or a unit of local government.

HISTORY:
P.A. 86-459; 86-707.

20 ILCS 3435/1 [Reservation of right in State]

The State of Illinois reserves to itself the exclusive right and privilege of regulating, exploring, excavating or surveying, through the Department of Natural Resources, all archaeological and paleontological resources found upon or within any public lands.

HISTORY:
P.A. 86-459; 86-707; 2018 P.A. 100-695, § 55, effective August 3, 2018.

20 ILCS 3435/1.5 O'Hare Modernization.

Nothing in this Act limits the authority of the City of Chicago to exercise its powers under the O'Hare Modernization Act [60 ILCS 65/1 et seq.] or requires that City, or any person acting on behalf of that City, to obtain a permit under this Act when acquiring property or otherwise exercising its powers under the O'Hare Modernization Act.

HISTORY:
P.A. 93-450, § 90.

20 ILCS 3435/1.75 South Suburban Airport.

The Illinois Department of Transportation, and any person acting on its behalf under a public-private agreement entered into in accordance with the Public-Private Agreements for the South Suburban Airport Act [620 ILCS 75/2-1 et seq.], is exempt from the permit requirements of this Act, provided that the Illinois Department of Transportation, or any such person, takes reasonable steps to comply with the provisions of this Act so long as compliance does not interfere with the design, development, operation, or maintenance of the South Suburban Airport or the exercise of their powers under the Public-Private Agreements for the South Suburban Airport Act.

HISTORY:
P.A. 98-109, § 4-10.

20 ILCS 3435/2 [Reservation in deeds]

Any deed hereafter given by the owner of public land may contain a clause reserving to the State a property right in any archaeological and paleontological resources or portion thereof and also reserving the right to explore and excavate for the same.

HISTORY:
P.A. 86-459; 86-707.

20 ILCS 3435/3 [Prohibitions]

(a) It is unlawful for any person, either by himself or through an agent, to explore, excavate or collect any of the archaeological or paleontological resources protected by this Act, unless such person obtains a permit issued by the Department of Natural Resources.

(b) It is unlawful for any person, either by himself or through an agent, to knowingly disturb any archaeological or paleontological resource protected under this Act.

(c) It is unlawful for any person, either by himself or through an agent, to offer any object for sale or exchange with the knowledge that it has been previously collected or excavated in violation of this Act.

HISTORY:
P.A. 86-459; 86-707; 2018 P.A. 100-695, § 55, effective August 3, 2018.

20 ILCS 3435/3.1 [Criminal and civil enforcement]

The State's Attorney of the county in which a violation of Section 3 is alleged to have occurred, or the Attorney General, may be requested by the Director of Natural Resources to initiate criminal prosecutions or to seek civil damages, injunctive relief and any other appropriate relief. The Department of Natural Resources shall cooperate with the State's Attorney or the Attorney General. Persons aware of any violation of this Act shall contact the Department of Natural Resources.

HISTORY:
P.A. 86-459; 86-707; 2018 P.A. 100-695, § 55, effective August 3, 2018.

20 ILCS 3435/3.2 [Reward for information leading to conviction]

The Department of Natural Resources is autho-

rized to offer a reward of up to $2,000 for information leading to the arrest and conviction of persons who violate Section 3 [20 ILCS 3435/3].

HISTORY:
P.A. 86-459; 86-707; 2018 P.A. 100-695, § 55, effective August 3, 2018.

20 ILCS 3435/5 [Criminal penalties; civil damages]

Any violation of Section 3 not involving the disturbance of human skeletal remains is a Class A misdemeanor and the violator shall be subject to imprisonment and a fine not in excess of $5,000; any subsequent violation is a Class 4 felony. Any violation of Section 3 involving disturbance of human skeletal remains is a Class 4 felony. Each disturbance of an archaeological site or a paleontological site shall constitute a single offense. Persons convicted of a violation of Section 3 shall also be liable for civil damages to be assessed by the land managing agency and the Department of Natural Resources. Civil damages may include:

(a) forfeiture of any and all equipment used in acquiring the protected material;

(b) any and all costs incurred in cleaning, restoring, analyzing, accessioning and curating the recovered materials;

(c) any and all costs associated with restoring the land to its original contour;

(d) any and all costs associated with recovery of data and analyzing, publishing, accessioning and curating materials when the prohibited activity is so extensive as to preclude the restoration of the archaeological or paleontological site;

(e) any and all costs associated with the determination and collection of the civil damages.

When civil damages are recovered through the Attorney General, the proceeds shall be deposited into the Historic Sites Fund; when civil damages are recovered through the State's Attorney, the proceeds shall be deposited into the county fund designated by the county board.

HISTORY:
P.A. 86-459; 86-707; 2018 P.A. 100-695, § 55, effective August 3, 2018.

20 ILCS 3435/6 [Permits for exploration; regulations]

(a) The Department of Natural Resources, in consultation with the various State agencies owning or managing land for the use of the State of Illinois, shall develop regulations whereby permits may be issued for exploration or excavation of archaeological and paleontological resources. These permits shall be issued by the Department of Natural Resources after consultation with the head of the land managing agency.

(b) Permits to any person or entity other than the State of Illinois shall be issued in accordance with regulations which shall be promulgated by the Department of Natural Resources.

(c) Each permit shall specify all terms and conditions under which the investigation shall be carried out, including, but not limited to, location and nature of the investigation and plans for analysis and publication of the results. Upon completion of the project, the permit holder shall report its results to the Department of Natural Resources.

HISTORY:
P.A. 86-459; 86-707; 2018 P.A. 100-695, § 55, effective August 3, 2018.

20 ILCS 3435/7 All materials and associated records remain the property of the State and are managed by the Illinois State Museum.

The Illinois State Museum, in consultation with the Department of Natural Resources, is authorized to establish long-term curation agreements with universities, museums and other organizations.

HISTORY:
P.A. 86-459; 86-707; 2018 P.A. 100-695, § 55, effective August 3, 2018.

20 ILCS 3435/8 [Illinois State Museum; exemption; registration; additional exemptions]

(a) The Illinois State Museum shall be exempt from the permit requirements established by this Act for lands under its direct management but shall register that exploration with the Department of Natural Resources; such registration shall include the information required under subsection (c) of Section 6 [20 ILCS 3435/6].

(b) Any agency or department of the State of Illinois which has on its staff a professional archaeologist or paleontologist who meets the minimum qualifications established in Section 9 [20 ILCS 3435/9] and which has in effect a memorandum of agreement with the Department of Natural Resources for the protection, preservation and management of archaeological and paleontological resources shall be exempt from the permit requirements established by this Act.

(c) Activities reviewed by the Department of Natural Resources pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) shall be exempt from these permitting requirements.

(d) Where a local government's activities are funded in whole or in part by a State agency and the funded activities are supervised or controlled by the State agency, the local government shall be exempt from the permit requirements established by this Act to the same extent that the State agency is exempt. The State agency shall be responsible for undertaking or causing to be undertaken any steps necessary to comply with this Act for those local government actions so exempted.

HISTORY:
P.A. 86-459; 86-707; 2018 P.A. 100-695, § 55, effective August 3, 2018.

20 ILCS 3435/9 [Minimum standards]

The Department of Natural Resources shall, through rulemaking, establish minimum standards of education and experience for an archaeologist or paleontologist to qualify as a professional for the purpose of conducting activities for which a permit is required.

HISTORY:
P.A. 86-459; 86-707; 2018 P.A. 100-695, § 55, effective August 3, 2018.

20 ILCS 3435/10 [Maintenance of files]

The Illinois State Museum, in cooperation with the Department of Natural Resources, shall develop and maintain files containing information on known archaeological and paleontological sites in the State, whether on State controlled or privately owned property. The Department of Natural Resources shall ensure the safety of those sites by promulgating regulations limiting access to those files as necessary.

HISTORY:
P.A. 86-459; 86-707; 2018 P.A. 100-695, § 55, effective August 3, 2018.

20 ILCS 3435/11 [Promulgation of regulations]

The Department of Natural Resources, in consultation with other State agencies and Departments that own or control land, shall promulgate such regulations as may be necessary to carry out the purposes of this Act.

HISTORY:
P.A. 86-459; 86-707; 2018 P.A. 100-695, § 55, effective August 3, 2018.

BOARDS AND COMMISSIONS

Blue-Ribbon Commission on Transportation Infrastructure Funding and Policy Act [Effective until February 1, 2023]

Section
20 ILCS 4116/1 Short title. [Effective until February 1, 2023]
20 ILCS 4116/5 Findings. [Effective until February 1, 2023]
20 ILCS 4116/10 Commission created. [Effective until February 1, 2023]
20 ILCS 4116/15 Meetings. [Effective until February 1, 2023]
20 ILCS 4116/20 Duties. [Effective until February 1, 2023]
20 ILCS 4116/25 Report. [Effective until February 1, 2023]
20 ILCS 4116/30 Repeal. [Effective until February 1, 2023]
20 ILCS 4116/99 Effective date. [Effective until February 1, 2023]

Illinois Route 66 Centennial Commission Act [Repealed effective December 1, 2027]

20 ILCS 5125/1 Short title. [Repealed effective December 1, 2027]
20 ILCS 5125/5 Purpose. [Repealed effective December 1, 2027]
20 ILCS 5125/10 Commission. [Repealed effective December 1, 2027]
20 ILCS 5125/15 Ex officio members. [Repealed effective December 1, 2027]
Section
20 ILCS 5125/20 Compensation; expenses. [Repealed effective December 1, 2027]
20 ILCS 5125/25 Meetings; quorum; voting. [Repealed effective December 1, 2027]
20 ILCS 5125/30 Powers and duties. [Repealed effective December 1, 2027]
20 ILCS 5125/35 Administrative support. [Repealed effective December 1, 2027]
20 ILCS 5125/40 Illinois Route 66 Centennial Commission Trust Fund; in-kind gifts. [Repealed effective December 1, 2027]
20 ILCS 5125/45 Dissolution of the Commission. [Effective until December 1, 2027]
20 ILCS 5125/50 Repeal. [Repealed effective December 1, 2027]

BLUE-RIBBON COMMISSION ON TRANSPORTATION INFRASTRUCTURE FUNDING AND POLICY ACT [EFFECTIVE UNTIL FEBRUARY 1, 2023]

HISTORY:
2022 P.A. 102-988, § 1, effective May 27, 2022.

20 ILCS 4116/1 Short title. [Effective until February 1, 2023]

This Act may be cited as the Blue-Ribbon Commission on Transportation Infrastructure Funding and Policy Act.

HISTORY:
2022 P.A. 102-988, § 1, effective May 27, 2022.

20 ILCS 4116/5 Findings. [Effective until February 1, 2023]

The General Assembly finds the following:

(1) Illinois' transportation system is crucial to every resident, employee, and business. It serves as the backbone of the economy and is a critical component of Illinois' economic competitiveness.

(2) The State must continue to pursue an equitable transportation network in which marginalized communities have improved access to all modes of transportation, thereby enhancing access to jobs, housing, and other services.

(3) Illinois is home to an expansive transportation network, currently ranking third in the nation for the number of roadway miles and bridges, totaling 127,044 and 26,848, respectively. The State also has 6,883 miles of freight railway, 1,118 inland waterway miles, 58 transit systems with over 450 million annual transit trips, and 17 major airports.

(4) The historic Rebuild Illinois capital plan adopted in 2019 will end in June 2025.

(5) The motor fuel tax and vehicle registration fees remain the most significant form of transportation funding for Illinois.

(6) Illinois will continue to contend with transportation funding shortfalls due to increasing ve-

hicle fuel efficiency and the rising popularity of electric vehicles.

(7) New and innovative funding and policy options are needed to adequately maintain Illinois' transportation systems and support future growth.

(8) The General Assembly should study these issues to determine funding mechanisms for transportation projects and operations in Illinois, policy changes to support the efficient governance and delivery of transportation projects, and the workforce needed to support the future transportation system.

HISTORY:
2022 P.A. 102-988, § 5, effective May 27, 2022.

20 ILCS 4116/10 Commission created. [Effective until February 1, 2023]

(a) The Blue-Ribbon Commission on Transportation Infrastructure Funding and Policy is created within the Department of Transportation consisting of members appointed as follows:

(1) Four members of the House of Representatives, with 2 to be appointed by the Speaker of the House of Representatives and 2 to be appointed by the Minority Leader of the House of Representatives.

(2) Four members of the Senate, with 2 to be appointed by the President of the Senate and 2 to be appointed by the Minority Leader of the Senate.

(3) Eight members appointed by the Governor with the advice and consent of the Senate.

(4) The chair of the Commission to be appointed by the Governor from among his 8 appointments.

(b) Members shall have expertise, knowledge, or experience in transportation infrastructure development, construction, workforce, or policy. Members shall also represent a diverse set of sectors, including the labor, engineering, construction, transit, active transportation, rail, air, or other sectors, and shall include participants of the Disadvantaged Business Enterprise Program. No more than 2 appointees shall be members of the same sector.

(c) Members shall represent geographically diverse regions of the State.

(d) Members shall be appointed by May 31, 2022.

HISTORY:
2022 P.A. 102-988, § 10, effective May 27, 2022.

20 ILCS 4116/15 Meetings. [Effective until February 1, 2023]

The Commission shall hold its first meeting within 2 months from the effective date of this Act. The Commission may conduct meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish its objectives and purposes.

HISTORY:
2022 P.A. 102-988, § 15, effective May 27, 2022.

20 ILCS 4116/20 Duties. [Effective until February 1, 2023]

The Commission shall evaluate Illinois' existing transportation infrastructure funding and policy processes and develop alternative solutions. The Commission shall:

(1) Evaluate current transportation funding in Illinois, taking into account the viability of existing revenue sources and funding distributions.

(2) Consider new and innovative funding options.

(3) Evaluate the existing governance of Illinois' transportation system, including roles and responsibilities for the State and county, township, and municipal governments.

(4) Evaluate current and future workforce needs to design, construct, and manage the state's transportation system within the Illinois Department of Transportation and within the State as a whole.

(5) Evaluate current and future data needs of the Illinois Department of Transportation.

(6) Consider and recommend steps to expedite project approval and completion.

(7) Consider future trends that will impact the transportation system, including safety needs, racial equity, electric vehicles, and climate change.

(8) Consider ways to improve transportation investment impacts on goals such as improving racial equity, addressing climate change, and increasing economic growth.

(9) Consider improvements to the performance-based programming system.

(10) Consider multimodal system needs, including public transportation, bicycle facilities, railways, waterways, and airports.

(11) Consider alternative solutions employed by other states.

HISTORY:
2022 P.A. 102-988, § 20, effective May 27, 2022.

20 ILCS 4116/25 Report. [Effective until February 1, 2023]

The Commission shall direct the Illinois Department of Transportation to enter into a contract with a third party to assist the Commission in producing a document that evaluates the topics under this Act and outline formal recommendations that can be acted upon by the General Assembly. The Commission shall report a summary of its activities and produce a final report of the data, findings, and recommendations to the General Assembly by January 31, 2023. The final report shall include specific, actionable recommendations for legislation and organizational adjustments. The final report may include recommendations for pilot programs to test alternatives. The final report and recommendations shall also include any minority and individual views of task force members.

HISTORY:
2022 P.A. 102-988, § 25, effective May 27, 2022.

20 ILCS 4116/30 Repeal. [Effective until February 1, 2023]

This Commission is dissolved, and this Act is repealed on February 1, 2023.

HISTORY:
2022 P.A. 102-988, § 30, effective May 27, 2022.

20 ILCS 4116/99 Effective date. [Effective until February 1, 2023]

This Act takes effect upon becoming law.

HISTORY:
2022 P.A. 102-988, § 99, effective May 27, 2022.

ILLINOIS ROUTE 66 CENTENNIAL COMMISSION ACT [REPEALED EFFECTIVE DECEMBER 1, 2027]

20 ILCS 5125/1 Short title. [Repealed effective December 1, 2027]

This Act may be cited as the Illinois Route 66 Centennial Commission Act.

HISTORY:
2018 P.A. 100-649, § 1, effective January 1, 2019.

20 ILCS 5125/5 Purpose. [Repealed effective December 1, 2027]

Route 66 is one of the original highways within the National Highway System. The importance of Route 66 is rooted within its cultural and historical impact beginning with its numerical designation in 1926 to its upcoming centennial in 2026.

From the outset, public road planners intended for the highway to connect the main streets of rural and urban communities so that small towns could have access to a major national thoroughfare. Illinois has had a major impact on Route 66 as home to the start of the road in Chicago and the first state to have the road paved across the entire State. Route 66 in Illinois runs almost 300 miles through numerous towns, eventually reaching Missouri before continuing its way to Santa Monica, California. Since 1989, the Route 66 Association of Illinois has been working to preserve and promote the highway in Illinois through methods such as establishing the Route 66 Hall of Fame & Museum. In 2005, the Illinois stretch of Route 66 received recognition as a National Scenic Byway. The National Park Service Route 66 Corridor Preservation Program has awarded more than 23 cost-share grants to assist properties in Illinois.

2026 will mark the centennial of the creation of Route 66. The centennial is an opportunity to promote the preservation and commemoration of Route 66 including, but not limited to, existing roadways, buildings, and attractions along the route. The centennial is also an opportunity to celebrate the important history of Route 66 in Illinois through commemorative, educational, and community events. The centennial celebration may include events about the history of how local communities grew and changed with the construction of Route 66, the cultural impact of Route 66 within the United States and internationally, the portrayal of Route 66 in music, artwork, and folklore, and how to maintain the mystique and appeal of Route 66 for future generations.

HISTORY:
2018 P.A. 100-649, § 5, effective January 1, 2019.

20 ILCS 5125/10 Commission. [Repealed effective December 1, 2027]

The Commission shall be composed of 20 members who reflect the interests, history, and importance of the communities along Route 66 in Illinois. The members shall be appointed as follows:

(1) two public members appointed by the Speaker of the House of Representatives;

(2) two public members appointed by the Minority Leader of the House of Representatives;

(3) two public members appointed by the President of the Senate;

(4) two public members appointed by the Minority Leader of the Senate;

(5) three public members appointed by the Governor, one of whom shall serve as chairperson;

(6) the President of the Route 66 Association of Illinois, or his or her designee;

(7) the Executive Director of the Illinois Route 66 Scenic Byway, or his or her designee; and

(8) seven ex officio members as follows:

(A) the Governor, or his or her designee;

(B) the Secretary of the Department of Transportation, or his or her designee;

(C) the Director of the Illinois Historic Preservation Agency, or his or her designee;

(D) the Director of the Department of Natural Resources, or his or her designee;

(E) the Director of the Office of Tourism, or his or her designee;

(F) the Director of the Department of Commerce and Economic Opportunity, or his or her designee; and

(G) the Director of the State Archives, or his or her designee.

HISTORY:
2018 P.A. 100-649, § 10, effective January 1, 2019.

20 ILCS 5125/15 Ex officio members. [Repealed effective December 1, 2027]

An ex officio member of the Commission vacates the person's position on the Commission if the person

ceases to hold the position that qualifies the person for service on the Commission.

HISTORY:
2018 P.A. 100-649, § 15, effective January 1, 2019.

20 ILCS 5125/20 Compensation; expenses. [Repealed effective December 1, 2027]

A public member of the Commission is not entitled to compensation but is entitled to reimbursement for the travel expenses incurred by the member while transacting Commission business. Subject to appropriation, the Office of Tourism of the Department of Commerce and Economic Opportunity shall provide reimbursement under this Section.

HISTORY:
2018 P.A. 100-649, § 20, effective January 1, 2019.

20 ILCS 5125/25 Meetings; quorum; voting. [Repealed effective December 1, 2027]

(a) The Commission shall meet at least quarterly at the times and places in this State that the Commission designates.

(b) A majority of the members of the Commission constitute a quorum for transacting Commission business.

HISTORY:
2018 P.A. 100-649, § 25, effective January 1, 2019.

20 ILCS 5125/30 Powers and duties. [Repealed effective December 1, 2027]

The Commission shall:

(1) plan and sponsor official Route 66 centennial events, programs, and activities in the State;

(2) encourage the development of programs designed to involve all citizens in activities that commemorate Route 66 centennial events in the State; and

(3) to the best of the Commission's ability, make available to the public information on Route 66 centennial events happening throughout the State.

HISTORY:
2018 P.A. 100-649, § 30, effective January 1, 2019.

20 ILCS 5125/35 Administrative support. [Repealed effective December 1, 2027]

Subject to appropriation, the Office of Tourism shall provide administrative and other support to the Commission.

HISTORY:
2018 P.A. 100-649, § 35, effective January 1, 2019.

20 ILCS 5125/40 Illinois Route 66 Centennial Commission Trust Fund; in-kind gifts. [Repealed effective December 1, 2027]

(a) The Commission may accept monetary gifts and grants from any public or private source, to be held in the Illinois Route 66 Centennial Commission Trust Fund. The Illinois Route 66 Centennial Commission Trust Fund is created as a non-appropriated trust fund to be held outside of the State treasury, with the State Treasurer as custodian. The Fund shall be expended solely for the use of the Commission in performing the Commission's powers and duties under this Act.

(b) The Commission may also accept in-kind gifts.

HISTORY:
2018 P.A. 100-649, § 40, effective January 1, 2019.

20 ILCS 5125/45 Dissolution of the Commission. [Effective until December 1, 2027]

No later than June 30, 2027, a final report on the Commission's activities shall be delivered to the Governor. The Commission shall be dissolved on June 30, 2027, and any assets remaining in the Illinois Route 66 Centennial Commission Trust Fund shall be deposited into the General Revenue Fund.

HISTORY:
2018 P.A. 100-649, § 45, effective January 1, 2019; 2019 P.A. 101-81, § 225, effective July 12, 2019.

20 ILCS 5125/50 Repeal. [Repealed effective December 1, 2027]

This Act is repealed on December 1, 2027.

HISTORY:
2018 P.A. 100-649, § 50, effective January 1, 2019.

CHAPTER 30

FINANCE

FUNDS
RECEIPT, INVESTMENT, AND DISBURSEMENT
BONDS AND DEBT
PURCHASES AND CONTRACTS
GRANTS AND AID
MANDATES

FUNDS

State Finance Act

STATE FINANCE ACT

30 ILCS 105/5d [State Construction Account Fund; exclusive use]

Except as provided by Section 5e of this Act [30 ILCS 105/5e], the State Construction Account Fund shall be used exclusively for the construction, reconstruction and maintenance of the State maintained highway system. Except as provided by Section 5e of this Act [30 ILCS 105/5e], none of the money deposited in the State Construction Account Fund shall be used to pay the cost of administering the Motor Fuel Tax Law as now or hereafter amended [35 ILCS 505/1 et seq.], nor be appropriated for use by the Department of Transportation to pay the cost of its operations or administration, nor be used in any manner for the payment of regular or contractual employees of the State, nor be transferred or allocated by the Comptroller and Treasurer or be otherwise used, except for the sole purpose of construction, reconstruction and maintenance of the State maintained highway system as the Illinois General Assembly shall provide by appropriation from this fund. Beginning with the month immediately following the effective date of this amendatory Act of 1985, investment income which is attributable to the investment of moneys of the State Construction Account Fund shall be retained in that fund for the uses specified in this Section.

HISTORY:
P.A. 84-431.

30 ILCS 105/5e [Transfers; Road Fund to State Construction Account Fund]

The Governor, in his discretion, when he deems it necessary for payments of the State's obligations, may authorize transfers from the Road Fund to the State Construction Account Fund. Any amount so transferred shall be retransferred from the State Construction Account Fund to the Road Fund by the end of the fiscal year in which the transfer was made. The transfers out of the Road Fund shall not exceed $35,000,000 in any fiscal year. No transfers from the Road Fund which impair the obligations of the State shall be authorized. The Comptroller and the Treasurer, upon receipt of authorization from the Governor, shall make transfers in accordance with this Section. In the event the Governor fails to authorize the retransfer into the Road Fund as required by this Section, the Comptroller and the Treasurer shall make such retransfer.

HISTORY:
P.A. 84-431.

30 ILCS 105/5f [Comptroller's report of transfers]

Within 10 days after the last day of each month, the Comptroller shall report to the Governor, the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives as to any transfers made between funds in the State Treasury during that month. Such report shall include, but shall not be limited to, the amount transferred from the Road Fund under Section 5e of this Act [30 ILCS 105/5e].

HISTORY:
P.A. 84-431.

30 ILCS 105/5g [Transfer; General Revenue Fund to Road Fund]

(a) After July 1, 1991, the General Assembly shall direct the transfer from the General Revenue Fund to the Road Fund of the sum of $36,000,000, or so much thereof as may be necessary, so that after such transfer the total expenditures for the fiscal year beginning July 1, 1990 for the Division of State Troopers from the Road Fund do not exceed the amount appropriated in fiscal year 1990 for the

Division of State Troopers. Such transfers shall be completed no later than June 30, 1992.

(b) If the General Assembly has not completed the transfers required under subsection (a) of this Section on or before June 30, 1992, and if the General Revenue Fund balance is $250 million or greater on June 30, 1992 or June 30th of any year thereafter, on July 1 of the fiscal year immediately following the fiscal year which has a June 30th balance of $250 million or greater, the Comptroller shall order the transfer and the Treasurer shall transfer from the General Revenue Fund to the Road Fund one-twelfth of the amount remaining to be transferred on July 15, 1992, with such transfers continuing on the first of each month thereafter until the total transfers required to be made by this Section have been completed.

HISTORY:
P.A. 86-1159; 87-860.

30 ILCS 105/5h Cash flow borrowing and general funds liquidity

(a) In order to meet cash flow deficits and to maintain liquidity in the General Revenue Fund, the Healthcare Provider Relief Fund, and the Common School Fund, on and after July 1, 2010 and through June 30, 2011, the State Treasurer and the State Comptroller shall make transfers to the General Revenue Fund, the Healthcare Provider Relief Fund, or the Common School Fund, as directed by the Governor, out of special funds of the State, to the extent allowed by federal law. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. No such transfer may reduce the cumulative balance of all of the special funds of the State to an amount less than the total debt service payable during the 12 months immediately following the date of the transfer on any bonded indebtedness of the State and any certificates issued under the Short Term Borrowing Act [30 ILCS 340/0.01 et seq.]. Notwithstanding any other provision of this Section, no such transfer may be made from any special fund that is exclusively collected by or appropriated to any other constitutional officer without the written approval of that constitutional officer.

(b) If moneys have been transferred to the General Revenue Fund, the Healthcare Provider Relief Fund, or the Common School Fund pursuant to subsection (a) of this Section, this amendatory Act of the 96th General Assembly [P.A. 96-958] shall constitute the irrevocable and continuing authority for and direction to the State Treasurer and State Comptroller to reimburse the funds of origin from the General Revenue Fund, the Healthcare Provider Relief Fund, or the Common School Fund, as appropriate, by transferring to the funds of origin, at such times and in such amounts as directed by the Governor when necessary to support appropriated expenditures from the funds, an amount equal to that transferred from them plus any interest that would have accrued thereon had the transfer not occurred, except that any moneys transferred pursuant to subsection (a) of this Section shall be repaid to the fund of origin within 18 months after the date on which they were borrowed.

(c) On the first day of each quarterly period in each fiscal year, until such time as a report indicates that all moneys borrowed and interest pursuant to this Section have been repaid, the Governor's Office of Management and Budget shall provide to the President and the Minority Leader of the Senate, the Speaker and the Minority Leader of the House of Representatives, and the Commission on Government Forecasting and Accountability a report on all transfers made pursuant to this Section in the prior quarterly period. The report must be provided in both written and electronic format. The report must include all of the following:

(1) The date each transfer was made.

(2) The amount of each transfer.

(3) In the case of a transfer from the General Revenue Fund, the Healthcare Provider Relief Fund, or the Common School Fund to a fund of origin pursuant to subsection (b) of this Section, the amount of interest being paid to the fund of origin.

(4) The end of day balance of both the fund of origin and the General Revenue Fund, the Healthcare Provider Relief Fund, or the Common School Fund, whichever the case may be, on the date the transfer was made.

HISTORY:
P.A. 96-958, § 5-15; 96-1500, § 10; 97-72, § 5-10; 98-44, § 30.

30 ILCS 105/5h.5 Cash flow borrowing and general funds liquidity; Fiscal Years 2018, 2019, 2020, 2021, and 2022.

(a) In order to meet cash flow deficits and to maintain liquidity in general funds and the Health Insurance Reserve Fund, on and after July 1, 2017 and through June 30, 2022, the State Treasurer and the State Comptroller, in consultation with the Governor's Office of Management and Budget, shall make transfers to general funds and the Health Insurance Reserve Fund, as directed by the State Comptroller, out of special funds of the State, to the extent allowed by federal law.

No such transfer may reduce the cumulative balance of all of the special funds of the State to an amount less than the total debt service payable during the 12 months immediately following the date of the transfer on any bonded indebtedness of the State and any certificates issued under the Short Term Borrowing Act [30 ILCS 340/0.01 et seq.]. At no time shall the outstanding total transfers made from the special funds of the State to general funds and

the Health Insurance Reserve Fund under this Section exceed $1,500,000,000; once the amount of $1,500,000,000 has been transferred from the special funds of the State to general funds and the Health Insurance Reserve Fund, additional transfers may be made from the special funds of the State to general funds and the Health Insurance Reserve Fund under this Section only to the extent that moneys have first been re-transferred from general funds and the Health Insurance Reserve Fund to those special funds of the State. Notwithstanding any other provision of this Section, no such transfer may be made from any special fund that is exclusively collected by or directly appropriated to any other constitutional officer without the written approval of that constitutional officer.

(b) If moneys have been transferred to general funds and the Health Insurance Reserve Fund pursuant to subsection (a) of this Section, Public Act 100-23 shall constitute the continuing authority for and direction to the State Treasurer and State Comptroller to reimburse the funds of origin from general funds by transferring to the funds of origin, at such times and in such amounts as directed by the Comptroller when necessary to support appropriated expenditures from the funds, an amount equal to that transferred from them plus any interest that would have accrued thereon had the transfer not occurred, except that any moneys transferred pursuant to subsection (a) of this Section shall be repaid to the fund of origin within 60 months after the date on which they were borrowed. When any of the funds from which moneys have been transferred pursuant to subsection (a) have insufficient cash from which the State Comptroller may make expenditures properly supported by appropriations from the fund, then the State Treasurer and State Comptroller shall transfer from general funds to the fund only such amount as is immediately necessary to satisfy outstanding expenditure obligations on a timely basis.

(c) On the first day of each quarterly period in each fiscal year, until such time as a report indicates that all moneys borrowed and interest pursuant to this Section have been repaid, the Comptroller shall provide to the President and the Minority Leader of the Senate, the Speaker and the Minority Leader of the House of Representatives, and the Commission on Government Forecasting and Accountability a report on all transfers made pursuant to this Section in the prior quarterly period. The report must be provided in electronic format. The report must include all of the following:

(1) the date each transfer was made;

(2) the amount of each transfer;

(3) in the case of a transfer from general funds to a fund of origin pursuant to subsection (b) of this Section, the amount of interest being paid to the fund of origin; and

(4) the end of day balance of the fund of origin, the general funds, and the Health Insurance Reserve Fund on the date the transfer was made.

HISTORY:

2017 P.A. 100-23, § 75-5, effective July 6, 2017; 2018 P.A. 100-587, § 25-5, effective June 4, 2018; 2019 P.A. 101-10, § 5-35, effective June 5, 2019; 2020 P.A. 101-636, § 5-5, effective June 10, 2020; 2021 P.A. 102-16, § 2-5, effective June 17, 2021.

30 ILCS 105/5i Transfers

Each year, the Governor's Office of Management and Budget shall, at the time set forth for the submission of the State budget under Section 50-5 of the State Budget Law [15 ILCS 20/50-5], provide to the Chairperson and the Minority Spokesperson of each of the appropriations committees of the House of Representatives and the Senate a report of (i) all full fiscal year transfers from State general funds to any other special fund of the State in the previous fiscal year and during the current fiscal year to date, and (ii) all projected full fiscal year transfers from State general funds to those funds for the remainder of the current fiscal year and the next fiscal year, based on estimates prepared by the Governor's Office of Management and Budget. The report shall include a detailed summary of the estimates upon which the projected transfers are based. The report shall also indicate, for each transfer:

(1) whether or not there is statutory authority for the transfer;

(2) if there is statutory authority for the transfer, whether that statutory authority exists for the next fiscal year; and

(3) whether there is debt service associated with the transfer.

The General Assembly shall consider the report in the appropriations process.

HISTORY:

P.A. 98-24, § 5-25.

30 ILCS 105/5j Closure of State mental health facilities or developmental disabilities facilities.

Consistent with the provisions of Sections 4.4 and 4.5 of the Community Services Act [405 ILCS 30/4.4 and 405 ILCS 30/4.5], whenever a State mental health facility operated by the Department of Human Services or a State developmental disabilities facility operated by the Department of Human Services is closed, the Department of Human Services, at the direction of the Governor, shall transfer funds from the closed facility to the appropriate line item providing appropriation authority for the new venue of care to facilitate the transition of services to the new venue of care, provided that the new venue of care is a Department of Human Services funded provider or facility.

As used in this Section, the terms "mental health facility" and "developmental disabilities facility" have the meanings ascribed to those terms in the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-100 et seq.].

HISTORY:
P.A. 98-403, § 5; 98-756, § 150.

30 ILCS 105/5k Cash Flow Borrowing and General Funds Liquidity; FY15

(a) In order to meet cash flow deficits and to maintain liquidity in the General Revenue Fund and the Health Insurance Reserve Fund, on and after July 1, 2014 and through June 30, 2015, the State Treasurer and the State Comptroller shall make transfers to the General Revenue Fund and the Health Insurance Reserve Fund, as directed by the Governor, out of special funds of the State, to the extent allowed by federal law. No such transfer may reduce the cumulative balance of all of the special funds of the State to an amount less than the total debt service payable during the 12 months immediately following the date of the transfer on any bonded indebtedness of the State and any certificates issued under the Short Term Borrowing Act [30 ILCS 340/1 et seq.]. At no time shall the outstanding total transfers made from the special funds of the State to the General Revenue Fund and the Health Insurance Reserve Fund under this Section exceed $650,000,000; once the amount of $650,000,000 has been transferred from the special funds of the State to the General Revenue Fund and the Health Insurance Reserve Fund, additional transfers may be made from the special funds of the State to the General Revenue Fund and the Health Insurance Reserve Fund under this Section only to the extent that moneys have first been re-transferred from the General Revenue Fund and the Health Insurance Reserve Fund to those special funds of the State. Notwithstanding any other provision of this Section, no such transfer may be made from any special fund that is exclusively collected by or appropriated to any other constitutional officer without the written approval of that constitutional officer.

(b) If moneys have been transferred to the General Revenue Fund and the Health Insurance Reserve Fund pursuant to subsection (a) of this Section, this amendatory Act of the 98th General Assembly [P.A. 98-682] shall constitute the continuing authority for and direction to the State Treasurer and State Comptroller to reimburse the funds of origin from the General Revenue Fund by transferring to the funds of origin, at such times and in such amounts as directed by the Governor when necessary to support appropriated expenditures from the funds, an amount equal to that transferred from them plus any interest that would have accrued thereon had the transfer not occurred. When any of the funds from which moneys have been transferred pursuant to subsection (a) have insufficient cash from which the State Comptroller may make expenditures properly supported by appropriations from the fund, then the State Treasurer and State Comptroller shall transfer from the General Revenue Fund to the fund only such amount as is immediately necessary to satisfy outstanding expenditure obligations on a timely basis.

(c) On the first day of each quarterly period in each fiscal year, until such time as a report indicates that all moneys borrowed and interest pursuant to this Section have been repaid, the Governor's Office of Management and Budget shall provide to the President and the Minority Leader of the Senate, the Speaker and the Minority Leader of the House of Representatives, and the Commission on Government Forecasting and Accountability a report on all transfers made pursuant to this Section in the prior quarterly period. The report must be provided in electronic format. The report must include all of the following:

(1) The date each transfer was made.

(2) The amount of each transfer.

(3) In the case of a transfer from the General Revenue Fund to a fund of origin pursuant to subsection (b) of this Section, the amount of interest being paid to the fund of origin.

(4) The end of day balance of the fund of origin, the General Revenue Fund and the Health Insurance Reserve Fund on the date the transfer was made.

HISTORY:
2013 P.A. 98-682, § 65, effective June 30, 2014; 99-523, § 5-10.

30 ILCS 105/6c [Division of Highways; disposition of fees]

All fees and other money received by the Division of Highways of the Department of Transportation shall, upon being paid into the State treasury, be placed in the road fund. After the effective date of this amendatory Act of 1980, investment income which is attributable to the investment of moneys of the road fund shall be retained in the road fund.

HISTORY:
P.A. 81-1550.

30 ILCS 105/6r [Department of Transportation; disposition of rental income]

All money received from the rental of land, buildings or improvements by the Department of Transportation under Section 4-201.16 of the Illinois Highway Code [605 ILCS 5/4-201.16] shall be remitted to the State Treasurer for payment into the Road Fund in the State treasury.

HISTORY:
P.A. 80-1129.

30 ILCS 105/8.3 [Road Fund; Bonded Indebtedness Payments; Appropriations]

Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging annually the principal and interest on that bonded

indebtedness then due and payable, and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

first — to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code [625 ILCS 5/2-101 et seq. through 625 ILCS 5/10-101 et seq.], except the cost of administration of Articles I and II of Chapter 3 of that Code [625 ILCS 5/3-100 et seq. and 625 ILCS 5/3-201 e seq.], and to pay the costs of the Executive Ethics Commission for oversight and administration of the Chief Procurement Officer appointed under paragraph (2) of subsection (a) of Section 10-20 of the Illinois Procurement Code [30 ILCS 500/10-20] for transportation; and

secondly — for expenses of the Department of Transportation for construction, reconstruction, improvement, repair, maintenance, operation, and administration of highways in accordance with the provisions of laws relating thereto, or for any purpose related or incident to and connected therewith, including the separation of grades of those highways with railroads and with highways and including the payment of awards made by the Illinois Workers' Compensation Commission under the terms of the Workers' Compensation Act [820 ILCS 305/1 et seq.] or Workers' Occupational Diseases Act [820 ILCS 310/1 et seq.] for injury or death of an employee of the Division of Highways in the Department of Transportation; or for the acquisition of land and the erection of buildings for highway purposes, including the acquisition of highway right-of-way or for investigations to determine the reasonably anticipated future highway needs; or for making of surveys, plans, specifications and estimates for and in the construction and maintenance of flight strips and of highways necessary to provide access to military and naval reservations, to defense industries and defense-industry sites, and to the sources of raw materials and for replacing existing highways and highway connections shut off from general public use at military and naval reservations and defense-industry sites, or for the purchase of right-of-way, except that the State shall be reimbursed in full for any expense incurred in building the flight strips; or for the operating and maintaining of highway garages; or for patrolling and policing the public highways and conserving the peace; or for the operating expenses of the Department relating to the administration of public transportation programs; or, during fiscal year 2022, for the purposes of a grant not to exceed $8,394,800 to the Regional Transportation Authority on behalf of PACE for the purpose of ADA/Para-transit expenses; or, during fiscal year 2023, for the purposes of a grant not to exceed $8,394,800 to the Regional Transportation Authority on behalf of PACE for the purpose of ADA/Para-transit expenses; or for any of those purposes or any other purpose that may be provided by law.

Appropriations for any of those purposes are payable from the Road Fund. Appropriations may also be made from the Road Fund for the administrative expenses of any State agency that are related to motor vehicles or arise from the use of motor vehicles.

Beginning with fiscal year 1980 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Department of Public Health;

2. Department of Transportation, only with respect to subsidies for one-half fare Student Transportation and Reduced Fare for Elderly, except fiscal year 2021 only when no more than $17,570,000 may be expended and except fiscal year 2022 only when no more than $17,570,000 may be expended;

3. Department of Central Management Services, except for expenditures incurred for group insurance premiums of appropriate personnel;

4. Judicial Systems and Agencies.

Beginning with fiscal year 1981 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Illinois State Police, except for expenditures with respect to the Division of Patrol Operations and Division of Criminal Investigation;

2. Department of Transportation, only with respect to Intercity Rail Subsidies, except fiscal year 2021 only when no more than $50,000,000 may be expended and except fiscal year 2022 only when no more than $50,000,000 may be expended, and Rail Freight Services.

Beginning with fiscal year 1982 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement: Department of Central Management Services, except for awards made by the Illinois Workers' Compensation Commission under the terms of the Workers' Compensation Act or Workers' Occupational Diseases Act for injury or death of an employee of the Division of Highways in the Department of Transportation.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to the following Departments or agencies of State government for administration, grants, or operations; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement:

1. Illinois State Police, except not more than 40% of the funds appropriated for the Division of

Patrol Operations and Division of Criminal Investigation;

2. State Officers.

Beginning with fiscal year 1984 and thereafter, no Road Fund monies shall be appropriated to any Department or agency of State government for administration, grants, or operations except as provided hereafter; but this limitation is not a restriction upon appropriating for those purposes any Road Fund monies that are eligible for federal reimbursement. It shall not be lawful to circumvent the above appropriation limitations by governmental reorganization or other methods. Appropriations shall be made from the Road Fund only in accordance with the provisions of this Section.

Money in the Road Fund shall, if and when the State of Illinois incurs any bonded indebtedness for the construction of permanent highways, be set aside and used for the purpose of paying and discharging during each fiscal year the principal and interest on that bonded indebtedness as it becomes due and payable as provided in the Transportation Bond Act [30 ILCS 415/1 et seq.], and for no other purpose. The surplus, if any, in the Road Fund after the payment of principal and interest on that bonded indebtedness then annually due shall be used as follows:

first — to pay the cost of administration of Chapters 2 through 10 of the Illinois Vehicle Code; and

secondly — no Road Fund monies derived from fees, excises, or license taxes relating to registration, operation and use of vehicles on public highways or to fuels used for the propulsion of those vehicles, shall be appropriated or expended other than for costs of administering the laws imposing those fees, excises, and license taxes, statutory refunds and adjustments allowed thereunder, administrative costs of the Department of Transportation, including, but not limited to, the operating expenses of the Department relating to the administration of public transportation programs, payment of debts and liabilities incurred in construction and reconstruction of public highways and bridges, acquisition of rights-of-way for and the cost of construction, reconstruction, maintenance, repair, and operation of public highways and bridges under the direction and supervision of the State, political subdivision, or municipality collecting those monies, or during fiscal year 2021 only for the purposes of a grant not to exceed $8,394,800 to the Regional Transportation Authority on behalf of PACE for the purpose of ADA/Para-transit expenses, or during fiscal year 2022 only for the purposes of a grant not to exceed $8,394,800 to the Regional Transportation Authority on behalf of PACE for the purpose of ADA/Para-transit expenses, and the costs for patrolling and policing the public highways (by the State, political subdivision, or municipality collecting that money) for enforcement of traffic laws. The separation of grades of such highways with railroads and costs associated with protection of at-grade highway and railroad crossing shall also be permissible.

Appropriations for any of such purposes are payable from the Road Fund or the Grade Crossing Protection Fund as provided in Section 8 of the Motor Fuel Tax Law [35 ILCS 505/8].

Except as provided in this paragraph, beginning with fiscal year 1991 and thereafter, no Road Fund monies shall be appropriated to the Illinois State Police for the purposes of this Section in excess of its total fiscal year 1990 Road Fund appropriations for those purposes unless otherwise provided in Section 5g of this Act [30 ILCS 105/5g]. For fiscal years 2003, 2004, 2005, 2006, and 2007 only, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of $97,310,000. For fiscal year 2008 only, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of $106,100,000. For fiscal year 2009 only, no Road Fund monies shall be appropriated to the Department of State Police for the purposes of this Section in excess of $114,700,000. Beginning in fiscal year 2010, no road fund moneys shall be appropriated to the Illinois State Police. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods unless otherwise provided in Section 5g of this Act.

In fiscal year 1994, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1991 Road Fund appropriations to the Secretary of State for those purposes, plus $9,800,000. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other method.

Beginning with fiscal year 1995 and thereafter, no Road Fund monies shall be appropriated to the Secretary of State for the purposes of this Section in excess of the total fiscal year 1994 Road Fund appropriations to the Secretary of State for those purposes. It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

Beginning with fiscal year 2000, total Road Fund appropriations to the Secretary of State for the purposes of this Section shall not exceed the amounts specified for the following fiscal years:

Fiscal Year 2000	$80,500,000;
Fiscal Year 2001	$80,500,000;
Fiscal Year 2002	$80,500,000;
Fiscal Year 2003	$130,500,000;
Fiscal Year 2004	$130,500,000;
Fiscal Year 2005	$130,500,000;
Fiscal Year 2006	$130,500,000;
Fiscal Year 2007	$130,500,000;
Fiscal Year 2008	$130,500,000;
Fiscal Year 2009	$130,500,000.

For fiscal year 2010, no road fund moneys shall be appropriated to the Secretary of State.

Beginning in fiscal year 2011, moneys in the Road Fund shall be appropriated to the Secretary of State for the exclusive purpose of paying refunds due to overpayment of fees related to Chapter 3 of the

Illinois Vehicle Code unless otherwise provided for by law.

It shall not be lawful to circumvent this limitation on appropriations by governmental reorganization or other methods.

No new program may be initiated in fiscal year 1991 and thereafter that is not consistent with the limitations imposed by this Section for fiscal year 1984 and thereafter, insofar as appropriation of Road Fund monies is concerned.

Nothing in this Section prohibits transfers from the Road Fund to the State Construction Account Fund under Section 5e of this Act [30 ILCS 105/5e]; nor to the General Revenue Fund, as authorized by Public Act 93-25.

The additional amounts authorized for expenditure in this Section by Public Acts 92-0600, 93-0025, 93-0839, and 94-91 shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.

The additional amounts authorized for expenditure by the Secretary of State and the Department of State Police in this Section by Public Act 94-91 shall be repaid to the Road Fund from the General Revenue Fund in the next succeeding fiscal year that the General Revenue Fund has a positive budgetary balance, as determined by generally accepted accounting principles applicable to government.

HISTORY:

P.A. 86-16; 86-1159; 87-774; 87-1228, § 1; 88-78, § 5; 91-37, § 5; 91-760, § 40; 92-600, § 5-10; 93-25, § 50-10; 93-721 § 25; 93-839, § 10-100; 94-91, § 20-5; 94-839, § 5-40; 95-707, § 5-10; 95-744, § 40; 96-34, § 905; 96-959, § 5-20; 97-72, § 5-10; 97-732, § 5-25; 98-24, § 5-25; 98-674, § 20-10; 99-523, § 5-10; 2017 P.A. 100-23, § 5-10, effective July 6, 2017; 2018 P.A. 100-587, § 50-25, effective June 4, 2018; 2018 P.A. 100-863, § 140, effective August 14, 2018; 2019 P.A. 101-10, § 5-35, effective June 5, 2019; 2020 P.A. 101-636, § 5-5, effective June 10, 2020; 2021 P.A. 102-16, § 2-5, effective June 17, 2021; 2021 P.A. 102-538, § 330, effective August 20, 2021; 2022 P.A. 102-699, § 5-35, effective April 19, 2022; 2022 P.A. 102-813, § 215, effective May 13, 2022.

RECEIPT, INVESTMENT, AND DISBURSEMENT

Public Funds Investment Act

Section

PUBLIC FUNDS INVESTMENT ACT

30 ILCS 235/0.01 Short title

This Act may be cited as the Public Funds Investment Act.

HISTORY:

P.A. 86-1324.

30 ILCS 235/1 [Definitions]

The words "public funds", as used in this Act, mean current operating funds, special funds, interest and sinking funds, and funds of any kind or character belonging to or in the custody of any public agency.

The words "public agency", as used in this Act, mean the State of Illinois, the various counties, townships, cities, towns, villages, school districts, educational service regions, special road districts, public water supply districts, fire protection districts, drainage districts, levee districts, sewer districts, housing authorities, the Illinois Bank Examiners' Education Foundation, the Chicago Park District, and all other political corporations or subdivisions of the State of Illinois, now or hereafter created, whether herein specifically mentioned or not. This Act does not apply to the Illinois Prepaid Tuition Trust Fund, private funds collected by the Illinois Conservation Foundation, or pension funds or retirement systems established under the Illinois Pension Code [40 ILCS 5/1-101 et. seq.], except as otherwise provided in that Code. This Act does not apply to the Illinois State Treasurer, whose investment of State funds shall be governed by the Deposit of State Moneys Act [15 ILCS 520/0.01 et seq.].

The words "governmental unit", as used in this Act, have the same meaning as in the Local Government Debt Reform Act [30 ILCS 350/1 et seq.].

HISTORY:

P.A. 85-1411; 87-968, § 1; 90-507, § 3; 91-669, § 5; 92-797, § 10; 98-297, § 5; 2021 P.A. 102-297, § 25, effective August 6, 2021.

30 ILCS 235/2 Authorized investments.

(a) Any public agency may invest any public funds as follows:

(1) in bonds, notes, certificates of indebtedness, treasury bills or other securities now or hereafter issued, which are guaranteed by the full faith and credit of the United States of America as to principal and interest;

(2) in bonds, notes, debentures, or other similar obligations of the United States of America, its agencies, and its instrumentalities;

(3) in interest-bearing savings accounts, interest-bearing certificates of deposit or interest-bearing time deposits or any other investments constituting direct obligations of any bank as defined by the Illinois Banking Act [205 ILCS 5/1 et seq.];

(4) in short-term obligations of corporations organized in the United States with assets exceeding $500,000,000 if (i) such obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating services and which mature not later than 270 days from the date of purchase, (ii) such purchases do not exceed 10% of the corporation's outstanding obligations, and (iii) no more than one-third of the public agency's funds may be invested in short-term obligations of corporations under this paragraph (4);

(4.5) in obligations of corporations organized in the United States with assets exceeding $500,000,000 if (i) such obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating services and which mature more than 270 days but less than 3 years from the date of purchase, (ii) such purchases do not exceed 10% of the corporation's outstanding obligations, and (iii) no more than one-third of the public agency's funds may be invested in obligations of corporations under this paragraph (4.5); or

(5) in money market mutual funds registered under the Investment Company Act of 1940 [15 U.S.C. § 80a-1 et seq.], provided that the portfolio of any such money market mutual fund is limited to obligations described in paragraph (1) or (2) of this subsection and to agreements to repurchase such obligations.

(a-1) In addition to any other investments authorized under this Act, a municipality, park district, forest preserve district, conservation district, county, or other governmental unit may invest its public funds in interest bearing bonds of any county, township, city, village, incorporated town, municipal corporation, or school district, of the State of Illinois, of any other state, or of any political subdivision or agency of the State of Illinois or of any other state, whether the interest earned thereon is taxable or tax-exempt under federal law. The bonds shall be registered in the name of the municipality, park district, forest preserve district, conservation district, county, or other governmental unit, or held under a custodial agreement at a bank. The bonds shall be rated at the time of purchase within the 4 highest general classifications established by a rating service of nationally recognized expertise in rating bonds of states and their political subdivisions.

(b) Investments may be made only in banks which are insured by the Federal Deposit Insurance Corporation. Any public agency may invest any public funds in short term discount obligations of the Federal National Mortgage Association or in shares or other forms of securities legally issuable by savings banks or savings and loan associations incorporated under the laws of this State or any other state or under the laws of the United States. Investments may be made only in those savings banks or savings and loan associations the shares, or investment certificates of which are insured by the Federal Deposit Insurance Corporation. Any such securities may be purchased at the offering or market price thereof at the time of such purchase. All such securities so purchased shall mature or be redeemable on a date or dates prior to the time when, in the judgment of such governing authority, the public funds so invested will be required for expenditure by such public agency or its governing authority. The expressed judgment of any such governing authority as to the time when any public funds will be required for expenditure or be redeemable is final and conclusive. Any public agency may invest any public funds in dividend-bearing share accounts, share certificate accounts or class of share accounts of a credit union chartered under the laws of this State or the laws of the United States; provided, however, the principal office of any such credit union must be located within the State of Illinois. Investments may be made only in those credit unions the accounts of which are insured by applicable law.

(c) For purposes of this Section, the term "agencies of the United States of America" includes: (i) the federal land banks, federal intermediate credit banks, banks for cooperative, federal farm credit banks, or any other entity authorized to issue debt obligations under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) and Acts amendatory thereto; (ii) the federal home loan banks and the federal home loan mortgage corporation; and (iii) any other agency created by Act of Congress.

(d) Except for pecuniary interests permitted under subsection (f) of Section 3-14-4 of the Illinois Municipal Code [now repealed] or under Section 3.2 of the Public Officer Prohibited Practices Act [50 ILCS 105/3.2], no person acting as treasurer or financial officer or who is employed in any similar capacity by or for a public agency may do any of the following:

(1) have any interest, directly or indirectly, in any investments in which the agency is authorized to invest.

(2) have any interest, directly or indirectly, in the sellers, sponsors, or managers of those investments.

(3) receive, in any manner, compensation of any kind from any investments in which the agency is authorized to invest.

(e) Any public agency may also invest any public funds in a Public Treasurers' Investment Pool created under Section 17 of the State Treasurer Act [15 ILCS 505/17]. Any public agency may also invest any public funds in a fund managed, operated, and administered by a bank, subsidiary of a bank, or subsidiary of a bank holding company or use the services of such an entity to hold and invest or advise regarding the investment of any public funds.

(f) To the extent a public agency has custody of funds not owned by it or another public agency and does not otherwise have authority to invest such funds, the public agency may invest such funds as if they were its own. Such funds must be released to the appropriate person at the earliest reasonable time, but in no case exceeding 31 days, after the private person becomes entitled to the receipt of them. All earnings accruing on any investments or deposits made pursuant to the provisions of this Act shall be credited to the public agency by or for which such investments or deposits were made, except as provided otherwise in Section 4.1 of the State Finance Act [30 ILCS 105/4.1] or the Local Governmental Tax Collection Act [now repealed], and except where by specific statutory provisions such earnings are directed to be credited to and paid to a particular fund.

(g) A public agency may purchase or invest in repurchase agreements of government securities having the meaning set out in the Government Securities Act of 1986, as now or hereafter amended or succeeded, subject to the provisions of said Act and the regulations issued thereunder. The government securities, unless registered or inscribed in the name of the public agency, shall be purchased through banks or trust companies authorized to do business in the State of Illinois.

(h) Except for repurchase agreements of government securities which are subject to the Government Securities Act of 1986, as now or hereafter amended or succeeded, no public agency may purchase or invest in instruments which constitute repurchase agreements, and no financial institution may enter into such an agreement with or on behalf of any public agency unless the instrument and the transaction meet the following requirements:

(1) The securities, unless registered or inscribed in the name of the public agency, are purchased through banks or trust companies authorized to do business in the State of Illinois.

(2) An authorized public officer after ascertaining which firm will give the most favorable rate of interest, directs the custodial bank to "purchase" specified securities from a designated institution. The "custodial bank" is the bank or trust company, or agency of government, which acts for the public agency in connection with repurchase agreements involving the investment of funds by the public agency. The State Treasurer may act as custodial bank for public agencies executing repurchase agreements. To the extent the Treasurer acts in this capacity, he is hereby authorized to pass through to such public agencies any charges assessed by the Federal Reserve Bank.

(3) A custodial bank must be a member bank of the Federal Reserve System or maintain accounts with member banks. All transfers of book-entry securities must be accomplished on a Reserve Bank's computer records through a member bank of the Federal Reserve System. These securities must be credited to the public agency on the records of the custodial bank and the transaction must be confirmed in writing to the public agency by the custodial bank.

(4) Trading partners shall be limited to banks or trust companies authorized to do business in the State of Illinois or to registered primary reporting dealers.

(5) The security interest must be perfected.

(6) The public agency enters into a written master repurchase agreement which outlines the basic responsibilities and liabilities of both buyer and seller.

(7) Agreements shall be for periods of 330 days or less.

(8) The authorized public officer of the public agency informs the custodial bank in writing of the maturity details of the repurchase agreement.

(9) The custodial bank must take delivery of and maintain the securities in its custody for the account of the public agency and confirm the transaction in writing to the public agency. The Custodial Undertaking shall provide that the custodian takes possession of the securities exclusively for the public agency; that the securities are free of any claims against the trading partner; and any claims by the custodian are subordinate to the public agency's claims to rights to those securities.

(10) The obligations purchased by a public agency may only be sold or presented for redemption or payment by the fiscal agent bank or trust company holding the obligations upon the written instruction of the public agency or officer authorized to make such investments.

(11) The custodial bank shall be liable to the public agency for any monetary loss suffered by the public agency due to the failure of the custodial bank to take and maintain possession of such securities.

(i) Notwithstanding the foregoing restrictions on investment in instruments constituting repurchase agreements the Illinois Housing Development Authority may invest in, and any financial institution with capital of at least $250,000,000 may act as custodian for, instruments that constitute repurchase agreements, provided that the Illinois Housing Development Authority, in making each such investment, complies with the safety and soundness guidelines for engaging in repurchase transactions applicable to federally insured banks, savings banks, savings and loan associations or other depository institutions as set forth in the Federal Financial Institutions Examination Council Policy Statement Regarding Repurchase Agreements and any regulations issued, or which may be issued by the supervisory federal authority pertaining thereto and any amendments thereto; provided further that the securities shall be either (i) direct general obligations of, or obligations the payment of the principal of and/or interest on which are unconditionally guaranteed by, the United States of America or (ii) any obligations of any agency, corporation or subsidiary thereof con-

trolled or supervised by and acting as an instrumentality of the United States Government pursuant to authority granted by the Congress of the United States and provided further that the security interest must be perfected by either the Illinois Housing Development Authority, its custodian or its agent receiving possession of the securities either physically or transferred through a nationally recognized book entry system.

(j) In addition to all other investments authorized under this Section, a community college district may invest public funds in any mutual funds that invest primarily in corporate investment grade or global government short term bonds. Purchases of mutual funds that invest primarily in global government short term bonds shall be limited to funds with assets of at least $100 million and that are rated at the time of purchase as one of the 10 highest classifications established by a recognized rating service. The investments shall be subject to approval by the local community college board of trustees. Each community college board of trustees shall develop a policy regarding the percentage of the college's investment portfolio that can be invested in such funds.

Nothing in this Section shall be construed to authorize an intergovernmental risk management entity to accept the deposit of public funds except for risk management purposes.

HISTORY:

P.A. 86-426; 86-683; 86-952; 86-1038; 86-1271; 87-288; 87-940; 87-1098; 88-45, § 2-15; 88-355, § 3; 88-555, § 5; 90-319, § 10; 93-360, § 5; 96-741, § 5; 97-129, § 5; 98-297, § 5; 98-390, § 5; 98-756, § 155; 2018 P.A. 100-752, § 5, effective August 10, 2018; 2021 P.A. 102-285, § 5, effective August 6, 2021.

30 ILCS 235/2.5 Investment policy.

(a) Investment of public funds by a public agency shall be governed by a written investment policy adopted by the public agency. The level of detail and complexity of the investment policy shall be appropriate to the nature of the funds, the purpose for the funds, and the amount of the public funds within the investment portfolio. The policy shall address safety of principal, liquidity of funds, and return on investment and shall require that the investment portfolio be structured in such manner as to provide sufficient liquidity to pay obligations as they come due. In addition, the investment policy shall include or address the following:

(1) a listing of authorized investments;

(2) a rule, such as the "prudent person rule", establishing the standard of care that must be maintained by the persons investing the public funds;

(3) investment guidelines that are appropriate to the nature of the funds, the purpose for the funds, and the amount of the public funds within the investment portfolio;

(4) a policy regarding diversification of the investment portfolio that is appropriate to the nature of the funds, the purpose for the funds, and the amount of the public funds within the investment portfolio;

(5) guidelines regarding collateral requirements, if any, for the deposit of public funds in a financial institution made pursuant to this Act, and, if applicable, guidelines for contractual arrangements for the custody and safekeeping of that collateral;

(6) a policy regarding the establishment of a system of internal controls and written operational procedures designed to prevent losses of funds that might arise from fraud, employee error, misrepresentation by third parties, or imprudent actions by employees of the entity;

(7) identification of the chief investment officer who is responsible for establishing the internal controls and written procedures for the operation of the investment program;

(8) performance measures that are appropriate to the nature of the funds, the purpose for the funds, and the amount of the public funds within the investment portfolio;

(9) a policy regarding appropriate periodic review of the investment portfolio, its effectiveness in meeting the public agency's needs for safety, liquidity, rate of return, and diversification, and its general performance;

(10) a policy establishing at least quarterly written reports of investment activities by the public agency's chief financial officer for submission to the governing body and chief executive officer of the public agency. The reports shall include information regarding securities in the portfolio by class or type, book value, income earned, and market value as of the report date;

(11) a policy regarding the selection of investment advisors, money managers, and financial institutions; and

(12) a policy regarding ethics and conflicts of interest.

(a-5) The investment policy shall include a statement that material, relevant, and decision-useful sustainability factors have been or are regularly considered by the agency, within the bounds of financial and fiduciary prudence, in evaluating investment decisions. Such factors include, but are not limited to: (i) corporate governance and leadership factors; (ii) environmental factors; (iii) social capital factors; (iv) human capital factors; and (v) business model and innovation factors, as provided under the Illinois Sustainable Investing Act.

(b) For purposes of the State or a county, the investment policy shall be adopted by the elected treasurer and presented to the chief executive officer and the governing body. For purposes of any other public agency, the investment policy shall be adopted by the governing body of the public agency.

(c) The investment policy shall be made available to the public at the main administrative office of the public agency.

(d) The written investment policy required under this Section shall be developed and implemented by January 1, 2000.

HISTORY:
P.A. 90-688, § 5; 2019 P.A. 101-473, § 105, effective January 1, 2020.

30 ILCS 235/2.10 Unit of local government; deposit at reduced rate of interest.

The treasurer of a unit of local government may, in his or her discretion, deposit public moneys of that unit of local government in a financial institution pursuant to an agreement that provides for a reduced rate of interest, provided that the institution agrees to expend an amount of money equal to the amount of the reduction for senior centers.

HISTORY:
P.A. 93-246, § 92.

30 ILCS 235/3 [Payees of securities; registration]

If any securities, purchased under authority of Section 2 hereof [30 ILCS 235/2], are issuable to a designated payee or to the order of a designated payee, then the public agency shall be so designated, and further, if such securities are purchased with money taken from a particular fund of a public agency, the name of such fund shall be added to that of such public agency. If any such securities are registerable, either as to principal or interest, or both, then such securities shall be so registered in the name of the public agency, and in the name of the fund to which they are to be credited.

HISTORY:
Laws 1943, vol. 1, p. 951.

30 ILCS 235/4 [Treatment of securities]

All securities purchased under the authority of this Act shall be held for the benefit of the public agency which purchased them, and if purchased with money taken from a particular fund, such securities shall be credited to and deemed to be a part of such fund, and shall be held for the benefit thereof. All securities so purchased shall be deposited and held in a safe place by the person or persons having custody of the fund to which they are credited, and such person or persons are responsible upon his or their official bond or bonds for the safekeeping of all such securities. Any securities purchased by any such public agency under authority of this Act, may be sold at any time, at the then current market price thereof, by the governing authority of such public agency. Except as provided in Section 4.1 of "An Act in relation to State finance" [30 ILCS 105/4.1], all payments received as principal or interest, or otherwise, derived from any such securities shall be credited to the public agency and to the fund by or for which such securities were purchased.

HISTORY:
P.A. 84-1378.

30 ILCS 235/5 [Statement of authority]

This Act, without reference to any other statute, shall be deemed full and complete authority for the investment of public funds, as hereinabove provided, and shall be construed as an additional and alternative method therefor.

HISTORY:
Laws 1943, vol. 1, p. 951.

30 ILCS 235/6 Report of financial institutions.

(a) No bank shall receive any public funds unless it has furnished the corporate authorities of a public agency submitting a deposit with copies of the last two sworn statements of resources and liabilities which the bank is required to furnish to the Commissioner of Banks and Real Estate or to the Comptroller of the Currency. Each bank designated as a depository for public funds shall, while acting as such depository, furnish the corporate authorities of a public agency with a copy of all statements of resources and liabilities which it is required to furnish to the Commissioner of Banks and Real Estate or to the Comptroller of the Currency; provided, that if such funds or moneys are deposited in a bank, the amount of all such deposits not collateralized or insured by an agency of the federal government shall not exceed 75% of the capital stock and surplus of such bank, and the corporate authorities of a public agency submitting a deposit shall not be discharged from responsibility for any funds or moneys deposited in any bank in excess of such limitation.

(b) No savings bank or savings and loan association shall receive public funds unless it has furnished the corporate authorities of a public agency submitting a deposit with copies of the last 2 sworn statements of resources and liabilities which the savings bank or savings and loan association is required to furnish to the Commissioner of Banks and Real Estate or the Federal Deposit Insurance Corporation. Each savings bank or savings and loan association designated as a depository for public funds shall, while acting as such depository, furnish the corporate authorities of a public agency with a copy of all statements of resources and liabilities which it is required to furnish to the Commissioner of Banks and Real Estate or the Federal Deposit Insurance Corporation; provided, that if such funds or moneys are deposited in a savings bank or savings and loan association, the amount of all such deposits not collateralized or insured by an agency of the federal government shall not exceed 75% of the net worth of such savings bank or savings and loan association as defined by the Federal Deposit Insurance Corporation, and the corporate authorities of a public agency submitting a deposit shall not be discharged from responsibility for any funds or moneys deposited in any savings bank or savings and loan association in excess of such limitation.

(c) No credit union shall receive public funds unless it has furnished the corporate authorities of a public agency submitting a share deposit with copies of the last two reports of examination prepared by or submitted to the Illinois Department of Financial Institutions or the National Credit Union Administration. Each credit union designated as a depository for public funds shall, while acting as such depository, furnish the corporate authorities of a public agency with a copy of all reports of examination prepared by or furnished to the Illinois Department of Financial Institutions or the National Credit Union Administration; provided that if such funds or moneys are invested in a credit union account, the amount of all such investments not collateralized or insured by an agency of the federal government or other approved share insurer shall not exceed 50% of the unimpaired capital and surplus of such credit union, which shall include shares, reserves and undivided earnings and the corporate authorities of a public agency making an investment shall not be discharged from responsibility for any funds or moneys invested in a credit union in excess of such limitation.

(d) Whenever a public agency deposits any public funds in a financial institution, the public agency may enter into an agreement with the financial institution requiring any funds not insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration or other approved share insurer to be collateralized by any of the following classes of securities, provided there has been no default in the payment of principal or interest thereon:

(1) Bonds, notes, or other securities constituting direct and general obligations of the United States, the bonds, notes, or other securities constituting the direct and general obligation of any agency or instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States, and bonds, notes, or other securities or evidence of indebtedness constituting the obligation of a U.S. agency or instrumentality.

(2) Direct and general obligation bonds of the State of Illinois or of any other state of the United States.

(3) Revenue bonds of this State or any authority, board, commission, or similar agency thereof.

(4) Direct and general obligation bonds of any city, town, county, school district, or other taxing body of any state, the debt service of which is payable from general ad valorem taxes.

(5) Revenue bonds of any city, town, county, or school district of the State of Illinois.

(6) Obligations issued, assumed, or guaranteed by the International Finance Corporation, the principal of which is not amortized during the life of the obligation, but no such obligation shall be accepted at more than 90% of its market value.

(7) Illinois Affordable Housing Program Trust Fund Bonds or Notes as defined in and issued pursuant to the Illinois Housing Development Act [20 ILCS 3805/1 et seq.].

(8) In an amount equal to at least market value of that amount of funds deposited exceeding the insurance limitation provided by the Federal Deposit Insurance Corporation or the National Credit Union Administration or other approved share insurer: (i) securities, (ii) mortgages, (iii) letters of credit issued by a Federal Home Loan Bank, or (iv) loans covered by a State Guarantee under the Illinois Farm Development Act [repealed], if that guarantee has been assumed by the Illinois Finance Authority under Section 845-75 of the Illinois Finance Authority Act [20 ILCS 3501/845-75], and loans covered by a State Guarantee under Article 830 of the Illinois Finance Authority Act [20 ILCS 3501/830].

(9) Certificates of deposit or share certificates issued to the depository institution pledging them as security. The public agency may require security in the amount of 125% of the value of the public agency deposit. Such certificate of deposit or share certificate shall:

(i) be fully insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Share Insurance Fund or issued by a depository institution which is rated within the 3 highest classifications established by at least one of the 2 standard rating services;

(ii) be issued by a financial institution having assets of $15,000,000 or more; and

(iii) be issued by either a savings and loan association having a capital to asset ratio of at least 2%, by a bank having a capital to asset ratio of at least 6% or by a credit union having a capital to asset ratio of at least 4%.

The depository institution shall effect the assignment of the certificate of deposit or share certificate to the public agency and shall agree that, in the event the issuer of the certificate fails to maintain the capital to asset ratio required by this Section, such certificate of deposit or share certificate shall be replaced by additional suitable security.

(e) The public agency may accept a system established by the State Treasurer to aggregate permissible securities received as collateral from financial institutions in a collateral pool to secure public deposits of the institutions that have pledged securities to the pool.

(f) The public agency may at any time declare any particular security ineligible to qualify as collateral when, in the public agency's judgment, it is deemed desirable to do so.

(g) Notwithstanding any other provision of this Section, as security a public agency may, at its discretion, accept a bond, executed by a company authorized to transact the kinds of business described in clause (g) of Section 4 of the Illinois Insurance Code [215 ILCS 5/4], in an amount not less than the amount of the deposits required by this

Section to be secured, payable to the public agency for the benefit of the People of the unit of government, in a form that is acceptable to the public agency.

(h) Paragraphs (a), (b), (c), (d), (e), (f), and (g) of this Section do not apply to the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the Cooperative Computer Center and public community colleges.

HISTORY:
P.A. 86-1213; 87-1098, § 4; 89-4, § 50-75; 89-508, § 25; 91-324, § 5; 91-773, § 5; 93-205, § 890-37; 93-561, § 815; 95-331, § 325.

RESEARCH REFERENCES AND PRACTICE AIDS

Cross References.
For bank or savings and loan association receiving public funds, see 20 ILCS 805/805-410; 20 ILCS 3515/16; 30 ILCS 105/13.3; 30 ILCS 230/2c; 30 ILCS 415/6; 30 ILCS 420/8.

30 ILCS 235/6.5 Federally insured deposits at illinois financial institutions.

(a) Notwithstanding any other provision of this Act or any other statute, whenever a public agency invests public funds in an interest-bearing savings account, demand deposit account, interest-bearing certificate of deposit, or interest-bearing time deposit under Section 2 of this Act [30 ILCS 235/2], the provisions of Section 6 of this Act [30 ILCS 235/6] and any other statutory requirements pertaining to the eligibility of a bank to receive or hold public deposits or to the pledging of collateral by a bank to secure public deposits do not apply to any bank receiving or holding all or part of the invested public funds if (i) the public agency initiates the investment at or through a bank located in Illinois and (ii) the invested public funds are at all times fully insured by an agency or instrumentality of the federal government.

(b) Nothing in this Section is intended to:

(1) prohibit a public agency from requiring the bank at or through which the investment of public funds is initiated to provide the public agency with the information otherwise required by subsection (a), (b), or (c) of Section 6 of this Act as a condition of investing the public funds at or through that bank; or

(2) permit a bank to receive or hold public deposits if that bank is prohibited from doing so by any rule, sanction, or order issued by a regulatory agency or by a court.

(c) For purposes of this Section, the term "bank" includes any person doing a banking business whether subject to the laws of this or any other jurisdiction.

HISTORY:
P.A. 93-756, § 5; 98-703, § 10; 98-756, § 155; 99-78, § 120.

30 ILCS 235/7 [Use of minority-owned institutions]

When investing or depositing public funds, each custodian shall, to the extent permitted by this Act and by the lawful and reasonable performance of his custodial duties, invest or deposit such funds with or in minority-owned financial institutions within this State.

HISTORY:
P.A. 84-754.

30 ILCS 235/8 Consideration of financial institution's commitment to its community.

(a) In addition to any other requirements of this Act, a public agency shall consider the financial institution's record and current level of financial commitment to its local community when deciding whether to deposit public funds in that financial institution. The public agency may consider factors including, but not necessarily limited to:

(1) for financial institutions subject to the federal Community Reinvestment Act of 1977 [12 U.S.C. § 2901 et seq.], the current and historical ratings that the financial institution has received, to the extent that those ratings are publicly available, under the federal Community Reinvestment Act of 1977;

(2) any changes in ownership, management, policies, or practices of the financial institution that may affect the level of the financial institution's commitment to its community;

(3) the financial impact that the withdrawal or denial of deposits of public funds might have on the financial institution;

(4) the financial impact to the public agency as a result of withdrawing public funds or refusing to deposit additional public funds in the financial institution; and

(5) any additional burden on the resources of the public agency that might result from ceasing to maintain deposits of public funds at the financial institution under consideration.

(a-5) Effective January 1, 2022, no public funds may be deposited in a financial institution subject to the federal Community Reinvestment Act of 1977 unless the institution has a current rating of satisfactory or outstanding under the Community Reinvestment Act of 1977.

(a-10) When investing or depositing public funds, the public agency may give preference to financial institutions that have a current rating of outstanding under the federal Community Reinvestment Act of 1977.

(b) Nothing in this Section shall be construed as authorizing the public agency to conduct an examination or investigation of a financial institution or to receive information that is not publicly available and

the disclosure of which is otherwise prohibited by law.

HISTORY:
P.A. 93-251, § 10; 2020 P.A. 101-657, § 35-105, effective March 23, 2021.

30 ILCS 235/9 Municipal and county investment in not-for-profit community development financial institutions.

Municipalities and counties may invest up to $250,000 per year in public funds in not-for-profit community development financial institutions across all institutions. These financial institutions must have at least $5,000,000 in net assets and have earned at least an "A" rating by an investment rating organization that primarily provides services for community development financial institutions. Investments made under this Section shall be made for a term and at a rate acceptable to the municipality or county and the municipality or county may set benchmarks in order to continue investing in the not-for-profit community development financial institution.

HISTORY:
2016 P.A. 99-676, § 5, effective July 29, 2016.

BONDS AND DEBT

Bond Authorization Act

Section
30 ILCS 305/0.01 Short title.
30 ILCS 305/1 [Definitions]
30 ILCS 305/2 [Interest rates]
30 ILCS 305/3 [Effect of Act]
30 ILCS 305/5 [Exception and limitation]
30 ILCS 305/6 [Exception]
30 ILCS 305/7 Interest rate swaps.

Motor Fuel Tax Fund Bond Act

30 ILCS 385/0.01 Short title.
30 ILCS 385/1 [Definitions]
30 ILCS 385/2 [Issuance of bonds; approval; resolution]
30 ILCS 385/3 [Amount of bonds; due date; interest]
30 ILCS 385/4 [Sale and use of bonds; Bond Highway Fund]

Transportation Bond Act

30 ILCS 415/1 [Short title]
30 ILCS 415/2 [Authority of State]
30 ILCS 415/3 [Interest]
30 ILCS 415/4 [Method of sale]
30 ILCS 415/5 [Proceeds; use]
30 ILCS 415/5.1 [Proceeds; limitations]
30 ILCS 415/6 [Investments]
30 ILCS 415/7 [Interest payments]
30 ILCS 415/8 [Civil actions]
30 ILCS 415/9 [Principal and interest due; transfers]
30 ILCS 415/10 [Bond retirement]
30 ILCS 415/11 [Severability]
30 ILCS 415/11.1 [Termination date]

BOND AUTHORIZATION ACT

30 ILCS 305/0.01 Short title.

This Act may be cited as the Bond Authorization Act.

HISTORY:
P.A. 86-4.

30 ILCS 305/1 [Definitions]

(a) As used in this Act "public corporations" mean any body corporate organized by or pursuant to the laws of this State to carry out a public governmental or proprietary function, including, without limitation of the foregoing, the state, any school district, park district, city, village, incorporated town, county, drainage or any other type of district, commission, authority, university, public community college or any combination thereof, acting through the corporate authorities thereof.

(b) "Bonds" or "other evidences of indebtedness" mean any instrument providing for the payment of money executed by or on behalf of a public corporation or which the public corporation has assumed or agreed to pay, including, without limitation of the foregoing, bonds, notes, contracts, leases, certificates and tax anticipation warrants.

HISTORY:
P.A. 82-622.

30 ILCS 305/2 [Interest rates]

Notwithstanding the provisions of any other law to the contrary, any public corporation may agree or contract to pay interest on bonds or other evidences of indebtedness and tax anticipation warrants issued pursuant to law at an interest rate or rates not exceeding the greater of 9% per annum or 125% of the rate for the most recent date shown in the 20 G.O. Bonds Index of average municipal bond yields as published in the most recent edition of The Bond Buyer, published in New York, New York (or any successor publication or index, or if such publication or index is no longer published, then any index of long term municipal tax-exempt bond yields then selected by a governing body), at the time the contract is made for the sale of the bonds or other evidences of indebtedness or tax anticipation warrants. A contract is made with respect to notes or bonds when the public corporation is contractually obligated to issue notes, bonds, or other evidences of indebtedness or tax anticipation warrants to a purchaser who is contractually obligated to purchase them; and, with respect to bonds or notes bearing interest at a variable rate or subject to payment upon periodic demand or put or otherwise subject to remarketing by or for the public corporation, a contract is made on each date of change in the variable rate or such demand, put or remarketing. When bonds or other evidences of indebtedness or tax anticipation warrants are to be issued by a public corporation on a basis which is not tax-exempt under Section 103 of the Internal Revenue Code of 1986, as now or hereafter amended [26 U.S.C. § 103], or successor code or provision, then the interest rate or rates payable thereon shall be determined by substituting 131/2%

for 9% and 200% for 125% in the first sentence of this Section.

These amendatory Acts of 1971, 1972, 1973, 1975, 1979, 1982, 1983, 1987 and 1988 are not limits upon any home rule unit.

This Act is not a limit with respect to any bonds, notes and other evidences of obligation for borrowed money issued by any public corporation and purchased or otherwise acquired by the Illinois Finance Authority, pursuant to the Illinois Finance Authority Act [20 ILCS 3501/801-1 et seq], and such bonds, notes and other evidences of obligation for borrowed money may bear interest at any rate or rates, and such rate or rates may be established by an index or formula which may be implemented or established by persons appointed or retained therefor, notwithstanding any other provision of law to the contrary.

HISTORY:
P.A. 85-1440; 93-205, § 890-8.

30 ILCS 305/3 [Effect of Act]

The provisions of this Act shall be cumulative and in addition to any powers or authority granted in any other laws of the State, and shall not be deemed to have repealed any provisions of existing laws.

HISTORY:
P.A. 76-1971.

30 ILCS 305/5 [Exception and limitation]

Industrial projects financed pursuant to "The Industrial Project Revenue Bond Act" under the "Illinois Municipal Code", approved May 29, 1961, as now or hereafter amended [65 ILCS 5/11-74-1 et seq.], and the "Industrial Building Revenue Bond Act", approved July 26, 1967, as now or hereafter amended [50 ILCS 445/1 et seq.], shall not be subject to the provisions of this Act. Obligations issued by the Illinois Housing Development Authority pursuant to any provision of the Illinois Housing Development Act, as now or hereafter amended [20 ILCS 3805/1 et seq.], shall be subject to the provisions of this Act only to the extent expressly set forth in Section 16 of the Illinois Housing Development Act [20 ILCS 3805/16].

HISTORY:
P.A. 86-1017.

30 ILCS 305/6 [Exception]

Obligations issued to finance redevelopment projects pursuant to the Tax Increment Allocation Redevelopment Act [65 ILCS 5/11-74.4-1 et seq.] shall not be subject to the provisions of this Act.

HISTORY:
P.A. 84-1418.

30 ILCS 305/7 Interest rate swaps.

For purposes of this Section, terms are as defined in the Local Government Debt Reform Act [30 ILCS 350/1 et seq.]. With respect to all or part of any currently outstanding or proposed issue of its bonds, a governmental unit whose aggregate principal amount of bonds outstanding or proposed exceeds $10,000,000 may, without prior appropriation, enter into agreements or contracts with any necessary or appropriate person (the counter party) that will have the benefit of providing to the governmental unit: (i) an interest rate basis, cash flow basis, or other basis different from that provided in the bonds for the payment of interest or (ii) with respect to a future delivery of bonds, one or more of a guaranteed interest rate, interest rate basis, cash flow basis, or purchase price. Such agreements or contracts include without limitation agreements or contracts commonly known as interest rate swap, collar, cap, or derivative agreements, forward payment conversion agreements, interest rate locks, forward bond purchase agreements, bond warrant agreements, or bond purchase option agreements and also include agreements or contracts providing for payments based on levels of or changes in interest rates, including a change in an interest rate index, to exchange cash flows or a series of payments, or to hedge payment, rate spread, or similar exposure (such agreements or contracts, collectively, being "swaps"). Without limiting other permitted terms which may be included in swaps, the following provisions may or, if hereinafter so required, shall apply:

(a) Payments made pursuant to a swap (the swap payments) which are to be made by the governmental unit may be paid by such governmental unit, without limitation, from proceeds of the bonds, including bonds for future delivery, identified to such swaps, or from bonds issued to refund such bonds, or from whatever enterprise revenues or revenue source, including taxes pledged or to be pledged to the payment of such bonds, which enterprise revenues or revenue source may be increased to make such swap payments, and swap payments to be received by the governmental unit, which may be periodic, up-front, or on termination, shall be used solely for and limited to any lawful corporate purpose of the governmental unit.

(b) Up-front or periodic net swap payments to be paid by the governmental unit under the swaps (the standard swap payments) shall be treated as interest for the purpose of calculating any interest rate limit applicable to the bonds, provided, however, that for purposes of making such standard swap payments only (and not with respect to the bonds so issued or to be issued), the bonds shall be deemed not exempt from income taxation under the Internal Revenue Code for purposes of State law, as contained in this Bond Authorization Act [30 ILCS 305/1 et seq.], relating to the permissible rate of interest to be borne thereon, and, provided further, that if payments of any standard swap payments are to be made by the governmental unit and the counterparty on different dates, the net effect of such payments for purposes of such interest rate limitation shall be determined using a true interest cost (yield) calculation.

(c) Any such agreement or contract and the swap payments to be made thereunder shall not be taken into account with respect to any debt limit applicable to the governmental unit.

(d) Swap payments upon the termination of any swap may be paid to a counterparty upon any terms customary for swaps, including, without limitation, provisions using market quotations available for giving the net benefit of the swap at the time of termination to the persons entitled thereto (viz., the governmental unit or the counterparty) or reasonable fair market value determinations of the value at termination made in good faith by either such persons.

(e) The term of the swap shall not exceed the term of any currently outstanding bonds identified to such swap or, for bonds to be delivered, not greater than 5 years plus the term of years proposed for such bonds to be delivered, but in no event longer than 40 years, plus, in each case, any time period necessary to cure any defaults under such swap.

(f) The choice of law for enforcement of swaps as to any counterparty may be made for any state of these United States, but the law which shall apply to the obligations of the governmental unit shall be the law of the State of Illinois, and jurisdiction to enforce the swaps as against the governmental units shall be exclusively in the courts of the State of Illinois or in the applicable federal court having jurisdiction and located within the State of Illinois.

(g) Governmental units, in entering into swaps, may not waive any sovereign immunities from time to time available under the laws of the State of Illinois as to jurisdiction, procedures, and remedies, but such swaps shall otherwise be fully enforceable as valid and binding contracts as and to the extent provided herein and by other applicable law.

HISTORY:
P.A. 87-1176, § 1; 93-9, § 5.

MOTOR FUEL TAX FUND BOND ACT

30 ILCS 385/0.01 Short title.

This Act may be cited as the Motor Fuel Tax Fund Bond Act.

HISTORY:
P.A. 86-1324.

30 ILCS 385/1 [Definitions]

As used in this Act:

(a) "Governmental unit" means any county, township, road district, city, village or incorporated town.

(b) "Highway" means a highway as defined in the Illinois Highway Code [605 ILCS 5/1-101 et seq.].

(c) "Road District" means a road district as defined in the Illinois Highway Code [605 ILCS 5/1-101 et seq.].

HISTORY:
P.A. 76-374.

30 ILCS 385/2 [Issuance of bonds; approval; resolution]

The governing body of a governmental unit may issue bonds of the governmental unit for the purpose of constructing or improving highways of the governmental unit. The governing body of the governmental unit, and in the case of townships and road districts only with written approval of their respective county engineers or superintendents of highways, and in the case of consolidated road districts only with written approval of their county boards, shall, before issuing such bonds, by resolution determine that it is necessary to issue bonds of the governmental unit for the purpose of constructing or improving particular highways, and specify the type of construction or improvements, the proposed width of the highways, together with an estimate of the cost of such construction or improvements and the amount of bonds to be issued.

HISTORY:
P.A. 87-217.

30 ILCS 385/3 [Amount of bonds; due date; interest]

The governing body of the governmental unit shall issue the bonds of the governmental unit not exceeding the amount named in the resolution. Such bonds shall become due not more than 30 years after their date, shall be in denominations of $100 or any multiple thereof, and shall bear interest, at a rate not exceeding the maximum rate authorized by the Bond Authorization Act, as amended [30 ILCS 305/0.01 et seq.] at the time of the making of the contract, for bonds issued before January 1, 1972 and at a rate not exceeding the maximum rate authorized by the Bond Authorization Act [30 ILCS 305/0.01 et seq.], as amended at the time of the making of the contract, for bonds issued after January 1, 1972, payable semiannually, as shall be determined by the governing body. Such bonds shall be sold in competitive bids; and the governing body may, if it is of the opinion that the bids are unsatisfactory, reject the bids and re-advertise and solicit other bids.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the

Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

HISTORY:
P.A. 86-4.

30 ILCS 385/4 [Sale and use of bonds; Bond Highway Fund]

The bonds authorized by this Act shall be sold and the proceeds used solely for the specified purpose. At the time or before issuing any such bonds, the governing body shall adopt a resolution fixing the details of such bonds and providing for the payment of the principal and interest on such bonds as the same become due out of the motor fuel tax funds allotted to such governmental unit, subject to the approval of the Department of Transportation as provided in the Illinois Highway Code [605 ILCS 5/1-101 et seq.].

The proceeds received from the sale of the bonds shall be placed in a special fund in the governmental unit treasury to be designated as the "Bond Highway Fund" and thereafter in the annual appropriation bill appropriate from such fund such sum or sums as may be necessary to carry out the provisions of this Act.

HISTORY:
P.A. 77-179.

TRANSPORTATION BOND ACT

30 ILCS 415/1 [Short title]

This Act shall be known and may be cited as the "Transportation Bond Act".

HISTORY:
P.A. 77-150.

30 ILCS 415/2 [Authority of State]

The State of Illinois is authorized to issue, sell and provide for the retirement of bonds of the State of Illinois in the amount of $1,729,000,000, hereinafter called the "Bonds", for the specific purpose of promoting and assuring rapid, efficient, and safe highway, air and mass transportation for the inhabitants of the State by providing monies, including the making of grants and loans, to be used for the acquisition, construction, reconstruction, extension and improvement of the following transportation facilities and equipment and for the acquisition of real property and interests in real property required or expected to be required in connection therewith, and within the limitations set forth in Section 5.1 of this Act [30 ILCS 415/5.1] for the specific purpose set forth in Section 2(b)(2) and (3) of this Act:

(a) (1) the acquisition, construction, reconstruction, extension and improvement of State highways, arterial highways, freeways, roads, structures separating highways and railroads and bridges; and

(2) the repair and reconstruction of bridges on roads maintained by counties, municipalities, townships or road districts;

(b) (1) the acquisition, construction, extension, reconstruction and improvement of mass transportation facilities including rapid transit, rail, bus and other equipment used in connection therewith by the State or any unit of local government, special transportation district, municipal corporation or other corporation or public authority authorized to provide and promote public transportation within the State or two or more of the foregoing acting jointly; and

(2) for the purpose of providing immediate relief from existing or impending inability to meet principal and interest payments and thereby aiding in achieving the maximum benefit for the public from the transportation capital improvement program, to provide funds for any payments required to be made for principal of and interest on bonds, certificates, equipment trust certificates or other evidences of indebtedness issued or guaranteed prior to the passage of this Act by the State or any unit of local government, special transportation district, municipal corporation or other corporation or public authority authorized to provide public transportation within the State, or two or more of the foregoing acting jointly, pursuant to any indenture, ordinance, resolution, agreement or contract to obtain and finance transportation facilities; and,

(3) for the purpose of reimbursing the General Revenue Fund for monies paid from the General Revenue Fund after passage of this Act for the purpose described in Section 2(b)(2).

(c) the acquisition, construction, extension, reconstruction, and improvement of airport or aviation facilities and any equipment used in connection therewith, including reimbursement for certain engineering and land acquisition costs as provided in Section 34a of the "Illinois Aeronautics Act", approved July 24, 1945, as amended [620 ILCS 5/34a], by the State or any unit of local government, special transportation district, municipal corporation or other corporation or public authority authorized to provide public transportation within the State or two or more of the foregoing acting jointly.

$1,326,000,000 of the Bonds will be used for State highway acquisition, construction, reconstruction, extension and improvement as specifically described herein, hereinafter called the "Transportation Bonds, Series A". $363,000,000 of the Bonds will be used for the mass transportation purposes specifically described herein and $40,000,000 of the Bonds will be used for the aviation purposes specifically described herein, such $403,000,000 of Bonds collectively hereinafter called the "Transportation Bonds, Series B".

The $75,000,000 authorized for mass transportation purposes by this amendatory Act of 1973 shall be used for the acquisition of mass transportation equipment including rail and bus, and other equipment used in connection therewith for the area comprising the counties of DuPage, Kane, Lake,

McHenry and Will, and that portion of the County of Cook outside the City of Chicago, as determined by the Regional Transportation Authority established pursuant to "The Regional Transportation Authority Act", enacted by the 78th General Assembly [70 ILCS 3615/1.01 et seq.]. The proceeds of the sale of such bonds shall be expended only to, or with the approval of, such Authority. Nothing in this paragraph prohibits that Authority from using or approving the use of such proceeds for purposes of acquisition of mass transportation equipment for use between such area and other areas.

Of the Bonds authorized to be used for highway purposes, the proceeds of $14,965,100 of such bonds shall be used by the Department of Transportation for the purpose of the repair and reconstruction of unsafe and substandard bridges on roads maintained by counties, municipalities, townships and road districts under the Illinois Highway Code [605 ILCS 5/1-101 et seq.] and the proceeds of $12,000,000 of such bonds shall be used by the Department of Transportation for the same purposes as provided in Sections 6-902 through 6-905 of the Illinois Highway Code [605 ILCS 5/6-902 through 605 ILCS 5/6-905].

Of the Bonds authorized to be sold for highway purposes, the proceeds of $36,939,400 of the Bonds shall be used for such purposes within the City of Chicago, the proceeds of $42,457,000 of the Bonds shall be used for such purposes in the Chicago urbanized area, the proceeds of $46,359,000 of the bonds shall be used for such purposes outside the Chicago urbanized area, the proceeds of $142,105,500 of the Bonds shall be used for such purposes within the Counties of Cook, DuPage, Kane, Lake, McHenry and Will, the proceeds of $181,139,100 of the Bonds shall be used for such purposes within the Counties of the State outside the Counties of Cook, DuPage, Kane, Lake, McHenry and Will.

Of the $106,000,000 of Bonds authorized to be sold for mass transportation purposes by this amendatory Act of 1979, $98,000,000 of the Bonds shall be used for such purposes within the Counties of Cook, DuPage, Kane, Lake, McHenry and Will and the proceeds of $8,000,000 of the Bonds shall be used for such purposes within the Counties of the State outside the Counties of Cook, DuPage, Kane, Lake, McHenry and Will.

HISTORY:
P.A. 86-453.

30 ILCS 415/3 [Interest]

The Bonds shall bear interest payable annually or semi-annually, from their date, at the rate of not more than 7% per annum. The Bonds shall be serial bonds and be dated, issued and sold by the Governor, from time to time, in such amounts as may be necessary to provide funds for the specific purposes contemplated by Section 2 of this Act [30 ILCS 415/2]. Each Bond shall be in the denomination of $5,000 or some multiple thereof, and shall be made payable within not more than 30 years from its date as the Governor shall determine. These Bonds shall be signed by the Governor and attested by the Secretary of State under the printed facsimile seal of the State and countersigned by the State Treasurer by his manual signature or by his duly authorized deputy. The signatures of the Governor and the Secretary of State may be printed facsimile signatures. Interest coupons with printed facsimile signatures of the Governor, Secretary of State and State Treasurer may be attached to the Bonds. The fact that an officer whose signature or facsimile thereof appears on a Bond or interest coupon no longer holds such office at the time the Bond or coupon is delivered shall not invalidate such Bond or interest coupon.

HISTORY:
P.A. 77-150.

30 ILCS 415/4 [Method of sale]

The Bonds shall be sold to the highest and best bidders, for not less than their par value, upon sealed bids, from time to time, as the Governor shall direct. The Governor may reserve the right to reject any and all bids. The Secretary of State shall, from time to time, as the Bonds are to be sold, advertise in at least two daily newspapers, one of which is published in the City of Springfield and one in the City of Chicago, for proposals to purchase the Bonds. Each of such advertisements for proposals shall be published once at least 10 days prior to the date of the opening of the bids. All or any part of the Bonds may be made registerable as to principal with the State Treasurer. The Bonds may be callable as determined by the Governor; provided however, that the State shall not pay a premium of more than 3% of the principal of any Bonds so called. The Bonds shall be deposited with the State Treasurer, and upon delivery of the Bonds to the purchaser, the proceeds of the Bonds shall be paid into the State Treasury. The proceeds of the Transportation Bonds, Series A shall be kept in a separate fund known as the "Transportation Bond, Series A Fund", which separate fund is hereby created. The proceeds of the Transportation Bonds, Series B shall be kept in a separate fund known as the "Transportation Bond, Series B Fund", which separate fund is hereby created.

HISTORY:
P.A. 77-150.

30 ILCS 415/5 [Proceeds; use]

Prior to January 1, 1972, the proceeds from the sale of the Bonds shall be used by and under the direction of the Department of Aeronautics, the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) and the Department of Public Works and Buildings, and thereafter such department or agency as

shall be designated by law, subject to appropriation by the General Assembly, in such amounts and at such times as the respective department deems necessary or desirable for the purposes provided by Section 2 of this Act [30 ILCS 415/2].

HISTORY:
P.A. 81-1509; 94-793, § 393.

30 ILCS 415/5.1 [Proceeds; limitations]

Not more than $32,000,000 of the proceeds from the sale of the Bonds shall be used for payments pursuant to any indenture, ordinance, resolution, agreement or contract adopted or entered into prior to the passage of this Act to finance transportation facilities, and to reimburse the General Revenue Fund, as provided in Section 2(b)(2) and (3) [30 ILCS 415/2]. No Bond proceeds shall be subject to appropriation for such purposes by the General Assembly after June 30, 1972.

HISTORY:
P.A. 77-150.

30 ILCS 415/6 [Investments]

The State Treasurer may, with the approval of the Governor, invest and reinvest, at the existing market price and in any event not to exceed 102% of par plus accrued interest, in obligations, the principal of and interest on which is guaranteed by the United States Government, or any certificates of deposit of any savings and loan association or any State or national bank which are fully secured by obligations, the principal of and interest on which is guaranteed by the United States Government, any money in the Transportation Bond, Series A Fund or the Transportation Bond, Series B Fund in the State Treasury which, in the opinion of the Governor communicated in writing to the State Treasurer, is not needed for current expenditures due or about to become due from such funds. The cost price of all such obligations shall be considered as cash in the custody of the State Treasurer, and such obligations shall be conveyed at cost price as cash by the State Treasurer to his successor. The money in the Transportation Bond, Series A Fund and in the Transportation Bond, Series B Fund in the form of such obligations shall be set up by the State Treasurer as separate accounts and shown distinctly in every report issued by him regarding fund balances. Earnings received on investments of the Transportation Bond, Series A Fund shall be paid into the Road Fund. All other earnings received upon any such investment shall be paid into the General Revenue Fund. All of the monies other than accrued interest received from the sale or redemption of such investments shall be replaced by the State Treasurer in the fund from which the money was removed for such investment.

No bank or savings and loan association shall receive public funds as permitted by this Section, unless it has complied with the requirements established pursuant to Section 6 of "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended [30 ILCS 235/6].

HISTORY:
P.A. 83-541.

30 ILCS 415/7 [Interest payments]

The Governor shall include an appropriation in each annual State budget of monies in such amount as shall be necessary and sufficient, for the period covered by such budget, to pay the interest, as it shall accrue, on all Bonds issued under this Act and also to pay and discharge the principal of such of the Bonds as shall fall due during such period. To provide for the manner of repayment of the Transportation Bonds, Series A, a separate fund in the State Treasury called the "Transportation Bond, Series A Retirement and Interest Fund" is hereby created. The General Assembly shall annually make appropriations for monies to pay the principal of and interest on the Transportation Bonds, Series A from the Transportation Bond, Series A Retirement and Interest Fund and shall direct the transfer from time to time of monies from the Road Fund to the Transportation Bond, Series A Retirement and Interest Fund, an amount which shall be sufficient to pay the principal of and interest on the Transportation Bonds, Series A as the same become due. If there are insufficient funds in the Road Fund to pay the principal of and interest on the Transportation Bonds, Series A, as the same become due, the General Assembly shall direct the transfer from time to time of monies from the General Revenue Fund to the Transportation Bond, Series A Retirement and Interest Fund to the extent such transfer of monies is necessary to pay the principal of and interest on such Transportation Bonds, Series A which could not be paid by monies transferred from the Road Fund. To provide for the manner of repayment of the Transportation Bonds, Series B a separate fund in the State Treasury called the "Transportation Bond, Series B Retirement and Interest Fund" is hereby created. The General Assembly shall make appropriations for monies to pay the principal of and interest on the Transportation Bonds, Series B from the Transportation Bond, Series B Retirement and Interest Fund and shall direct the transfer from time to time of monies from the General Revenue Fund to the Transportation Bond, Series B Retirement and Interest Fund, an amount which shall be sufficient to pay the principal of and interest on the Transportation Bonds, Series B as the same become due.

If for any reason the General Assembly fails to make appropriations for or transfers to the said Transportation Bond, Series A Retirement and Interest Fund and the Transportation Bond, Series B Retirement and Interest Fund, as the case may be, of amounts sufficient for the State to pay the principal of and interest on the Bonds as the same become due,

this Act shall constitute an irrevocable and continuing appropriation of all amounts necessary for that purpose, and the irrevocable and continuing authority for and direction to the Auditor of Public Accounts, or Comptroller as his successor, and to the Treasurer of the State to make the necessary transfers out of and disbursements from the revenues and funds of the State for that purpose.

All Bonds issued in accordance with the provisions of this Act shall be direct, general obligations of the State of Illinois and shall so state on the face thereof, and the full faith and credit of the State of Illinois are hereby pledged for the punctual payment of the interest thereon as the same shall become due and for the punctual payment of the principal thereof at maturity, and the provisions of this Section shall be irrepealable until all such Bonds are paid in full as to both principal and interest.

HISTORY:
P.A. 77-150.

30 ILCS 415/8 [Civil actions]

If the State fails to pay the principal of or interest on the Bonds as the same become due, a civil action to compel payment may be instituted in the Supreme Court of Illinois as a court of original jurisdiction by the holder or holders of the Bonds in respect of which such failure exists. Delivery of the summons and a copy of the complaint to the Attorney General or leaving them at his office in the capital with his assistant or clerk shall constitute good and sufficient service to give the Supreme Court of Illinois jurisdiction of the subject matter of such a suit of the State and its officer or officers named as defendants for the purpose of compelling such payment. Any case or cause of action concerning the validity of this Act relates to the revenue of the State of Illinois.

HISTORY:
P.A. 77-150.

30 ILCS 415/9 [Principal and interest due; transfers]

Upon each delivery of the Bonds authorized to be issued under this Act, the Comptroller shall compute and certify to the State Treasurer the total amount of principal of and interest on the Bonds issued that will be payable in order to retire such Bonds and the amount of principal of and interest on such Bonds that will be payable on each payment date according to the tenor of such Bonds during the then current and each succeeding fiscal year.

On the last day of each month, commencing with the month in which the Transportation Bonds, Series A are issued and delivered, the State Treasurer and the Auditor of Public Accounts, or Comptroller as his successor, shall transfer from the Road Fund in the State Treasury, or the General Revenue Fund as provided in Section 7 of this Act [30 ILCS 415/7], to the Transportation Bond, Series A Retirement and Interest Fund a sum of money, appropriated for such purpose, equal to the result of the amount of principal of and interest on the Transportation Bonds, Series A payable on the next payment date divided by the number of full calendar months between the date of such Transportation Bonds, Series A and the first such payment date, and thereafter divided by the number of months between each succeeding payment date after the first. On the last day of each month, commencing with the month in which the Transportation Bonds, Series B are issued and delivered, the State Treasurer and the Auditor of Public Accounts, or Comptroller as his successor, shall transfer from the General Revenue Fund in the State Treasury to the Transportation Bond, Series B Retirement and Interest Fund in the State Treasury a sum of money, appropriated for such purpose, equal to the result of the amount of principal of and interest on the Transportation Bonds, Series B payable on the next payment date divided by the number of full calendar months between the date of such Transportation Bonds, Series B and the first such payment date, and thereafter divided by the number of months between each succeeding payment date after the first.

Such computations and transfers shall be made when a series of such Bonds is issued and delivered.

The transfer of monies hereinabove directed is not required if monies in the Transportation Bond, Series A Retirement and Interest Fund, or the Transportation Bond, Series B Retirement and Interest Fund, as the case may be, are more than the amount otherwise to be transferred as hereinabove provided, and if the Governor notifies the Auditor of Public Accounts, or Comptroller as his successor, and the State Treasurer of such fact.

HISTORY:
P.A. 83-1280.

30 ILCS 415/10 [Bond retirement]

The State of Illinois is authorized from time to time to issue, sell and provide for the retirement of bonds of the State of Illinois for the sole purpose of refunding all or any portion of the principal of the Bonds; provided that such refunding bonds shall mature within the terms of the Bonds. Such refunding bonds shall in all other respects be subject to the terms and conditions of Sections 3, 4, 6, 7, 8 and 9 of this Act [30 ILCS 415/3, 30 ILCS 415/4 and 30 ILCS 415/6 through 30 ILCS 415/9]. The principal amount of any such refunding bonds shall not exceed 103% of the principal amount of the Bonds refunded with the proceeds of such refunding bonds.

HISTORY:
P.A. 77-150.

30 ILCS 415/11 [Severability]

If any section, sentence, or clause of this Act is for any reason held invalid or to be unconstitutional,

such decision shall not affect the validity of the remaining portions of this Act.

HISTORY:
P.A. 77-150.

30 ILCS 415/11.1 [Termination date]

After December 1, 1984, no additional bonds shall be issued or sold pursuant to this Act; instead all State of Illinois general obligation bonds shall be issued and sold pursuant to the "General Obligation Bond Act" [30 ILCS 330/1 et seq.].

HISTORY:
P.A. 83-1490.

PURCHASES AND CONTRACTS

Illinois Procurement Code
Governmental Joint Purchasing Act
Architectural, Engineering, and Land Surveying Qualifications Based Selection Act
State Prompt Payment Act
Public Contract Fraud Act
Public Construction Bond Act
Public Construction Contract Act
Steel Products Procurement Act
Employment of Illinois Workers on Public Works Act

ILLINOIS PROCUREMENT CODE

Article 1. General Provisions

Section
30 ILCS 500/1-1 Short title
30 ILCS 500/1-5 Public policy.
30 ILCS 500/1-10 Application. [Effective until January 1, 2023]
30 ILCS 500/1-10 Application. [Effective January 1, 2023]
30 ILCS 500/1-10.5 Alternative Technical Concepts.
30 ILCS 500/1-11 Applicability of certain Public Acts.
30 ILCS 500/1-12 Applicability to artistic or musical services. [Effective until January 1, 2023]
30 ILCS 500/1-12 Applicability to artistic or musical services. [Effective January 1, 2023]
30 ILCS 500/1-13 Applicability to public institutions of higher education. [Effective until January 1, 2023]
30 ILCS 500/1-13 Applicability to public institutions of higher education. [Effective January 1, 2023]
30 ILCS 500/1-15 Definitions.
30 ILCS 500/1-15.01 Bid.
30 ILCS 500/1-15.02 Bidder.
30 ILCS 500/1-15.03 Associate Procurement Officers. [Repealed]
30 ILCS 500/1-15.05 Board.
30 ILCS 500/1-15.10 Business
30 ILCS 500/1-15.12 Change order.
30 ILCS 500/1-15.13 Chief Procurement Office.
30 ILCS 500/1-15.15 Chief Procurement Officer
30 ILCS 500/1-15.17 Contractor.
30 ILCS 500/1-15.20 Construction, construction-related, and construction support services.
30 ILCS 500/1-15.25 Construction agency.
30 ILCS 500/1-15.30 Contract.
30 ILCS 500/1-15.35 Cost-reimbursement contract.
30 ILCS 500/1-15.40 Electronic procurement.
30 ILCS 500/1-15.42 Grant
30 ILCS 500/1-15.45 Invitation for bids.
30 ILCS 500/1-15.47 Master contract.
30 ILCS 500/1-15.48 Multiple Award.
30 ILCS 500/1-15.49 No-cost contract.
30 ILCS 500/1-15.50 Negotiation.
Section
30 ILCS 500/1-15.51 Offer.
30 ILCS 500/1-15.52 Offeror.
30 ILCS 500/1-15.55 Person
30 ILCS 500/1-15.60 Professional and artistic services.
30 ILCS 500/1-15.65 Purchase description.
30 ILCS 500/1-15.68 Purchase of care.
30 ILCS 500/1-15.70 Purchasing agency.
30 ILCS 500/1-15.75 Request for proposals.
30 ILCS 500/1-15.80 Responsible bidder, potential contractor, or offeror.
30 ILCS 500/1-15.85 Responsive bidder
30 ILCS 500/1-15.86 Responsive offeror.
30 ILCS 500/1-15.90 Services.
30 ILCS 500/1-15.93 Single prime. [Repealed January 1, 2024]
30 ILCS 500/1-15.95 Specifications.
30 ILCS 500/1-15.100 State agency.
30 ILCS 500/1-15.105 State purchasing officer.
30 ILCS 500/1-15.107 Subcontract. [Effective until January 1, 2023]
30 ILCS 500/1-15.107 Subcontract. [Effective January 1, 2023]
30 ILCS 500/1-15.108 Subcontractor. [Effective until January 1, 2023]
30 ILCS 500/1-15.108 Subcontractor. [Effective January 1, 2023]
30 ILCS 500/1-15.110 Supplies.
30 ILCS 500/1-15.111 Supplier.
30 ILCS 500/1-15.115 Using agency.
30 ILCS 500/1-15.120 Expatriated entity.
30 ILCS 500/1-25 Property rights.
30 ILCS 500/1-30 Applicability to Constitutional Officers and the Legislative and Judicial Branches.
30 ILCS 500/1-35 Application to Quincy Veterans' Home. [Repealed July 17, 2023]
30 ILCS 500/1-35 Application to James R. Thompson Center. [Renumbered]
30 ILCS 500/1-40 Application to James R. Thompson Center.

Article 5. Policy Organization

30 ILCS 500/5-5 Procurement Policy Board.
30 ILCS 500/5-7 Commission on Equity and Inclusion; powers and duties.
30 ILCS 500/5-23 Interests of Board members.
30 ILCS 500/5-25 Rulemaking authority; agency policy; agency response.
30 ILCS 500/5-30 Proposed contracts; Procurement Policy Board; Commission on Equity and Inclusion.

Article 10. Appointments

30 ILCS 500/10-5 Exercise of procurement authority
30 ILCS 500/10-10 Independent State purchasing officers.
30 ILCS 500/10-15 Procurement compliance monitors.
30 ILCS 500/10-20 Independent chief procurement officers.
30 ILCS 500/10-25 Executive Procurement Officer. [Repealed]
30 ILCS 500/10-30 Fiduciary duty.

Article 15. Procurement Information

30 ILCS 500/15-1 Publisher.
30 ILCS 500/15-10 Contents.
30 ILCS 500/15-15 Publication.
30 ILCS 500/15-20 Qualified bidders or offerors.
30 ILCS 500/15-25 Bulletin content.
30 ILCS 500/15-30 Electronic Bulletin clearinghouse.
30 ILCS 500/15-35 Vendor portal.
30 ILCS 500/15-40 Method of notices and reports.
30 ILCS 500/15-45 Computation of days.

Article 20. Source Selection and Contract Formation

30 ILCS 500/20-5 Method of source selection.
30 ILCS 500/20-10 Competitive sealed bidding; reverse auction.
30 ILCS 500/20-15 Competitive sealed proposals.
30 ILCS 500/20-20 Small purchases. [Effective until January 1, 2023]
30 ILCS 500/20-20 Small purchases. [Effective January 1, 2023]
30 ILCS 500/20-25 Sole source procurements.
30 ILCS 500/20-25.1 Special expedited procurement.

ARTICLE 1.

GENERAL PROVISIONS

30 ILCS 500/1-1 Short title

This Act may be cited as the Illinois Procurement Code.

HISTORY:
P.A. 90-572, § 1-1.

30 ILCS 500/1-5 Public policy.

It is the purpose of this Code and is declared to be the policy of the State that the principles of competitive bidding and economical procurement practices shall be applicable to all purchases and contracts by or for any State agency.

HISTORY:
P.A. 90-572, § 1-5.

30 ILCS 500/1-10 Application. [As amended by P.A. 102-600]

(a) This Code applies only to procurements for which bidders, offerors, potential contractors, or contractors were first solicited on or after July 1, 1998. This Code shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date of this Code as described in Article 99, including, but not limited to, any covenant entered into with respect to any revenue bonds or similar instruments. All procurements for which contracts are solicited between the effective date of Articles 50

and 99 [30 ILCS 500/50-1 et seq. and 30 ILCS 500/99-5 et seq.] and July 1, 1998 shall be substantially in accordance with this Code and its intent.

(b) This Code shall apply regardless of the source of the funds with which the contracts are paid, including federal assistance moneys. This Code shall not apply to:

(1) Contracts between the State and its political subdivisions or other governments, or between State governmental bodies, except as specifically provided in this Code.

(2) Grants, except for the filing requirements of Section 20-80 [30 ILCS 500/20-80].

(3) Purchase of care, except as provided in Section 5-30.6 of the Illinois Public Aid Code [305 ILCS 5/5-30.6] and this Section.

(4) Hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.

(5) Collective bargaining contracts.

(6) Purchase of real estate, except that notice of this type of contract with a value of more than $25,000 must be published in the Procurement Bulletin within 10 calendar days after the deed is recorded in the county of jurisdiction. The notice shall identify the real estate purchased, the names of all parties to the contract, the value of the contract, and the effective date of the contract.

(7) Contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to this Code shall give his or her prior approval when the procuring entity is not one subject to the jurisdiction of the Governor.

(8) (Blank).

(9) Procurement expenditures by the Illinois Conservation Foundation when only private funds are used.

(10) (Blank).

(11) Public-private agreements entered into according to the procurement requirements of Section 20 of the Public-Private Partnerships for Transportation Act [630 ILCS 5/20] and design-build agreements entered into according to the procurement requirements of Section 25 of the Public-Private Partnerships for Transportation Act [630 ILCS 5/25].

(12)(A) Contracts for legal, financial, and other professional and artistic services entered into by the Illinois Finance Authority in which the State of Illinois is not obligated. Such contracts shall be awarded through a competitive process authorized by the members of the Illinois Finance Authority and are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code [30 ILCS 500/5-30, 30 ILCS 500/20-160, 30 ILCS 500/50-13, 30 ILCS 500/50-20, 30 ILCS 500/50-35, and 30 ILCS 500/50-37], as well as the final approval by the members of the Illinois Finance Authority of the terms of the contract.

(B) Contracts for legal and financial services entered into by the Illinois Housing Development Authority in connection with the issuance of bonds in which the State of Illinois is not obligated. Such contracts shall be awarded through a competitive process authorized by the members of the Illinois Housing Development Authority and are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code, as well as the final approval by the members of the Illinois Housing Development Authority of the terms of the contract.

(13) Contracts for services, commodities, and equipment to support the delivery of timely forensic science services in consultation with and subject to the approval of the Chief Procurement Officer as provided in subsection (d) of Section 5-4-3a of the Unified Code of Corrections [730 ILCS 5/5-4-3a], except for the requirements of Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of this Code [30 ILCS 500/20-60, 30 ILCS 500/20-65, 30 ILCS 500/20-70 and 30 ILCS 500/20-160 and 30 ILCS 500/50-1 et seq.]; however, the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50 of this Code. For any contracts for services which are currently provided by members of a collective bargaining agreement, the applicable terms of the collective bargaining agreement concerning subcontracting shall be followed.

On and after January 1, 2019, this paragraph (13), except for this sentence, is inoperative.

(14) Contracts for participation expenditures required by a domestic or international trade show or exhibition of an exhibitor, member, or sponsor.

(15) Contracts with a railroad or utility that requires the State to reimburse the railroad or utilities for the relocation of utilities for construction or other public purpose. Contracts included within this paragraph (15) shall include, but not be limited to, those associated with: relocations, crossings, installations, and maintenance. For the purposes of this paragraph (15), "railroad" means any form of non-highway ground transportation that runs on rails or electromagnetic guideways and "utility" means: (1) public utilities as defined in Section 3-105 of the Public Utilities Act [220 ILCS 5/3-105], (2) telecommunications carriers as defined in Section 13-202 of the Public Utilities Act, (3) electric cooperatives as defined in Section 3.4 of the Electric Supplier Act [220 ILCS 30/3.4], (4) telephone or telecommunications cooperatives as defined in Section 13-212 of the Public Utilities Act, (5) rural water or waste water systems with 10,000 connections or less, (6) a holder as defined in Section 21-201 of the Public Utilities Act, and (7) municipalities owning or operating utility systems

consisting of public utilities as that term is defined in Section 11-117-2 of the Illinois Municipal Code [65 ILCS 5/11-117-2].

(16) Procurement expenditures necessary for the Department of Public Health to provide the delivery of timely newborn screening services in accordance with the Newborn Metabolic Screening Act [410 ILCS 240/0.01 et seq.].

(17) Procurement expenditures necessary for the Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Human Services, and the Department of Public Health to implement the Compassionate Use of Medical Cannabis Program and Opioid Alternative Pilot Program requirements and ensure access to medical cannabis for patients with debilitating medical conditions in accordance with the Compassionate Use of Medical Cannabis Program Act.

(18) This Code does not apply to any procurements necessary for the Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Human Services, the Department of Commerce and Economic Opportunity, and the Department of Public Health to implement the Cannabis Regulation and Tax Act if the applicable agency has made a good faith determination that it is necessary and appropriate for the expenditure to fall within this exemption and if the process is conducted in a manner substantially in accordance with the requirements of Sections 20-160, 25-60, 30-22, 50-5, 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35, 50-36, 50-37, 50-38, and 50-50 of this Code [30 ILCS 500/20-160, 30 ILCS 500/25-60, 30 ILCS 500/30-22, 30 ILCS 500/50-5, 30 ILCS 500/50-10, 30 ILCS 500/50-10.5, 30 ILCS 500/50-12, 30 ILCS 500/50-13, 30 ILCS 500/50-15, 30 ILCS 500/50-20, 30 ILCS 500/50-21, 30 ILCS 500/50-35, 30 ILCS 500/50-36, 30 ILCS 500/50-37, 30 ILCS 500/50-38, and 30 ILCS 500/50-50]; however, for Section 50-35, compliance applies only to contracts or subcontracts over $100,000. Notice of each contract entered into under this paragraph (18) that is related to the procurement of goods and services identified in paragraph (1) through (9) of this subsection shall be published in the Procurement Bulletin within 14 calendar days after contract execution. The Chief Procurement Officer shall prescribe the form and content of the notice. Each agency shall provide the Chief Procurement Officer, on a monthly basis, in the form and content prescribed by the Chief Procurement Officer, a report of contracts that are related to the procurement of goods and services identified in this subsection. At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to this Code utilized. A copy of any or all of these contracts shall be made available to the Chief Procurement Officer immediately upon request. The Chief Procurement Officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that includes, at a minimum, an annual summary of the monthly information reported to the Chief Procurement Officer. This exemption becomes inoperative 5 years after June 25, 2019 (the effective date of Public Act 101-27).

(19) Acquisition of modifications or adjustments, limited to assistive technology devices and assistive technology services, adaptive equipment, repairs, and replacement parts to provide reasonable accommodations (i) that enable a qualified applicant with a disability to complete the job application process and be considered for the position such qualified applicant desires, (ii) that modify or adjust the work environment to enable a qualified current employee with a disability to perform the essential functions of the position held by that employee, (iii) to enable a qualified current employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities, and (iv) that allow a customer, client, claimant or member of the public seeking State services full use and enjoyment of and access to its programs, services, or benefits.

For purposes of this paragraph (19):

"Assistive technology devices" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

"Assistive technology services" means any service that directly assists an individual with a disability in selection, acquisition, or use of an assistive technology device.

"Qualified" has the same meaning and use as provided under the federal Americans with Disabilities Act when describing an individual with a disability.

Notwithstanding any other provision of law, for contracts entered into on or after October 1, 2017 under an exemption provided in any paragraph of this subsection (b), except paragraph (1), (2), or (5), each State agency shall post to the appropriate procurement bulletin the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. The chief procurement officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the chief procurement officer.

(c) This Code does not apply to the electric power procurement process provided for under Section 1-75 of the Illinois Power Agency Act [20 ILCS 3855/1-75] and Section 16-111.5 of the Public Utilities Act [220 ILCS 5/16-111.5].

(d) Except for Section 20-160 and Article 50 of this Code [30 ILCS 500/20-160 and 30 ILCS 500/50-1 et seq.], and as expressly required by Section 9.1 of the Illinois Lottery Law [20 ILCS 1605/9.1], the provisions of this Code do not apply to the procurement process provided for under Section 9.1 of the Illinois Lottery Law.

(e) This Code does not apply to the process used by the Capital Development Board to retain a person or entity to assist the Capital Development Board with its duties related to the determination of costs of a clean coal SNG brownfield facility, as defined by Section 1-10 of the Illinois Power Agency Act [20 ILCS 3855/1-10], as required in subsection (h-3) of Section 9-220 of the Public Utilities Act [220 ILCS 5/9-220], including calculating the range of capital costs, the range of operating and maintenance costs, or the sequestration costs or monitoring the construction of clean coal SNG brownfield facility for the full duration of construction.

(f) (Blank).

(g) (Blank).

(h) This Code does not apply to the process to procure or contracts entered into in accordance with Sections 11-5.2 and 11-5.3 of the Illinois Public Aid Code [305 ILCS 5/11-5.2 and 305 ILCS 5/11-5.3].

(i) Each chief procurement officer may access records necessary to review whether a contract, purchase, or other expenditure is or is not subject to the provisions of this Code, unless such records would be subject to attorney-client privilege.

(j) This Code does not apply to the process used by the Capital Development Board to retain an artist or work or works of art as required in Section 14 of the Capital Development Board Act [20 ILCS 3105/14].

(k) This Code does not apply to the process to procure contracts, or contracts entered into, by the State Board of Elections or the State Electoral Board for hearing officers appointed pursuant to the Election Code [10 ILCS 5/1-1 et seq.].

(l) This Code does not apply to the processes used by the Illinois Student Assistance Commission to procure supplies and services paid for from the private funds of the Illinois Prepaid Tuition Fund. As used in this subsection (l), "private funds" means funds derived from deposits paid into the Illinois Prepaid Tuition Trust Fund and the earnings thereon.

(m) This Code shall apply regardless of the source of funds with which contracts are paid, including federal assistance moneys. Except as specifically provided in this Code, this Code shall not apply to procurement expenditures necessary for the Department of Public Health to conduct the Healthy Illinois Survey in accordance with Section 2310-431 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois.

HISTORY:

P.A. 90-572, § 1-10; 91-627, § 5; 91-904, § 5; 92-797, § 15; 95-481, § 5-925; 95-615, § 5; 95-876, § 105; 96-840, § 10; 96-1331, § 910; 97-96, § 7; 97-239, § 10; 97-502, § 915; 97-689, § 25; 97-813, § 140; 97-895, § 15; 98-90, § 15; 98-463, § 140; 98-572, § 10; 98-756, § 160; 98-1076, § 5; 99-801, § 107; 2017 P.A. 100-43, § 15, effective August 9, 2017; 2018 P.A. 100-1114, § 10, effective August 28, 2018; 2018 P.A. 100-580, § 5, effective March 12, 2018; 2018 P.A. 100-757, § 5, effective August 10, 2018; 2019 P.A. 101-27, § 900-15.5, effective June 25, 2019; 2019 P.A. 101-81, § 245, effective July 12, 2019; 2019 P.A. 101-363, § 5, effective August 9, 2019; 2021 P.A. 102-175, § 905, effective July 29, 2021; 2021 P.A. 102-483, § 10, effective January 1, 2022; 2021 P.A. 102-558, § 190, effective August 20, 2021; 2021 P.A. 102-600, § 5, effective August 27, 2021; 2021 P.A. 102-662, § 90-36, effective September 16, 2021; 2022 P.A. 102-813, § 220, effective May 13, 2022.

30 ILCS 500/1-10 Application. As amended by P.A. 102-662]

(a) This Code applies only to procurements for which bidders, offerors, potential contractors, or contractors were first solicited on or after July 1, 1998. This Code shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date of this Code as described in Article 99, including, but not limited to, any covenant entered into with respect to any revenue bonds or similar instruments. All procurements for which contracts are solicited between the effective date of Articles 50 and 99 [30 ILCS 500/50-1 et seq.] and 99 [30 ILCS 500/99-5 et seq.] and July 1, 1998 shall be substantially in accordance with this Code and its intent.

(b) This Code shall apply regardless of the source of the funds with which the contracts are paid, including federal assistance moneys. This Code shall not apply to:

(1) Contracts between the State and its political subdivisions or other governments, or between State governmental bodies, except as specifically provided in this Code.

(2) Grants, except for the filing requirements of Section 20-80 [30 ILCS 500/20-80].

(3) Purchase of care, except as provided in Section 5-30.6 of the Illinois Public Aid Code [305 ILCS 5/5-30.6] and this Section.

(4) Hiring of an individual as employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.

(5) Collective bargaining contracts.

(6) Purchase of real estate, except that notice of this type of contract with a value of more than $25,000 must be published in the Procurement Bulletin within 10 calendar days after the deed is recorded in the county of jurisdiction. The notice shall identify the real estate purchased, the names of all parties to the contract, the value of the contract, and the effective date of the contract.

(7) Contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to this Code shall give his or her prior approval

when the procuring entity is not one subject to the jurisdiction of the Governor.

(8) (Blank).

(9) Procurement expenditures by the Illinois Conservation Foundation when only private funds are used.

(10) (Blank).

(11) Public-private agreements entered into according to the procurement requirements of Section 20 of the Public-Private Partnerships for Transportation Act [630 ILCS 5/20] and design-build agreements entered into according to the procurement requirements of Section 25 of the Public-Private Partnerships for Transportation Act [630 ILCS 5/25].

(12)(A) Contracts for legal, financial, and other professional and artistic services entered into by the Illinois Finance Authority in which the State of Illinois is not obligated. Such contracts shall be awarded through a competitive process authorized by the members of the Illinois Finance Authority and are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code [30 ILCS 500/5-30, 30 ILCS 500/20-160, 30 ILCS 500/50-13, 30 ILCS 500/50-20, 30 ILCS 500/50-35, and 30 ILCS 500/50-37], as well as the final approval by the members of the Illinois Finance Authority of the terms of the contract.

(B) Contracts for legal and financial services entered into by the Illinois Housing Development Authority in connection with the issuance of bonds in which the State of Illinois is not obligated. Such contracts shall be awarded through a competitive process authorized by the members of the Illinois Housing Development Authority and are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code, as well as the final approval by the members of the Illinois Housing Development Authority of the terms of the contract.

(13) Contracts for services, commodities, and equipment to support the delivery of timely forensic science services in consultation with and subject to the approval of the Chief Procurement Officer as provided in subsection (d) of Section 5-4-3a of the Unified Code of Corrections [730 ILCS 5/5-4-3a], except for the requirements of Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of this Code [30 ILCS 500/20-60, 30 ILCS 500/20-65, 30 ILCS 500/20-70 and 30 ILCS 500/20-160 and 30 ILCS 500/50-1 et seq.]; however, the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50 of this Code. For any contracts for services which are currently provided by members of a collective bargaining agreement, the applicable terms of the collective bargaining agreement concerning subcontracting shall be followed.

On and after January 1, 2019, this paragraph (13), except for this sentence, is inoperative.

(14) Contracts for participation expenditures required by a domestic or international trade show or exhibition of an exhibitor, member, or sponsor.

(15) Contracts with a railroad or utility that requires the State to reimburse the railroad or utilities for the relocation of utilities for construction or other public purpose. Contracts included within this paragraph (15) shall include, but not be limited to, those associated with: relocations, crossings, installations, and maintenance. For the purposes of this paragraph (15), "railroad" means any form of non-highway ground transportation that runs on rails or electromagnetic guideways and "utility" means: (1) public utilities as defined in Section 3-105 of the Public Utilities Act [220 ILCS 5/3-105], (2) telecommunications carriers as defined in Section 13-202 of the Public Utilities Act, (3) electric cooperatives as defined in Section 3.4 of the Electric Supplier Act [220 ILCS 30/3.4], (4) telephone or telecommunications cooperatives as defined in Section 13-212 of the Public Utilities Act, (5) rural water or waste water systems with 10,000 connections or less, (6) a holder as defined in Section 21-201 of the Public Utilities Act, and (7) municipalities owning or operating utility systems consisting of public utilities as that term is defined in Section 11-117-2 of the Illinois Municipal Code [65 ILCS 5/11-117-2].

(16) Procurement expenditures necessary for the Department of Public Health to provide the delivery of timely newborn screening services in accordance with the Newborn Metabolic Screening Act [410 ILCS 240/0.01 et seq.].

(17) Procurement expenditures necessary for the Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Human Services, and the Department of Public Health to implement the Compassionate Use of Medical Cannabis Program and Opioid Alternative Pilot Program requirements and ensure access to medical cannabis for patients with debilitating medical conditions in accordance with the Compassionate Use of Medical Cannabis Program Act.

(18) This Code does not apply to any procurements necessary for the Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Human Services, the Department of Commerce and Economic Opportunity, and the Department of Public Health to implement the Cannabis Regulation and Tax Act if the applicable agency has made a good faith determination that it is necessary and appropriate for the expenditure to fall within this exemption and if the process is conducted in a manner substantially in accordance with the requirements of Sections 20-160, 25-60, 30-22, 50-5, 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35, 50-36, 50-37, 50-38, and 50-50 of this Code [30 ILCS 500/20-160, 30 ILCS 500/25-60, 30 ILCS 500/30-22, 30 ILCS 500/50-5, 30 ILCS 500/50-10, 30 ILCS 500/50-10.5, 30 ILCS 500/50-12, 30 ILCS 500/50-13, 30 ILCS 500/50-15, 30 ILCS 500/50-20, 30 ILCS 500/50-21, 30 ILCS 500/50-35, 30 ILCS 500/50-36, 30 ILCS

500/50-37, 30 ILCS 500/50-38, and 30 ILCS 500/50-50]; however, for Section 50-35, compliance applies only to contracts or subcontracts over $100,000. Notice of each contract entered into under this paragraph (18) that is related to the procurement of goods and services identified in paragraph (1) through (9) of this subsection shall be published in the Procurement Bulletin within 14 calendar days after contract execution. The Chief Procurement Officer shall prescribe the form and content of the notice. Each agency shall provide the Chief Procurement Officer, on a monthly basis, in the form and content prescribed by the Chief Procurement Officer, a report of contracts that are related to the procurement of goods and services identified in this subsection. At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to this Code utilized. A copy of any or all of these contracts shall be made available to the Chief Procurement Officer immediately upon request. The Chief Procurement Officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that includes, at a minimum, an annual summary of the monthly information reported to the Chief Procurement Officer. This exemption becomes inoperative 5 years after June 25, 2019 (the effective date of Public Act 101-27).

(19) Procurement expenditures necessary for the Illinois Commerce Commission to hire third-party facilitators pursuant to Sections 16-105.17 and Section 16-108.18 of the Public Utilities Act [220 ILCS 5/16-105.17 and 220 ILCS 5/16-108.18] or an ombudsman pursuant to Section 16-107.5 of the Public Utilities Act [220 ILCS 5/16-107.5], a facilitator pursuant to Section 16-105.17 of the Public Utilities Act, or a grid auditor pursuant to Section 16-105.10 of the Public Utilities Act [220 ILCS 5/16-105.10].

Notwithstanding any other provision of law, for contracts entered into on or after October 1, 2017 under an exemption provided in any paragraph of this subsection (b), except paragraph (1), (2), or (5), each State agency shall post to the appropriate procurement bulletin the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. The chief procurement officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the chief procurement officer.

(c) This Code does not apply to the electric power procurement process provided for under Section 1-75 of the Illinois Power Agency Act [20 ILCS 3855/1-75] and Section 16-111.5 of the Public Utilities Act [220 ILCS 5/16-111.5].

(d) Except for Section 20-160 and Article 50 of this Code [30 ILCS 500/20-160 and 30 ILCS 500/50-1 et seq.], and as expressly required by Section 9.1 of the Illinois Lottery Law [20 ILCS 1605/9.1], the provisions of this Code do not apply to the procurement process provided for under Section 9.1 of the Illinois Lottery Law.

(e) This Code does not apply to the process used by the Capital Development Board to retain a person or entity to assist the Capital Development Board with its duties related to the determination of costs of a clean coal SNG brownfield facility, as defined by Section 1-10 of the Illinois Power Agency Act [20 ILCS 3855/1-10], as required in subsection (h-3) of Section 9-220 of the Public Utilities Act [220 ILCS 5/9-220], including calculating the range of capital costs, the range of operating and maintenance costs, or the sequestration costs or monitoring the construction of clean coal SNG brownfield facility for the full duration of construction.

(f) (Blank).

(g) (Blank).

(h) This Code does not apply to the process to procure or contracts entered into in accordance with Sections 11-5.2 and 11-5.3 of the Illinois Public Aid Code [305 ILCS 5/11-5.2 and 305 ILCS 5/11-5.3].

(i) Each chief procurement officer may access records necessary to review whether a contract, purchase, or other expenditure is or is not subject to the provisions of this Code, unless such records would be subject to attorney-client privilege.

(j) This Code does not apply to the process used by the Capital Development Board to retain an artist or work or works of art as required in Section 14 of the Capital Development Board Act [20 ILCS 3105/14].

(k) This Code does not apply to the process to procure contracts, or contracts entered into, by the State Board of Elections or the State Electoral Board for hearing officers appointed pursuant to the Election Code [10 ILCS 5/1-1 et seq.].

(*l*) This Code does not apply to the processes used by the Illinois Student Assistance Commission to procure supplies and services paid for from the private funds of the Illinois Prepaid Tuition Fund. As used in this subsection (l), "private funds" means funds derived from deposits paid into the Illinois Prepaid Tuition Trust Fund and the earnings thereon.

(m) This Code shall apply regardless of the source of funds with which contracts are paid, including federal assistance moneys. Except as specifically provided in this Code, this Code shall not apply to procurement expenditures necessary for the Department of Public Health to conduct the Healthy Illinois Survey in accordance with Section 2310-431 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois.

HISTORY:

P.A. 90-572, § 1-10; 91-627, § 5; 91-904, § 5; 92-797, § 15; 95-481, § 5-925; 95-615, § 5; 95-876, § 105; 96-840, § 10; 96-1331, § 910; 97-96, § 7; 97-239, § 10; 97-502, § 915; 97-689, § 25; 97-813, § 140; 97-895, § 15; 98-90, § 15; 98-463, § 140; 98-572, § 10; 98-756, § 160; 98-1076, § 5; 99-801, § 107; 2017 P.A. 100-43, § 15, effective August 9, 2017; 2018 P.A. 100-1114, § 10, effective August

28, 2018; 2018 P.A. 100-580, § 5, effective March 12, 2018; 2018 P.A. 100-757, § 5, effective August 10, 2018; 2019 P.A. 101-27, § 900-15.5, effective June 25, 2019; 2019 P.A. 101-81, § 245, effective July 12, 2019; 2019 P.A. 101-363, § 5, effective August 9, 2019; 2021 P.A. 102-175, § 905, effective July 29, 2021; 2021 P.A. 102-483, § 10, effective January 1, 2022; 2021 P.A. 102-558, § 190, effective August 20, 2021; 2021 P.A. 102-600, § 5, effective August 27, 2021; 2021 P.A. 102-662, § 90-36, effective September 16, 2021; 2022 P.A. 102-813, § 220, effective May 13, 2022.

30 ILCS 500/1-10 Application. [Effective until January 1, 2023]

(a) This Code applies only to procurements for which bidders, offerors, potential contractors, or contractors were first solicited on or after July 1, 1998. This Code shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date of this Code as described in Article 99, including, but not limited to, any covenant entered into with respect to any revenue bonds or similar instruments. All procurements for which contracts are solicited between the effective date of Articles 50 and 99 [30 ILCS 500/50-1 et seq.] and 99 [30 ILCS 500/99-5 et seq.] and July 1, 1998 shall be substantially in accordance with this Code and its intent.

(b) This Code shall apply regardless of the source of the funds with which the contracts are paid, including federal assistance moneys. This Code shall not apply to:

(1) Contracts between the State and its political subdivisions or other governments, or between State governmental bodies, except as specifically provided in this Code.

(2) Grants, except for the filing requirements of Section 20-80 [30 ILCS 500/20-80].

(3) Purchase of care, except as provided in Section 5-30.6 of the Illinois Public Aid Code [305 ILCS 5/5-30.6] and this Section.

(4) Hiring of an individual as an employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.

(5) Collective bargaining contracts.

(6) Purchase of real estate, except that notice of this type of contract with a value of more than $25,000 must be published in the Procurement Bulletin within 10 calendar days after the deed is recorded in the county of jurisdiction. The notice shall identify the real estate purchased, the names of all parties to the contract, the value of the contract, and the effective date of the contract.

(7) Contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to this Code shall give his or her prior approval when the procuring entity is not one subject to the jurisdiction of the Governor.

(8) (Blank).

(9) Procurement expenditures by the Illinois Conservation Foundation when only private funds are used.

(10) (Blank).

(11) Public-private agreements entered into according to the procurement requirements of Section 20 of the Public-Private Partnerships for Transportation Act [630 ILCS 5/20] and design-build agreements entered into according to the procurement requirements of Section 25 of the Public-Private Partnerships for Transportation Act [630 ILCS 5/25].

(12)(A) Contracts for legal, financial, and other professional and artistic services entered into by the Illinois Finance Authority in which the State of Illinois is not obligated. Such contracts shall be awarded through a competitive process authorized by the members of the Illinois Finance Authority and are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code [30 ILCS 500/5-30, 30 ILCS 500/20-160, 30 ILCS 500/50-13, 30 ILCS 500/50-20, 30 ILCS 500/50-35, and 30 ILCS 500/50-37], as well as the final approval by the members of the Illinois Finance Authority of the terms of the contract.

(B) Contracts for legal and financial services entered into by the Illinois Housing Development Authority in connection with the issuance of bonds in which the State of Illinois is not obligated. Such contracts shall be awarded through a competitive process authorized by the members of the Illinois Housing Development Authority and are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code, as well as the final approval by the members of the Illinois Housing Development Authority of the terms of the contract.

(13) Contracts for services, commodities, and equipment to support the delivery of timely forensic science services in consultation with and subject to the approval of the Chief Procurement Officer as provided in subsection (d) of Section 5-4-3a of the Unified Code of Corrections [730 ILCS 5/5-4-3a], except for the requirements of Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of this Code [30 ILCS 500/20-60, 30 ILCS 500/20-65, 30 ILCS 500/20-70 and 30 ILCS 500/20-160 and 30 ILCS 500/50-1 et seq.]; however, the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50 of this Code. For any contracts for services which are currently provided by members of a collective bargaining agreement, the applicable terms of the collective bargaining agreement concerning subcontracting shall be followed.

On and after January 1, 2019, this paragraph (13), except for this sentence, is inoperative.

(14) Contracts for participation expenditures required by a domestic or international trade show or exhibition of an exhibitor, member, or sponsor.

(15) Contracts with a railroad or utility that requires the State to reimburse the railroad or utilities for the relocation of utilities for construction or other public purpose. Contracts included within this paragraph (15) shall include, but not be limited to, those associated with: relocations, crossings, installations, and maintenance. For the purposes of this paragraph (15), "railroad" means any form of non-highway ground transportation that runs on rails or electromagnetic guideways and "utility" means: (1) public utilities as defined in Section 3-105 of the Public Utilities Act [220 ILCS 5/3-105], (2) telecommunications carriers as defined in Section 13-202 of the Public Utilities Act, (3) electric cooperatives as defined in Section 3.4 of the Electric Supplier Act [220 ILCS 30/3.4], (4) telephone or telecommunications cooperatives as defined in Section 13-212 of the Public Utilities Act, (5) rural water or waste water systems with 10,000 connections or less, (6) a holder as defined in Section 21-201 of the Public Utilities Act, and (7) municipalities owning or operating utility systems consisting of public utilities as that term is defined in Section 11-117-2 of the Illinois Municipal Code [65 ILCS 5/11-117-2].

(16) Procurement expenditures necessary for the Department of Public Health to provide the delivery of timely newborn screening services in accordance with the Newborn Metabolic Screening Act [410 ILCS 240/0.01 et seq.].

(17) Procurement expenditures necessary for the Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Human Services, and the Department of Public Health to implement the Compassionate Use of Medical Cannabis Program and Opioid Alternative Pilot Program requirements and ensure access to medical cannabis for patients with debilitating medical conditions in accordance with the Compassionate Use of Medical Cannabis Program Act.

(18) This Code does not apply to any procurements necessary for the Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Human Services, the Department of Commerce and Economic Opportunity, and the Department of Public Health to implement the Cannabis Regulation and Tax Act if the applicable agency has made a good faith determination that it is necessary and appropriate for the expenditure to fall within this exemption and if the process is conducted in a manner substantially in accordance with the requirements of Sections 20-160, 25-60, 30-22, 50-5, 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35, 50-36, 50-37, 50-38, and 50-50 of this Code [30 ILCS 500/20-160, 30 ILCS 500/25-60, 30 ILCS 500/30-22, 30 ILCS 500/50-5, 30 ILCS 500/50-10, 30 ILCS 500/50-10.5, 30 ILCS 500/50-12, 30 ILCS 500/50-13, 30 ILCS 500/50-15, 30 ILCS 500/50-20, 30 ILCS 500/50-21, 30 ILCS 500/50-35, 30 ILCS 500/50-36, 30 ILCS 500/50-37, 30 ILCS 500/50-38, and 30 ILCS 500/50-50]; however, for Section 50-35, compliance applies only to contracts or subcontracts over $100,000. Notice of each contract entered into under this paragraph (18) that is related to the procurement of goods and services identified in paragraph (1) through (9) of this subsection shall be published in the Procurement Bulletin within 14 calendar days after contract execution. The Chief Procurement Officer shall prescribe the form and content of the notice. Each agency shall provide the Chief Procurement Officer, on a monthly basis, in the form and content prescribed by the Chief Procurement Officer, a report of contracts that are related to the procurement of goods and services identified in this subsection. At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to this Code utilized. A copy of any or all of these contracts shall be made available to the Chief Procurement Officer immediately upon request. The Chief Procurement Officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that includes, at a minimum, an annual summary of the monthly information reported to the Chief Procurement Officer. This exemption becomes inoperative 5 years after June 25, 2019 (the effective date of Public Act 101-27).

(19) Acquisition of modifications or adjustments, limited to assistive technology devices and assistive technology services, adaptive equipment, repairs, and replacement parts to provide reasonable accommodations (i) that enable a qualified applicant with a disability to complete the job application process and be considered for the position such qualified applicant desires, (ii) that modify or adjust the work environment to enable a qualified current employee with a disability to perform the essential functions of the position held by that employee, (iii) to enable a qualified current employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities, and (iv) that allow a customer, client, claimant, or member of the public seeking State services full use and enjoyment of and access to its programs, services, or benefits.

For purposes of this paragraph (19):

"Assistive technology devices" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

"Assistive technology services" means any service that directly assists an individual with a disability in selection, acquisition, or use of an assistive technology device.

"Qualified" has the same meaning and use as provided under the federal Americans with Dis-

abilities Act when describing an individual with a disability.

(20) Procurement expenditures necessary for the Illinois Commerce Commission to hire third-party facilitators pursuant to Sections 16-105.17 and 16-108.18 of the Public Utilities Act or an ombudsman pursuant to Section 16-107.5 of the Public Utilities Act, a facilitator pursuant to Section 16-105.17 of the Public Utilities Act, or a grid auditor pursuant to Section 16-105.10 of the Public Utilities Act.

Notwithstanding any other provision of law, for contracts entered into on or after October 1, 2017 under an exemption provided in any paragraph of this subsection (b), except paragraph (1), (2), or (5), each State agency shall post to the appropriate procurement bulletin the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. The chief procurement officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the chief procurement officer.

(c) This Code does not apply to the electric power procurement process provided for under Section 1-75 of the Illinois Power Agency Act [20 ILCS 3855/1-75] and Section 16-111.5 of the Public Utilities Act [220 ILCS 5/16-111.5].

(d) Except for Section 20-160 and Article 50 of this Code [30 ILCS 500/20-160 and 30 ILCS 500/50-1 et seq.], and as expressly required by Section 9.1 of the Illinois Lottery Law [20 ILCS 1605/9.1], the provisions of this Code do not apply to the procurement process provided for under Section 9.1 of the Illinois Lottery Law.

(e) This Code does not apply to the process used by the Capital Development Board to retain a person or entity to assist the Capital Development Board with its duties related to the determination of costs of a clean coal SNG brownfield facility, as defined by Section 1-10 of the Illinois Power Agency Act [20 ILCS 3855/1-10], as required in subsection (h-3) of Section 9-220 of the Public Utilities Act [220 ILCS 5/9-220], including calculating the range of capital costs, the range of operating and maintenance costs, or the sequestration costs or monitoring the construction of clean coal SNG brownfield facility for the full duration of construction.

(f) (Blank).

(g) (Blank).

(h) This Code does not apply to the process to procure or contracts entered into in accordance with Sections 11-5.2 and 11-5.3 of the Illinois Public Aid Code [305 ILCS 5/11-5.2 and 305 ILCS 5/11-5.3].

(i) Each chief procurement officer may access records necessary to review whether a contract, purchase, or other expenditure is or is not subject to the provisions of this Code, unless such records would be subject to attorney-client privilege.

(j) This Code does not apply to the process used by the Capital Development Board to retain an artist or work or works of art as required in Section 14 of the Capital Development Board Act [20 ILCS 3105/14].

(k) This Code does not apply to the process to procure contracts, or contracts entered into, by the State Board of Elections or the State Electoral Board for hearing officers appointed pursuant to the Election Code [10 ILCS 5/1-1 et seq.].

(*l*) This Code does not apply to the processes used by the Illinois Student Assistance Commission to procure supplies and services paid for from the private funds of the Illinois Prepaid Tuition Fund. As used in this subsection (l), "private funds" means funds derived from deposits paid into the Illinois Prepaid Tuition Trust Fund and the earnings thereon.

(m) This Code shall apply regardless of the source of funds with which contracts are paid, including federal assistance moneys. Except as specifically provided in this Code, this Code shall not apply to procurement expenditures necessary for the Department of Public Health to conduct the Healthy Illinois Survey in accordance with Section 2310-431 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois.

HISTORY:

P.A. 90-572, § 1-10; 91-627, § 5; 91-904, § 5; 92-797, § 15; 95-481, § 5-925; 95-615, § 5; 95-876, § 105; 96-840, § 10; 96-1331, § 910; 97-96, § 7; 97-239, § 10; 97-502, § 915; 97-689, § 25; 97-813, § 140; 97-895, § 15; 98-90, § 15; 98-463, § 140; 98-572, § 10; 98-756, § 160; 98-1076, § 5; 99-801, § 107; 2017 P.A. 100-43, § 15, effective August 9, 2017; 2018 P.A. 100-1114, § 10, effective August 28, 2018; 2018 P.A. 100-580, § 5, effective March 12, 2018; 2018 P.A. 100-757, § 5, effective August 10, 2018; 2019 P.A. 101-27, § 900-15.5, effective June 25, 2019; 2019 P.A. 101-81, § 245, effective July 12, 2019; 2019 P.A. 101-363, § 5, effective August 9, 2019; 2021 P.A. 102-175, § 905, effective July 29, 2021; 2021 P.A. 102-483, § 10, effective January 1, 2022; 2021 P.A. 102-558, § 190, effective August 20, 2021; 2021 P.A. 102-600, § 5, effective August 27, 2021; 2021 P.A. 102-662, § 90-36, effective September 16, 2021; 2022 P.A. 102-813, § 220, effective May 13, 2022.

30 ILCS 500/1-10 Application. [Effective January 1, 2023]

(a) This Code applies only to procurements for which bidders, offerors, potential contractors, or contractors were first solicited on or after July 1, 1998. This Code shall not be construed to affect or impair any contract, or any provision of a contract, entered into based on a solicitation prior to the implementation date of this Code as described in Article 99, including, but not limited to, any covenant entered into with respect to any revenue bonds or similar instruments. All procurements for which contracts are solicited between the effective date of Articles 50 and 99 [30 ILCS 500/50-1 et seq. and 30 ILCS 500/99-5 et seq.] and July 1, 1998 shall be substantially in accordance with this Code and its intent.

(b) This Code shall apply regardless of the source of the funds with which the contracts are paid, including federal assistance moneys. This Code shall not apply to:

(1) Contracts between the State and its political subdivisions or other governments, or between State governmental bodies, except as specifically provided in this Code.

(2) Grants, except for the filing requirements of Section 20-80 [30 ILCS 500/20-80].

(3) Purchase of care, except as provided in Section 5-30.6 of the Illinois Public Aid Code [305 ILCS 5/5-30.6] and this Section.

(4) Hiring of an individual as an employee and not as an independent contractor, whether pursuant to an employment code or policy or by contract directly with that individual.

(5) Collective bargaining contracts.

(6) Purchase of real estate, except that notice of this type of contract with a value of more than $25,000 must be published in the Procurement Bulletin within 10 calendar days after the deed is recorded in the county of jurisdiction. The notice shall identify the real estate purchased, the names of all parties to the contract, the value of the contract, and the effective date of the contract.

(7) Contracts necessary to prepare for anticipated litigation, enforcement actions, or investigations, provided that the chief legal counsel to the Governor shall give his or her prior approval when the procuring agency is one subject to the jurisdiction of the Governor, and provided that the chief legal counsel of any other procuring entity subject to this Code shall give his or her prior approval when the procuring entity is not one subject to the jurisdiction of the Governor.

(8) (Blank).

(9) Procurement expenditures by the Illinois Conservation Foundation when only private funds are used.

(10) (Blank).

(11) Public-private agreements entered into according to the procurement requirements of Section 20 of the Public-Private Partnerships for Transportation Act [630 ILCS 5/20] and design-build agreements entered into according to the procurement requirements of Section 25 of the Public-Private Partnerships for Transportation Act [630 ILCS 5/25].

(12)(A) Contracts for legal, financial, and other professional and artistic services entered into by the Illinois Finance Authority in which the State of Illinois is not obligated. Such contracts shall be awarded through a competitive process authorized by the members of the Illinois Finance Authority and are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code [30 ILCS 500/5-30, 30 ILCS 500/20-160, 30 ILCS 500/50-13, 30 ILCS 500/50-20, 30 ILCS 500/50-35, and 30 ILCS 500/50-37], as well as the final approval by the members of the Illinois Finance Authority of the terms of the contract.

(B) Contracts for legal and financial services entered into by the Illinois Housing Development Authority in connection with the issuance of bonds in which the State of Illinois is not obligated. Such contracts shall be awarded through a competitive process authorized by the members of the Illinois Housing Development Authority and are subject to Sections 5-30, 20-160, 50-13, 50-20, 50-35, and 50-37 of this Code, as well as the final approval by the members of the Illinois Housing Development Authority of the terms of the contract.

(13) Contracts for services, commodities, and equipment to support the delivery of timely forensic science services in consultation with and subject to the approval of the Chief Procurement Officer as provided in subsection (d) of Section 5-4-3a of the Unified Code of Corrections [730 ILCS 5/5-4-3a], except for the requirements of Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of this Code [30 ILCS 500/20-60, 30 ILCS 500/20-65, 30 ILCS 500/20-70 and 30 ILCS 500/20-160 and 30 ILCS 500/50-1 et seq.]; however, the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50 of this Code. For any contracts for services which are currently provided by members of a collective bargaining agreement, the applicable terms of the collective bargaining agreement concerning subcontracting shall be followed.

On and after January 1, 2019, this paragraph (13), except for this sentence, is inoperative.

(14) Contracts for participation expenditures required by a domestic or international trade show or exhibition of an exhibitor, member, or sponsor.

(15) Contracts with a railroad or utility that requires the State to reimburse the railroad or utilities for the relocation of utilities for construction or other public purpose. Contracts included within this paragraph (15) shall include, but not be limited to, those associated with: relocations, crossings, installations, and maintenance. For the purposes of this paragraph (15), "railroad" means any form of non-highway ground transportation that runs on rails or electromagnetic guideways and "utility" means: (1) public utilities as defined in Section 3-105 of the Public Utilities Act [220 ILCS 5/3-105], (2) telecommunications carriers as defined in Section 13-202 of the Public Utilities Act, (3) electric cooperatives as defined in Section 3.4 of the Electric Supplier Act [220 ILCS 30/3.4], (4) telephone or telecommunications cooperatives as defined in Section 13-212 of the Public Utilities Act, (5) rural water or waste water systems with 10,000 connections or less, (6) a holder as defined in Section 21-201 of the Public Utilities Act, and (7) municipalities owning or operating utility systems consisting of public utilities as that term is defined in Section 11-117-2 of the Illinois Municipal Code [65 ILCS 5/11-117-2].

(16) Procurement expenditures necessary for the Department of Public Health to provide the delivery of timely newborn screening services in accordance with the Newborn Metabolic Screening Act [410 ILCS 240/0.01 et seq.].

(17) Procurement expenditures necessary for the Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Human Services, and the Department of Public Health to implement the Compassionate Use of Medical Cannabis Program and Opioid Alternative Pilot Program requirements and ensure access to medical cannabis for patients with debilitating medical conditions in accordance with the Compassionate Use of Medical Cannabis Program Act.

(18) This Code does not apply to any procurements necessary for the Department of Agriculture, the Department of Financial and Professional Regulation, the Department of Human Services, the Department of Commerce and Economic Opportunity, and the Department of Public Health to implement the Cannabis Regulation and Tax Act if the applicable agency has made a good faith determination that it is necessary and appropriate for the expenditure to fall within this exemption and if the process is conducted in a manner substantially in accordance with the requirements of Sections 20-160, 25-60, 30-22, 50-5, 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35, 50-36, 50-37, 50-38, and 50-50 of this Code[30 ILCS 500/20-160, 30 ILCS 500/25-60, 30 ILCS 500/30-22, 30 ILCS 500/50-5, 30 ILCS 500/50-10, 30 ILCS 500/50-10.5, 30 ILCS 500/50-12, 30 ILCS 500/50-13, 30 ILCS 500/50-15, 30 ILCS 500/50-20, 30 ILCS 500/50-21, 30 ILCS 500/50-35, 30 ILCS 500/50-36, 30 ILCS 500/50-37, 30 ILCS 500/50-38, and 30 ILCS 500/50-50]; however, for Section 50-35, compliance applies only to contracts or subcontracts over $100,000. Notice of each contract entered into under this paragraph (18) that is related to the procurement of goods and services identified in paragraph (1) through (9) of this subsection shall be published in the Procurement Bulletin within 14 calendar days after contract execution. The Chief Procurement Officer shall prescribe the form and content of the notice. Each agency shall provide the Chief Procurement Officer, on a monthly basis, in the form and content prescribed by the Chief Procurement Officer, a report of contracts that are related to the procurement of goods and services identified in this subsection. At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to this Code utilized. A copy of any or all of these contracts shall be made available to the Chief Procurement Officer immediately upon request. The Chief Procurement Officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that includes, at a minimum, an annual summary of the monthly information reported to the Chief Procurement Officer. This exemption becomes inoperative 5 years after June 25, 2019 (the effective date of Public Act 101-27).

(19) Acquisition of modifications or adjustments, limited to assistive technology devices and assistive technology services, adaptive equipment, repairs, and replacement parts to provide reasonable accommodations (i) that enable a qualified applicant with a disability to complete the job application process and be considered for the position such qualified applicant desires, (ii) that modify or adjust the work environment to enable a qualified current employee with a disability to perform the essential functions of the position held by that employee, (iii) to enable a qualified current employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities, and (iv) that allow a customer, client, claimant, or member of the public seeking State services full use and enjoyment of and access to its programs, services, or benefits.

For purposes of this paragraph (19):

"Assistive technology devices" means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

"Assistive technology services" means any service that directly assists an individual with a disability in selection, acquisition, or use of an assistive technology device.

"Qualified" has the same meaning and use as provided under the federal Americans with Disabilities Act when describing an individual with a disability.

(20) Procurement expenditures necessary for the Illinois Commerce Commission to hire third-party facilitators pursuant to Sections 16-105.17 and 16-108.18 of the Public Utilities Act [220 ILCS 5/16-105.17 and 220 ILCS 5/16-108.18] or an ombudsman pursuant to Section 16-107.5 of the Public Utilities Act [220 ILCS 5/16-107.5], a facilitator pursuant to Section 16-105.17 of the Public Utilities Act, or a grid auditor pursuant to Section 16-105.10 of the Public Utilities Act [220 ILCS 5/16-105.10].

Notwithstanding any other provision of law, for contracts with an annual value of more than $100,000 entered into on or after October 1, 2017 under an exemption provided in any paragraph of this subsection (b), except paragraph (1), (2), or (5), each State agency shall post to the appropriate procurement bulletin the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. The chief procurement officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the chief procurement officer.

(c) This Code does not apply to the electric power procurement process provided for under Section 1-75

of the Illinois Power Agency Act [20 ILCS 3855/1-75] and Section 16-111.5 of the Public Utilities Act [220 ILCS 5/16-111.5].

(d) Except for Section 20-160 and Article 50 of this Code [30 ILCS 500/20-160 and 30 ILCS 500/50-1 et seq.], and as expressly required by Section 9.1 of the Illinois Lottery Law [20 ILCS 1605/9.1], the provisions of this Code do not apply to the procurement process provided for under Section 9.1 of the Illinois Lottery Law.

(e) This Code does not apply to the process used by the Capital Development Board to retain a person or entity to assist the Capital Development Board with its duties related to the determination of costs of a clean coal SNG brownfield facility, as defined by Section 1-10 of the Illinois Power Agency Act [20 ILCS 3855/1-10], as required in subsection (h-3) of Section 9-220 of the Public Utilities Act [220 ILCS 5/9-220], including calculating the range of capital costs, the range of operating and maintenance costs, or the sequestration costs or monitoring the construction of clean coal SNG brownfield facility for the full duration of construction.

(f) (Blank).

(g) (Blank).

(h) This Code does not apply to the process to procure or contracts entered into in accordance with Sections 11-5.2 and 11-5.3 of the Illinois Public Aid Code [305 ILCS 5/11-5.2 and 305 ILCS 5/11-5.3].

(i) Each chief procurement officer may access records necessary to review whether a contract, purchase, or other expenditure is or is not subject to the provisions of this Code, unless such records would be subject to attorney-client privilege.

(j) This Code does not apply to the process used by the Capital Development Board to retain an artist or work or works of art as required in Section 14 of the Capital Development Board Act [20 ILCS 3105/14].

(k) This Code does not apply to the process to procure contracts, or contracts entered into, by the State Board of Elections or the State Electoral Board for hearing officers appointed pursuant to the Election Code [10 ILCS 5/1-1 et seq.].

(*l*) This Code does not apply to the processes used by the Illinois Student Assistance Commission to procure supplies and services paid for from the private funds of the Illinois Prepaid Tuition Fund. As used in this subsection (l), "private funds" means funds derived from deposits paid into the Illinois Prepaid Tuition Trust Fund and the earnings thereon.

(m) This Code shall apply regardless of the source of funds with which contracts are paid, including federal assistance moneys. Except as specifically provided in this Code, this Code shall not apply to procurement expenditures necessary for the Department of Public Health to conduct the Healthy Illinois Survey in accordance with Section 2310-431 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois.

HISTORY:

P.A. 90-572, § 1-10; 91-627, § 5; 91-904, § 5; 92-797, § 15; 95-481, § 5-925; 95-615, § 5; 95-876, § 105; 96-840, § 10; 96-1331, § 910; 97-96, § 7; 97-239, § 10; 97-502, § 915; 97-689, § 25; 97-813, § 140; 97-895, § 15; 98-90, § 15; 98-463, § 140; 98-572, § 10; 98-756, § 160; 98-1076, § 5; 99-801, § 107; 2017 P.A. 100-43, § 15, effective August 9, 2017; 2018 P.A. 100-1114, § 10, effective August 28, 2018; 2018 P.A. 100-580, § 5, effective March 12, 2018; 2018 P.A. 100-757, § 5, effective August 10, 2018; 2019 P.A. 101-27, § 900-15.5, effective June 25, 2019; 2019 P.A. 101-81, § 245, effective July 12, 2019; 2019 P.A. 101-363, § 5, effective August 9, 2019; 2021 P.A. 102-175, § 905, effective July 29, 2021; 2021 P.A. 102-483, § 10, effective January 1, 2022; 2021 P.A. 102-558, § 190, effective August 20, 2021; 2021 P.A. 102-600, § 5, effective August 27, 2021; 2021 P.A. 102-662, § 90-36, effective September 16, 2021; 2022 P.A. 102-813, § 220, effective May 13, 2022; 2022 P.A. 102-721, § 5, effective January 1, 2023.

30 ILCS 500/1-10.5 Alternative Technical Concepts.

(a) For the purposes of this Section, "Alternative Technical Concepts" and "design-bid-build project delivery method" have the meanings ascribed to those terms in the Innovations for Transportation Infrastructure Act [630 ILCS 10/1 et. seq.].

(b) Notwithstanding subsection (b) of Section 1-10 of this Code [30 ILCS 500/1-10] , the Department of Transportation may allow bidders and proposers to submit Alternative Technical Concepts in their bids and proposals, if the Department determines that the Alternative Technical Concepts provide an equal or better solution than the underlying technical requirements applicable to the work. Notwithstanding the foregoing, for projects the Department delivers using the design-bid-build project delivery method, the Department shall use the Alternative Technical Concepts process for no more than 3 projects per year. If the Department allows bidders or proposers for a particular contract to submit Alternative Technical Concepts, the Department shall describe the process for submission and evaluation of Alternative Technical Concepts in the procurement documents for that contract, including the potential use of confidential meetings and the exchange of confidential information with bidders and proposers to review and discuss potential or proposed Alternative Technical Concepts.

History.

2022 P.A. 102-1094, § 915, effective June 15, 2022.

30 ILCS 500/1-11 Applicability of certain Public Acts.

The changes made to this Code by Public Act 96-793, Public Act 96-795, and this amendatory Act of the 96th General Assembly apply to those procurements for which bidders, offerors, vendors, potential contractors, or contractors were first solicited on or after July 1, 2010.

HISTORY:

P.A. 96-920, § 5; 98-1076, § 5.

30 ILCS 500/1-12 Applicability to artistic or musical services. [Effective until January 1, 2023]

(a) This Code shall not apply to procurement ex-

penditures necessary to provide artistic or musical services, performances, or theatrical productions held at a venue operated or leased by a State agency.

(b) Notice of each contract entered into by a State agency that is related to the procurement of goods and services identified in this Section shall be published in the Illinois Procurement Bulletin within 14 calendar days after contract execution. The chief procurement officer shall prescribe the form and content of the notice. Each State agency shall provide the chief procurement officer, on a monthly basis, in the form and content prescribed by the chief procurement officer, a report of contracts that are related to the procurement of supplies and services identified in this Section. At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. A copy of any or all of these contracts shall be made available to the chief procurement officer immediately upon request. The chief procurement officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the chief procurement officer.

(c) (Blank).

(d) The General Assembly finds and declares that:

(1) This amendatory Act of the 100th General Assembly manifests the intention of the General Assembly to remove the repeal of this Section.

(2) This Section was originally enacted to protect, promote, and preserve the general welfare. Any construction of this Section that results in the repeal of this Section on December 31, 2016 would be inconsistent with the manifest intent of the General Assembly and repugnant to the context of this Code.

It is hereby declared to have been the intent of the General Assembly that this Section not be subject to repeal on December 31, 2016.

This Section shall be deemed to have been in continuous effect since August 3, 2012 (the effective date of Public Act 97-895), and it shall continue to be in effect henceforward until it is otherwise lawfully repealed. All previously enacted amendments to this Section taking effect on or after December 31, 2016, are hereby validated.

All actions taken in reliance on or pursuant to this Section in the procurement of artistic or musical services are hereby validated.

In order to ensure the continuing effectiveness of this Section, it is set forth in full and re-enacted by this amendatory Act of the 100th General Assembly. This re-enactment is intended as a continuation of this Section. It is not intended to supersede any amendment to this Section that is enacted by the 100th General Assembly.

In this amendatory Act of the 100th General Assembly, the base text of this Section is set forth as amended by Public Act 98-1076. Striking and underscoring is used only to show changes being made to the base text.

This Section applies to all procurements made on or before the effective date of this amendatory Act of the 100th General Assembly.

HISTORY:

P.A. 97-895, § 15; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/1-12 Applicability to artistic or musical services. [Effective January 1, 2023]

(a) This Code shall not apply to procurement expenditures necessary to provide artistic or musical services, performances, or theatrical productions held at a venue operated or leased by a State agency.

(b) Notice of each contract with an annual value of more than $100,000 entered into by a State agency that is related to the procurement of goods and services identified in this Section shall be published in the Illinois Procurement Bulletin within 14 calendar days after contract execution. The chief procurement officer shall prescribe the form and content of the notice. Each State agency shall provide the chief procurement officer, on a monthly basis, in the form and content prescribed by the chief procurement officer, a report of contracts that are related to the procurement of supplies and services identified in this Section. At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. A copy of any or all of these contracts shall be made available to the chief procurement officer immediately upon request. The chief procurement officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the chief procurement officer.

(c) (Blank).

(d) The General Assembly finds and declares that:

(1) This amendatory Act of the 100th General Assembly manifests the intention of the General Assembly to remove the repeal of this Section.

(2) This Section was originally enacted to protect, promote, and preserve the general welfare. Any construction of this Section that results in the repeal of this Section on December 31, 2016 would be inconsistent with the manifest intent of the General Assembly and repugnant to the context of this Code.

It is hereby declared to have been the intent of the General Assembly that this Section not be subject to repeal on December 31, 2016.

This Section shall be deemed to have been in continuous effect since August 3, 2012 (the effective date of Public Act 97-895), and it shall continue to be in effect henceforward until it is otherwise lawfully repealed. All previously enacted amendments to this

Section taking effect on or after December 31, 2016, are hereby validated.

All actions taken in reliance on or pursuant to this Section in the procurement of artistic or musical services are hereby validated.

In order to ensure the continuing effectiveness of this Section, it is set forth in full and re-enacted by this amendatory Act of the 100th General Assembly. This re-enactment is intended as a continuation of this Section. It is not intended to supersede any amendment to this Section that is enacted by the 100th General Assembly.

In this amendatory Act of the 100th General Assembly, the base text of this Section is set forth as amended by Public Act 98-1076. Striking and underscoring is used only to show changes being made to the base text.

This Section applies to all procurements made on or before the effective date of this amendatory Act of the 100th General Assembly.

HISTORY:

P.A. 97-895, § 15; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017; 2022 P.A. 102-721, § 5, effective January 1, 2023.

30 ILCS 500/1-13 Applicability to public institutions of higher education. [Effective until January 1, 2023]

(a) This Code shall apply to public institutions of higher education, regardless of the source of the funds with which contracts are paid, except as provided in this Section.

(b) Except as provided in this Section, this Code shall not apply to procurements made by or on behalf of public institutions of higher education for any of the following:

(1) Memberships in professional, academic, research, or athletic organizations on behalf of a public institution of higher education, an employee of a public institution of higher education, or a student at a public institution of higher education.

(2) Procurement expenditures for events or activities paid for exclusively by revenues generated by the event or activity, gifts or donations for the event or activity, private grants, or any combination thereof.

(3) Procurement expenditures for events or activities for which the use of specific potential contractors is mandated or identified by the sponsor of the event or activity, provided that the sponsor is providing a majority of the funding for the event or activity.

(4) Procurement expenditures necessary to provide athletic, artistic or musical services, performances, events, or productions by or for a public institution of higher education.

(5) Procurement expenditures for periodicals, books, subscriptions, database licenses, and other publications procured for use by a university library or academic department, except for expenditures related to procuring textbooks for student use or materials for resale or rental.

(6) Procurement expenditures for placement of students in externships, practicums, field experiences, and for medical residencies and rotations.

(7) Contracts for programming and broadcast license rights for university-operated radio and television stations.

(8) Procurement expenditures necessary to perform sponsored research and other sponsored activities under grants and contracts funded by the sponsor or by sources other than State appropriations.

(9) Contracts with a foreign entity for research or educational activities, provided that the foreign entity either does not maintain an office in the United States or is the sole source of the service or product.

Notice of each contract entered into by a public institution of higher education that is related to the procurement of goods and services identified in items (1) through (9) of this subsection shall be published in the Procurement Bulletin within 14 calendar days after contract execution. The Chief Procurement Officer shall prescribe the form and content of the notice. Each public institution of higher education shall provide the Chief Procurement Officer, on a monthly basis, in the form and content prescribed by the Chief Procurement Officer, a report of contracts that are related to the procurement of goods and services identified in this subsection. At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. A copy of any or all of these contracts shall be made available to the Chief Procurement Officer immediately upon request. The Chief Procurement Officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the Chief Procurement Officer.

(b-5) Except as provided in this subsection, the provisions of this Code shall not apply to contracts for medical supplies, and to contracts for medical services necessary for the delivery of care and treatment at medical, dental, or veterinary teaching facilities utilized by Southern Illinois University or the University of Illinois and at any university-operated health care center or dispensary that provides care, treatment, and medications for students, faculty and staff. Other supplies and services needed for these teaching facilities shall be subject to the jurisdiction of the Chief Procurement Officer for Public Institutions of Higher Education who may establish expedited procurement procedures and may waive or modify certification, contract, hearing, process and registration requirements required by the Code. All procurements made under this subsection shall be documented and may require publication in the Illinois Procurement Bulletin.

(b-10) Procurements made by or on behalf of the University of Illinois for investment services scheduled to expire June 2021 may be extended through June 2022 without being subject to the requirements of this Code. Any contract extended, renewed, or entered pursuant to this exception shall be published on the Executive Ethics Commission's website within 5 days of contract execution. This subsection is inoperative on and after July 1, 2022.

(c) Procurements made by or on behalf of public institutions of higher education for the fulfillment of a grant shall be made in accordance with the requirements of this Code to the extent practical.

Upon the written request of a public institution of higher education, the Chief Procurement Officer may waive contract, registration, certification, and hearing requirements of this Code if, based on the item to be procured or the terms of a grant, compliance is impractical. The public institution of higher education shall provide the Chief Procurement Officer with specific reasons for the waiver, including the necessity of contracting with a particular potential contractor, and shall certify that an effort was made in good faith to comply with the provisions of this Code. The Chief Procurement Officer shall provide written justification for any waivers. By November 1 of each year, the Chief Procurement Officer shall file a report with the General Assembly identifying each contract approved with waivers and providing the justification given for any waivers for each of those contracts. Notice of each waiver made under this subsection shall be published in the Procurement Bulletin within 14 calendar days after contract execution. The Chief Procurement Officer shall prescribe the form and content of the notice.

(d) Notwithstanding this Section, a waiver of the registration requirements of Section 20-160 [30 ILCS 500/20-160] does not permit a business entity and any affiliated entities or affiliated persons to make campaign contributions if otherwise prohibited by Section 50-37 [30 ILCS 500/50-37]. The total amount of contracts awarded in accordance with this Section shall be included in determining the aggregate amount of contracts or pending bids of a business entity and any affiliated entities or affiliated persons.

(e) Notwithstanding subsection (e) of Section 50-10.5 of this Code [30 ILCS 500/50-10.5], the Chief Procurement Officer, with the approval of the Executive Ethics Commission, may permit a public institution of higher education to accept a bid or enter into a contract with a business that assisted the public institution of higher education in determining whether there is a need for a contract or assisted in reviewing, drafting, or preparing documents related to a bid or contract, provided that the bid or contract is essential to research administered by the public institution of higher education and it is in the best interest of the public institution of higher education to accept the bid or contract. For purposes of this subsection, "business" includes all individuals with whom a business is affiliated, including, but not limited to, any officer, agent, employee, consultant, independent contractor, director, partner, manager, or shareholder of a business. The Executive Ethics Commission may promulgate rules and regulations for the implementation and administration of the provisions of this subsection (e).

(f) As used in this Section:

"Grant" means non-appropriated funding provided by a federal or private entity to support a project or program administered by a public institution of higher education and any non-appropriated funding provided to a sub-recipient of the grant.

"Public institution of higher education" means Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Southern Illinois University, University of Illinois, Western Illinois University, and, for purposes of this Code only, the Illinois Mathematics and Science Academy.

(g) (Blank).

(h) The General Assembly finds and declares that:

(1) Public Act 98-1076, which took effect on January 1, 2015, changed the repeal date set for this Section from December 31, 2014 to December 31, 2016.

(2) The Statute on Statutes sets forth general rules on the repeal of statutes and the construction of multiple amendments, but Section 1 of that Act [5 ILCS 70/1] also states that these rules will not be observed when the result would be "inconsistent with the manifest intent of the General Assembly or repugnant to the context of the statute".

(3) This amendatory Act of the 100th General Assembly manifests the intention of the General Assembly to remove the repeal of this Section.

(4) This Section was originally enacted to protect, promote, and preserve the general welfare. Any construction of this Section that results in the repeal of this Section on December 31, 2014 would be inconsistent with the manifest intent of the General Assembly and repugnant to the context of this Code.

It is hereby declared to have been the intent of the General Assembly that this Section not be subject to repeal on December 31, 2014.

This Section shall be deemed to have been in continuous effect since December 20, 2011 (the effective date of Public Act 97-643), and it shall continue to be in effect henceforward until it is otherwise lawfully repealed. All previously enacted amendments to this Section taking effect on or after December 31, 2014, are hereby validated.

All actions taken in reliance on or pursuant to this Section by any public institution of higher education, person, or entity are hereby validated.

In order to ensure the continuing effectiveness of this Section, it is set forth in full and re-enacted by this amendatory Act of the 100th General Assembly. This re-enactment is intended as a continuation of this Section. It is not intended to supersede any

amendment to this Section that is enacted by the 100th General Assembly.

In this amendatory Act of the 100th General Assembly, the base text of the reenacted Section is set forth as amended by Public Act 98-1076. Striking and underscoring is used only to show changes being made to the base text.

This Section applies to all procurements made on or before the effective date of this amendatory Act of the 100th General Assembly.

HISTORY:

P.A. 97-643, § 5; 97-895, § 15; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017; 2020 P.A. 101-640, § 15-35, effective June 12, 2020; 2021 P.A. 102-16, § 20-20, effective June 17, 2021.

30 ILCS 500/1-13 Applicability to public institutions of higher education. [Effective January 1, 2023]

(a) This Code shall apply to public institutions of higher education, regardless of the source of the funds with which contracts are paid, except as provided in this Section.

(b) Except as provided in this Section, this Code shall not apply to procurements made by or on behalf of public institutions of higher education for any of the following:

(1) Memberships in professional, academic, research, or athletic organizations on behalf of a public institution of higher education, an employee of a public institution of higher education, or a student at a public institution of higher education.

(2) Procurement expenditures for events or activities paid for exclusively by revenues generated by the event or activity, gifts or donations for the event or activity, private grants, or any combination thereof.

(3) Procurement expenditures for events or activities for which the use of specific potential contractors is mandated or identified by the sponsor of the event or activity, provided that the sponsor is providing a majority of the funding for the event or activity.

(4) Procurement expenditures necessary to provide athletic, artistic or musical services, performances, events, or productions by or for a public institution of higher education.

(5) Procurement expenditures for periodicals, books, subscriptions, database licenses, and other publications procured for use by a university library or academic department, except for expenditures related to procuring textbooks for student use or materials for resale or rental.

(6) Procurement expenditures for placement of students in externships, practicums, field experiences, and for medical residencies and rotations.

(7) Contracts for programming and broadcast license rights for university-operated radio and television stations.

(8) Procurement expenditures necessary to perform sponsored research and other sponsored activities under grants and contracts funded by the sponsor or by sources other than State appropriations.

(9) Contracts with a foreign entity for research or educational activities, provided that the foreign entity either does not maintain an office in the United States or is the sole source of the service or product.

Notice of each contract with an annual value of more than $100,000 entered into by a public institution of higher education that is related to the procurement of goods and services identified in items (1) through (9) of this subsection shall be published in the Procurement Bulletin within 14 calendar days after contract execution. The Chief Procurement Officer shall prescribe the form and content of the notice. Each public institution of higher education shall provide the Chief Procurement Officer, on a monthly basis, in the form and content prescribed by the Chief Procurement Officer, a report of contracts that are related to the procurement of goods and services identified in this subsection. At a minimum, this report shall include the name of the contractor, a description of the supply or service provided, the total amount of the contract, the term of the contract, and the exception to the Code utilized. A copy of any or all of these contracts shall be made available to the Chief Procurement Officer immediately upon request. The Chief Procurement Officer shall submit a report to the Governor and General Assembly no later than November 1 of each year that shall include, at a minimum, an annual summary of the monthly information reported to the Chief Procurement Officer.

(b-5) Except as provided in this subsection, the provisions of this Code shall not apply to contracts for medical supplies, and to contracts for medical services necessary for the delivery of care and treatment at medical, dental, or veterinary teaching facilities utilized by Southern Illinois University or the University of Illinois and at any university-operated health care center or dispensary that provides care, treatment, and medications for students, faculty and staff. Other supplies and services needed for these teaching facilities shall be subject to the jurisdiction of the Chief Procurement Officer for Public Institutions of Higher Education who may establish expedited procurement procedures and may waive or modify certification, contract, hearing, process and registration requirements required by the Code. All procurements made under this subsection shall be documented and may require publication in the Illinois Procurement Bulletin.

(b-10) Procurements made by or on behalf of the University of Illinois for investment services scheduled to expire June 2022 may be extended through June 2024 without being subject to the requirements of this Code. Any contract extended, renewed, or entered pursuant to this exception shall be published on the Executive Ethics Commission's website within 5 days of contract execution. This subsection is inoperative on and after July 1, 2024.

(c) Procurements made by or on behalf of public institutions of higher education for the fulfillment of a grant shall be made in accordance with the requirements of this Code to the extent practical.

Upon the written request of a public institution of higher education, the Chief Procurement Officer may waive contract, registration, certification, and hearing requirements of this Code if, based on the item to be procured or the terms of a grant, compliance is impractical. The public institution of higher education shall provide the Chief Procurement Officer with specific reasons for the waiver, including the necessity of contracting with a particular potential contractor, and shall certify that an effort was made in good faith to comply with the provisions of this Code. The Chief Procurement Officer shall provide written justification for any waivers. By November 1 of each year, the Chief Procurement Officer shall file a report with the General Assembly identifying each contract approved with waivers and providing the justification given for any waivers for each of those contracts. Notice of each waiver made under this subsection shall be published in the Procurement Bulletin within 14 calendar days after contract execution. The Chief Procurement Officer shall prescribe the form and content of the notice.

(d) Notwithstanding this Section, a waiver of the registration requirements of Section 20-160 does not permit a business entity and any affiliated entities or affiliated persons to make campaign contributions if otherwise prohibited by Section 50-37. The total amount of contracts awarded in accordance with this Section shall be included in determining the aggregate amount of contracts or pending bids of a business entity and any affiliated entities or affiliated persons.

(e) Notwithstanding subsection (e) of Section 50-10.5 of this Code, the Chief Procurement Officer, with the approval of the Executive Ethics Commission, may permit a public institution of higher education to accept a bid or enter into a contract with a business that assisted the public institution of higher education in determining whether there is a need for a contract or assisted in reviewing, drafting, or preparing documents related to a bid or contract, provided that the bid or contract is essential to research administered by the public institution of higher education and it is in the best interest of the public institution of higher education to accept the bid or contract. For purposes of this subsection, "business" includes all individuals with whom a business is affiliated, including, but not limited to, any officer, agent, employee, consultant, independent contractor, director, partner, manager, or shareholder of a business. The Executive Ethics Commission may promulgate rules and regulations for the implementation and administration of the provisions of this subsection (e).

(f) As used in this Section:

"Grant" means non-appropriated funding provided by a federal or private entity to support a project or program administered by a public institution of higher education and any non-appropriated funding provided to a sub-recipient of the grant.

"Public institution of higher education" means Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Southern Illinois University, University of Illinois, Western Illinois University, and, for purposes of this Code only, the Illinois Mathematics and Science Academy.

(g) (Blank).

(h) The General Assembly finds and declares that:

(1) Public Act 98-1076, which took effect on January 1, 2015, changed the repeal date set for this Section from December 31, 2014 to December 31, 2016.

(2) The Statute on Statutes sets forth general rules on the repeal of statutes and the construction of multiple amendments, but Section 1 of that Act also states that these rules will not be observed when the result would be "inconsistent with the manifest intent of the General Assembly or repugnant to the context of the statute".

(3) This amendatory Act of the 100th General Assembly manifests the intention of the General Assembly to remove the repeal of this Section.

(4) This Section was originally enacted to protect, promote, and preserve the general welfare. Any construction of this Section that results in the repeal of this Section on December 31, 2014 would be inconsistent with the manifest intent of the General Assembly and repugnant to the context of this Code.

It is hereby declared to have been the intent of the General Assembly that this Section not be subject to repeal on December 31, 2014.

This Section shall be deemed to have been in continuous effect since December 20, 2011 (the effective date of Public Act 97-643), and it shall continue to be in effect henceforward until it is otherwise lawfully repealed. All previously enacted amendments to this Section taking effect on or after December 31, 2014, are hereby validated.

All actions taken in reliance on or pursuant to this Section by any public institution of higher education, person, or entity are hereby validated.

In order to ensure the continuing effectiveness of this Section, it is set forth in full and re-enacted by this amendatory Act of the 100th General Assembly. This re-enactment is intended as a continuation of this Section. It is not intended to supersede any amendment to this Section that is enacted by the 100th General Assembly.

In this amendatory Act of the 100th General Assembly, the base text of the reenacted Section is set forth as amended by Public Act 98-1076. Striking and underscoring is used only to show changes being made to the base text.

This Section applies to all procurements made on or before the effective date of this amendatory Act of the 100th General Assembly.

HISTORY:
P.A. 97-643, § 5; 97-895, § 15; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017; 2020 P.A. 101-640, § 15-35, effective June 12, 2020; 2021 P.A. 102-16, § 20-20, effective June 17, 2021; 2022 P.A. 102-721, § 5, effective January 1, 2023.

30 ILCS 500/1-15 Definitions.

For the purposes of this Code, the words set forth in the following Sections of this Article have the meanings set forth in those Sections.

HISTORY:
P.A. 90-572, § 1-15.

30 ILCS 500/1-15.01 Bid.

"Bid" means the response submitted by a bidder in a competitive sealed bidding process, to an invitation for bid, or to a multi-step sealed bidding process.

HISTORY:
2014 P.A. 98-1076, § 5, effective January 1, 2015.

30 ILCS 500/1-15.02 Bidder.

"Bidder" means one who submits a response in a competitive sealed bidding process, to an invitation for bid, or to a multi-step sealed bidding process.

HISTORY:
2014 P.A. 98-1076, § 5, effective January 1, 2015.

30 ILCS 500/1-15.03 Associate Procurement Officers. [Repealed]

HISTORY:
P.A. 90-572, § 1-15.03; 96-795, § 95-36; repealed by P.A. 96-795, § 95-36, effective July 1, 2010.

30 ILCS 500/1-15.05 Board.

"Board" means the Procurement Policy Board.

HISTORY:
P.A. 90-572, § 1-15.05.

30 ILCS 500/1-15.10 Business

"Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or other private legal entity.

HISTORY:
P.A. 90-572, § 1-15.10.

30 ILCS 500/1-15.12 Change order.

"Change order" means a change in a contract term, other than as specifically provided for in the contract, which authorizes or necessitates any increase or decrease in the cost of the contract or the time for completion for procurements subject to the jurisdiction of the chief procurement officers appointed pursuant to Section 10-20 [30 ILCS 500/10-20].

HISTORY:
2014 P.A. 98-1076, § 5, effective January 1, 2015.

30 ILCS 500/1-15.13 Chief Procurement Office.

"Chief Procurement Office" means the offices to which the chief procurement officers are appointed pursuant to Section 10-20 [30 ILCS 500/10-20].

HISTORY:
2014 P.A. 98-1076, § 5, effective January 1, 2015.

30 ILCS 500/1-15.15 Chief Procurement Officer

"Chief Procurement Officer" means any of the 4 persons appointed or approved by a majority of the members of the Executive Ethics Commission:

(1) for procurements for construction and construction-related services committed by law to the jurisdiction or responsibility of the Capital Development Board, the independent chief procurement officer appointed by a majority of the members of the Executive Ethics Commission.

(2) for procurements for all construction, construction-related services, operation of any facility, and the provision of any construction or construction-related service or activity committed by law to the jurisdiction or responsibility of the Illinois Department of Transportation, including the direct or reimbursable expenditure of all federal funds for which the Department of Transportation is responsible or accountable for the use thereof in accordance with federal law, regulation, or procedure, the independent chief procurement officer appointed by the Secretary of Transportation with the consent of the majority of the members of the Executive Ethics Commission.

(3) for all procurements made by a public institution of higher education, the independent chief procurement officer appointed by a majority of the members of the Executive Ethics Commission.

(4) (Blank).

(5) for all other procurements, the independent chief procurement officer appointed by a majority of the members of the Executive Ethics Commission.

HISTORY:
P.A. 90-572, § 1-15.15; 95-481, § 5-925; 96-795, § 95-35; 96-920, § 5.

30 ILCS 500/1-15.17 Contractor.

"Contractor" means any person having a contract with a State agency as defined in Section 1-15.30 [30 ILCS 500/1-15.30].

HISTORY:
2014 P.A. 98-1076, § 5, effective January 1, 2015.

30 ILCS 500/1-15.20 Construction, construction-related, and construction support services.

"Construction" means building, altering, repairing, improving, or demolishing any public structure or

building, or making improvements of any kind to public real property. Construction does not include the routine operation, routine repair, or routine maintenance of existing structures, buildings, or real property.

"Construction-related services" means those services including construction design, layout, inspection, support, feasibility or location study, research, development, planning, or other investigative study undertaken by a construction agency concerning construction or potential construction.

"Construction support" means all equipment, supplies, and services that are necessary to the operation of a construction agency's construction program. "Construction support" does not include construction-related services.

HISTORY:
P.A. 90-572, § 1-15.20; 2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/1-15.25 Construction agency.

"Construction agency" means the Capital Development Board for construction or remodeling of State-owned facilities; the Illinois Department of Transportation for construction or maintenance of roads, highways, bridges, and airports; the Illinois Toll Highway Authority for construction or maintenance of toll highways; the Illinois Power Agency for construction, maintenance, and expansion of Agency-owned facilities, as defined in Section 1-10 of the Illinois Power Agency Act [20 ILCS 3855/1-10]; and any other State agency entering into construction contracts as authorized by law or by delegation from the chief procurement officer.

HISTORY:
P.A. 90-572, § 1-15.25; 95-481, § 5-925.

30 ILCS 500/1-15.30 Contract.

"Contract" means all types of State agreements, regardless of what they may be called, for the procurement, use, or disposal of supplies, services, professional or artistic services, or construction or for leases of real property where the State is the lessee, or capital improvements, and including renewals, master contracts, contracts for financing through use of installment or lease-purchase arrangements, renegotiated contracts, amendments to contracts, and change orders.

HISTORY:
P.A. 90-572, § 1-15.30; 96-795, § 95-35; 98-1076, § 5.

30 ILCS 500/1-15.35 Cost-reimbursement contract.

"Cost-reimbursement contract" means a contract under which a contractor is reimbursed for costs that are allowable and allocable in accordance with the contract terms and the provisions of this Code, and a fee, if any.

HISTORY:
P.A. 90-572, § 1-15.35.

30 ILCS 500/1-15.40 Electronic procurement.

"Electronic procurement" means conducting all or some of the procurement function over the Internet.

HISTORY:
2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/1-15.42 Grant

"Grant" means the furnishing by the State of assistance, whether financial or otherwise, to any person to support a program authorized by law. It does not include an award the primary purpose of which is to procure an end product for the direct benefit or use of the State agency making the grant, whether in the form of goods, services, or construction. A contract that results from such an award is not a grant and is subject to this Code.

HISTORY:
P.A. 90-572, § 1-15.42.

30 ILCS 500/1-15.45 Invitation for bids.

"Invitation for bids" means the process by which a purchasing agency requests information from bidders, including all documents, whether attached or incorporated by reference, used for soliciting bids.

HISTORY:
P.A. 90-572, § 1-15.45.

30 ILCS 500/1-15.47 Master contract.

"Master contract" means a definite quantity, indefinite quantity, or requirements contract awarded in accordance with this Code, against which subsequent orders may be placed to meet the needs of a State purchasing entity. A master contract may be for use by a single State purchasing entity or for multiple State purchasing entities and other entities as authorized under the Governmental Joint Purchasing Act [30 ILCS 525/0.01 et seq.].

HISTORY:
2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/1-15.48 Multiple Award.

"Multiple award" means an award that is made to 2 or more bidders or offerors for similar supplies, services, or construction-related services.

HISTORY:
2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/1-15.49 No-cost contract.

"No-cost contract" means a contract in which the State of Illinois does not make a payment to or receive a payment from the vendor, but the vendor has the contractual authority to charge an entity

other than the State of Illinois for supplies or services at the State's contracted rate to fulfill the State's mandated requirements.

HISTORY:
2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/1-15.50 Negotiation.

"Negotiation" means the process of selecting a contractor other than by competitive sealed bids, multi-step sealed bidding, or competitive sealed proposals, whereby a purchasing agency can establish any and all terms and conditions of a procurement contract by discussion with one or more potential contractors.

HISTORY:
P.A. 90-572, § 1-15.50; 98-1076, § 5.

30 ILCS 500/1-15.51 Offer.

"Offer" means a response submitted by an offeror in a competitive sealed proposal process or to a request for proposal.

HISTORY:
2014 P.A. 98-1076, § 5, effective January 1, 2015.

30 ILCS 500/1-15.52 Offeror.

"Offeror" means any person who submits a proposal in response to a competitive sealed proposal process or a request for proposals.

HISTORY:
2014 P.A. 98-1076, § 5, effective January 1, 2015.

30 ILCS 500/1-15.55 Person

"Person" means any business, public or private corporation, partnership, individual, union, committee, club, unincorporated association or other organization or group of individuals, or other legal entity.

HISTORY:
P.A. 90-572, § 1-15.55.

30 ILCS 500/1-15.60 Professional and artistic services.

"Professional and artistic services" means those services provided under contract to a State agency by a person or business, acting as an independent contractor, qualified by education, experience, and technical ability.

HISTORY:
P.A. 90-572, § 1-15.60.

30 ILCS 500/1-15.65 Purchase description.

"Purchase description" means the words used in a solicitation to describe the supplies, services, professional or artistic services, or construction to be procured or real property or capital improvements to be leased and includes specifications attached to or made a part of the solicitation.

HISTORY:
P.A. 90-572, § 1-15.65.

30 ILCS 500/1-15.68 Purchase of care.

"Purchase of care" means a contract with a person for the furnishing of medical, educational, psychiatric, vocational, rehabilitative, social, or human services directly to a recipient of a State aid program.

HISTORY:
P.A. 90-572, § 1-15.68.

30 ILCS 500/1-15.70 Purchasing agency.

"Purchasing agency" means a State agency that enters into a contract at the direction of a State purchasing officer authorized by a chief procurement officer or a chief procurement officer.

HISTORY:
P.A. 90-572, § 1-15.70; 96-795, § 95-35.

30 ILCS 500/1-15.75 Request for proposals.

"Request for proposals" means the process by which a purchasing agency requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals.

HISTORY:
P.A. 90-572, § 1-15.75.

30 ILCS 500/1-15.80 Responsible bidder, potential contractor, or offeror.

"Responsible bidder, potential contractor, or offeror" means a person who has the capability in all respects to perform fully the contract requirements and the integrity and reliability that will assure good faith performance. A responsible bidder or offeror shall not include a business or other entity that does not exist as a legal entity at the time a bid or offer is submitted for a State contract.

HISTORY:
P.A. 90-572, § 1-15.80; 96-795, § 95-35; 98-1076, § 5.

30 ILCS 500/1-15.85 Responsive bidder

"Responsive bidder" means a person who has submitted a bid that conforms in all material respects to the invitation for bids.

HISTORY:
P.A. 90-572, § 1-15.85.

30 ILCS 500/1-15.86 Responsive offeror.

"Responsive offeror" means a person who has submitted an offer that conforms in all material respects to the request for proposals.

HISTORY:
2014 P.A. 98-1076, § 5, effective January 1, 2015.

30 ILCS 500/1-15.90 Services.

"Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance.

HISTORY:
P.A. 90-572, § 1-15.90.

30 ILCS 500/1-15.93 Single prime. [Repealed January 1, 2024]

"Single prime" means the design-bid-build procurement delivery method for a building construction project in which the Capital Development Board is the construction agency procuring 2 or more subdivisions of work enumerated in paragraphs (1) through (5) of subsection (a) of Section 30-30 of this Code [30 ILCS 500/30-30] under a single contract. This Section is repealed on January 1, 2024.

HISTORY:
2015 P.A. 99-257, § 5, effective August 4, 2015; 2019 P.A. 101-369, § 15, effective December 15, 2019; 2020 P.A. 101-645, § 40, effective June 26, 2020; 2021 P.A. 102-671, § 45, effective November 30, 2021.

30 ILCS 500/1-15.95 Specifications.

"Specifications" means any description, provision, or requirement pertaining to the physical or functional characteristics or of the nature of a supply, service, or other item to be procured under a contract. Specifications may include a description of any requirement for inspecting, testing, or preparing a supply, service, professional or artistic service, construction, or other item for delivery.

HISTORY:
P.A. 90-572, § 1-15.95.

30 ILCS 500/1-15.100 State agency.

"State agency" means and includes all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the State, created by or in accordance with the constitution or statute, of the executive branch of State government and does include colleges, universities, and institutions under the jurisdiction of the governing boards of the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governors State University, Northeastern Illinois University, and the Board of Higher Education. However, this term does not apply to public employee retirement systems or investment boards that are subject to fiduciary duties imposed by the Illinois Pension Code [40 ILCS 5/1-101 et seq.] or to the University of Illinois Foundation. "State agency" does not include units of local government, school districts, community colleges under the Public Community College Act [110 ILCS 805/1-1 et seq.], and the Illinois Comprehensive Health Insurance Board.

HISTORY:
P.A. 90-572, § 1-15.100; 2019 P.A. 101-81, § 245, effective July 12, 2019.

30 ILCS 500/1-15.105 State purchasing officer.

"State purchasing officer" means a person appointed by any of the chief procurement officers to exercise the procurement authority created by this Code or by rule.

HISTORY:
P.A. 90-572, § 1-15.105.

30 ILCS 500/1-15.107 Subcontract. [Effective until January 1, 2023]

"Subcontract" means a contract between a person and a person who has a contract subject to this Code, pursuant to which the subcontractor provides to the contractor, or, if the contract price exceeds $50,000, another subcontractor, some or all of the goods, services, real property, remuneration, or other monetary forms of consideration that are the subject of the primary contract and includes, among other things, subleases from a lessee of a State agency. For purposes of this Code, a "subcontract" does not include purchases of goods or supplies that are incidental to the performance of a contract by a person who has a contract subject to this Code.

HISTORY:
P.A. 96-795, § 95-35; 97-895, § 15; 98-1076, § 5.

30 ILCS 500/1-15.107 Subcontract. [Effective January 1, 2023]

"Subcontract" means a contract between a person and a person who has a contract subject to this Code, pursuant to which the subcontractor provides to the contractor, or, if the contract price exceeds the small purchase maximum established by Section 20-20 of this Code [30 ILCS 500/20-20], another subcontractor, some or all of the goods, services, real property, remuneration, or other monetary forms of consideration that are the subject of the primary contract and includes, among other things, subleases from a lessee of a State agency. For purposes of this Code, a "subcontract" does not include purchases of goods or supplies that are incidental to the performance of a contract by a person who has a contract subject to this Code.

HISTORY:
P.A. 96-795, § 95-35; 97-895, § 15; 98-1076, § 5; 2022 P.A. 102-721, § 5, effective January 1, 2023.

30 ILCS 500/1-15.108 Subcontractor. [Effective until January 1, 2023]

"Subcontractor" means a person or entity that enters into a contractual agreement with a total

value of $50,000 or more with a person or entity who has a contract subject to this Code pursuant to which the person or entity provides some or all of the goods, services, real property, remuneration, or other monetary forms of consideration that are the subject of the primary State contract, including subleases from a lessee of a State contract. For purposes of this Code, a person or entity is not a "subcontractor" if that person only provides goods or supplies that are incidental to the performance of a contract by a person who has a contract subject to this Code.

HISTORY:
P.A. 96-920, § 5; 97-895, § 15; 98-1076, § 5.

30 ILCS 500/1-15.108 Subcontractor. [Effective January 1, 2023]

"Subcontractor" means a person or entity that enters into a contractual agreement with a total value that exceeds the small purchase maximum established by Section 20-20 of this Code [30 ILCS 500/20-20] with a person or entity who has a contract subject to this Code pursuant to which the person or entity provides some or all of the goods, services, real property, remuneration, or other monetary forms of consideration that are the subject of the primary State contract, including subleases from a lessee of a State contract. For purposes of this Code, a person or entity is not a "subcontractor" if that person only provides goods or supplies that are incidental to the performance of a contract by a person who has a contract subject to this Code.

HISTORY:
P.A. 96-920, § 5; 97-895, § 15; 98-1076, § 5; 2022 P.A. 102-721, § 5, effective January 1, 2023.

30 ILCS 500/1-15.110 Supplies.

"Supplies" means all personal property, including but not limited to equipment, materials, printing, and insurance, and the financing of those supplies that can be procured regularly or are available on the commercial market.

HISTORY:
P.A. 90-572, § 1-15.110; 98-1076, § 5.

30 ILCS 500/1-15.111 Supplier.

"Supplier" means any person or entity providing supplies, including, but not limited to, equipment, materials, printing, and insurance, and the financing of those supplies that can be procured regularly or are available on the commercial market.

HISTORY:
2014 P.A. 98-1076, § 5, effective January 1, 2015.

30 ILCS 500/1-15.115 Using agency.

"Using agency" means a State agency that uses items procured under this Code.

HISTORY:
P.A. 90-572, § 1-15.115.

30 ILCS 500/1-15.120 Expatriated entity.

"Expatriated entity" means a foreign incorporated entity which is treated as an inverted domestic corporation under subsection (b) of Section 835 of the Homeland Security Act of 2002, 6 U.S.C. 395(b), or any subsidiary of such an entity. The Federal regulations found at 26 CFR 1.7874-3 may be used to determine when 6 U.S.C. 395(b)(3) applies.

HISTORY:
2017 P.A. 100-551, § 5, effective January 1, 2018.

30 ILCS 500/1-25 Property rights.

No person shall have any right to a specific contract with the State unless that person has a contract that has been signed by an officer or employee of the purchasing agency with appropriate signature authority. The State shall be under no obligation to issue an award or execute a contract.

HISTORY:
P.A. 90-572, § 1-25.

30 ILCS 500/1-30 Applicability to Constitutional Officers and the Legislative and Judicial Branches.

(a) The constitutional officers shall procure their needs in a manner substantially in accordance with the requirements of this Code and shall promulgate rules no less restrictive than the requirements of this Code.

(b) The legislative and judicial branches are exempt from this Code. The legislative and judicial branches shall make procurements in accordance with rules promulgated to meet their needs. Procurement rules promulgated by the legislative and judicial branches may incorporate provisions of this Code.

HISTORY:
P.A. 90-572, § 1-30.

30 ILCS 500/1-35 Application to Quincy Veterans' Home. [Repealed July 17, 2023]

This Code does not apply to any procurements related to the renovation, restoration, rehabilitation, or rebuilding of the Quincy Veterans' Home under the Quincy Veterans' Home Rehabilitation and Rebuilding Act, provided that the process shall be conducted in a manner substantially in accordance with the requirements of the following Sections of this Code: 20-160, 25-60, 30-22, 50-5, 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35, 50-36, 50-37, 50-38, and 50-50 [30 ILCS 500/20-160, 30 ILCS 500/25-60, 30 ILCS 500/30-22, 30 ILCS 500/50-5, 30 ILCS 500/50-10, 30 ILCS 500/50-10.5, 30 ILCS 500/50-12, 30 ILCS 500/50-13, 30 ILCS 500/50-15, 30 ILCS

500/50-20, 30 ILCS 500/50-21, 30 ILCS 500/50-35, 30 ILCS 500/50-36, 30 ILCS 500/50-37, 30 ILCS 500/50-38, and 30 ILCS 500/50-50]; however, for Section 50-35, compliance shall apply only to contracts or subcontracts over $100,000.

This Section is repealed 5 years after becoming law. The repeal of this Section shall not apply to contracts for procurements under the Quincy Veterans' Home Rehabilitation and Rebuilding Act executed prior to the repeal date.

HISTORY:
2018 P.A. 100-610, § 115, effective July 17, 2018; 2021 P.A. 102-35, § 10, effective June 25, 2021; 2021 P.A. 102-558, § 190, effective August 20, 2021.

30 ILCS 500/1-35 Application to James R. Thompson Center. [Renumbered]

HISTORY:
2018 P.A. 100-1184, § 5, effective April 5, 2019; renumbered to § 30 ILCS 500/1-40 by 2021 P.A. 102-558, § 190, effective August 20, 2021.

30 ILCS 500/1-40 Application to James R. Thompson Center.

In accordance with Section 7.4 of the State Property Control Act [30 ILCS 605/7.4], this Code does not apply to any procurements related to the sale of the James R. Thompson Center, provided that the process shall be conducted in a manner substantially in accordance with the requirements of the following Sections of this Code: 20-160, 50-5, 50-10, 50-10.5, 50-12, 50-13, 50-15, 50-20, 50-21, 50-35, 50-36, 50-37, 50-38, and 50-50 [30 ILCS 500/20-160, 30 ILCS 500/50-5, 30 ILCS 500/50-10, 30 ILCS 500/50-10.5, 30 ILCS 500/50-12, 30 ILCS 500/50-13, 30 ILCS 500/50-15, 30 ILCS 500/50-20, 30 ILCS 500/50-21, 30 ILCS 500/50-35, 30 ILCS 500/50-36, 30 ILCS 500/50-37, 30 ILCS 500/50-38, and 30 ILCS 500/50-50]. The exemption contained in this Section does not apply to any leases involving the James R. Thompson Center, including a leaseback authorized under Section 7.4 of the State Property Control Act.

HISTORY:
2018 P.A. 100-1184, § 5, effective April 5, 2019; renumbered from § 30 ILCS 500/1-35 by 2021 P.A. 102-558, § 190, effective August 20, 2021.

ARTICLE 5.

POLICY ORGANIZATION

30 ILCS 500/5-5 Procurement Policy Board.

(a) Creation. There is created a Procurement Policy Board, an agency of the State of Illinois.

(b) Authority and duties. The Board shall have the authority and responsibility to review, comment upon, and recommend, consistent with this Code, rules and practices governing the procurement, management, control, and disposal of supplies, services, professional or artistic services, construction, and real property and capital improvement leases procured by the State. The Board shall also have the authority to recommend a program for professional development and provide opportunities for training in procurement practices and policies to chief procurement officers and their staffs in order to ensure that all procurement is conducted in an efficient, professional, and appropriately transparent manner.

Upon a three-fifths vote of its members, the Board may review a contract. Upon a three-fifths vote of its members, the Board may propose procurement rules for consideration by chief procurement officers. These proposals shall be published in each volume of the Procurement Bulletin. Except as otherwise provided by law, the Board shall act upon the vote of a majority of its members who have been appointed and are serving.

(b-5) Reviews, studies, and hearings. The Board may review, study, and hold public hearings concerning the implementation and administration of this Code. Each chief procurement officer, State purchasing officer, procurement compliance monitor, and State agency shall cooperate with the Board, provide information to the Board, and be responsive to the Board in the Board's conduct of its reviews, studies, and hearings.

(c) Members. The Board shall consist of 5 members appointed one each by the 4 legislative leaders and the Governor. Each member shall have demonstrated sufficient business or professional experience in the area of procurement to perform the functions of the Board. No member may be a member of the General Assembly.

(d) Terms. Of the initial appointees, the Governor shall designate one member, as Chairman, to serve a one-year term, the President of the Senate and the Speaker of the House shall each appoint one member to serve 3-year terms, and the Minority Leader of the House and the Minority Leader of the Senate shall each appoint one member to serve 2-year terms. Subsequent terms shall be 4 years. Members may be reappointed for succeeding terms.

(e) Reimbursement. Members shall receive no compensation but shall be reimbursed for any expenses reasonably incurred in the performance of their duties.

(f) Staff support. Upon a three-fifths vote of its members, the Board may employ an executive director. Subject to appropriation, the Board also may employ a reasonable and necessary number of staff persons.

(g) Meetings. Meetings of the Board may be conducted telephonically, electronically, or through the use of other telecommunications. Written minutes of such meetings shall be created and available for public inspection and copying.

(h) Procurement recommendations. Upon a three-fifths vote of its members, the Board may review a proposal, bid, or contract and issue a recommendation to void a contract or reject a proposal or bid

based on any violation of this Code or the existence of a conflict of interest as described in subsections (b) and (d) of Section 50-35 [30 ILCS 500/50-35]. A chief procurement officer or State purchasing officer shall notify the Board if an alleged conflict of interest or violation of the Code is identified, discovered, or reasonably suspected to exist. Any person or entity may notify the Board of an alleged conflict of interest or violation of the Code. A recommendation of the Board shall be delivered to the appropriate chief procurement officer and Executive Ethics Commission within 7 calendar days and must be published in the next volume of the Procurement Bulletin. In the event that an alleged conflict of interest or violation of the Code that was not originally disclosed with the bid, offer, or proposal is identified and filed with the Board, the Board shall provide written notice of the alleged conflict of interest or violation to the bidder, offeror, potential contractor, contractor, or subcontractor on that contract. If the alleged conflict of interest or violation is by the subcontractor, written notice shall also be provided to the bidder, offeror, potential contractor, or contractor. The bidder, offeror, potential contractor, contractor, or subcontractor shall have 15 calendar days to provide a written response to the notice, and a hearing before the Board on the alleged conflict of interest or violation shall be held upon request by the bidder, offeror, potential contractor, contractor, or subcontractor. The requested hearing date and time shall be determined by the Board, but in no event shall the hearing occur later than 15 calendar days after the date of the request.

(i) After providing notice and a hearing as required by subsection (h), the Board shall refer any alleged violations of this Code to the Executive Inspector General in addition to or instead of issuing a recommendation to void a contract.

(j) Response. Each State agency shall respond promptly in writing to all inquiries and comments of the Procurement Policy Board.

HISTORY:

P.A. 90-572, § 5-5; 93-839, § 10-130; 96-795, § 95-35; 97-895, § 15; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/5-7 Commission on Equity and Inclusion; powers and duties.

(a) The Commission on Equity and Inclusion, as created under the Commission on Equity and Inclusion Act, shall have the powers and duties provided under this Section with respect to this Code. Nothing in this Section shall be construed as overriding the authority and duties of the Procurement Policy Board as provided under Section 5-5 [30 ILCS 500/5-5]. The powers and duties of the Commission as provided under this Section shall be exercised alongside, but independent of, that of the Procurement Policy Board.

(b) The Commission on Equity and Inclusion shall have the authority and responsibility to review, comment upon, and recommend, consistent with this Code, rules and practices governing the procurement, management, control, and disposal of supplies, services, professional or artistic services, construction, and real property and capital improvement leases procured by the State for the purpose of diversity, equity, and inclusion. The Commission on Equity and Inclusion shall also have the authority to recommend a program for professional development and provide opportunities for training in equity and inclusion in procurement practices and policies to chief procurement officers and their staffs in order to ensure that all procurement is conducted in an efficient, professional, and appropriately transparent manner.

(c) Upon a majority vote of its members, the Commission on Equity and Inclusion may review a contract for purposes of equity and inclusion. Upon a three-fifths vote of its members, the Commission may propose equity and inclusion in procurement rules for consideration by chief procurement officers. These proposals of equity and inclusion rules shall be published in each volume of the Procurement Bulletin. Except as otherwise provided by law, the Commission on Equity and Inclusion shall act upon the vote of a majority of its members who have been appointed and are serving.

(d) The Commission on Equity and Inclusion may review, study, and hold public hearings concerning the implementation and administration of this Code in regard to equity and inclusion in procurement. Each chief procurement officer, State purchasing officer, procurement compliance monitor, and State agency shall cooperate with, provide information to, and be responsive to the Commission on Equity and Inclusion in the conduct of its reviews, studies, and hearings for purposes of equity and inclusion in procurement.

(e) Upon a three-fifths vote of its members, the Commission on Equity and Inclusion shall review a proposal, bid, or contract and issue a recommendation to void a contract or reject a proposal or bid based on any violation of this Code in regard to equity and inclusion. A recommendation of the Commission shall be delivered to the appropriate chief procurement officer within 7 calendar days after the proposal due date, bid opening date, or determination of a Code violation and must be published in the next volume of the Procurement Bulletin. The bidder, offeror, potential contractor, contractor, or subcontractor shall have 15 calendar days to provide a written response to the notice. A hearing before the Commission on the violation of the Code in regard to equity and inclusion shall be held upon request by the bidder, offeror, potential contractor, contractor, or subcontractor. The requested hearing date and time shall be determined by the Commission on Equity and Inclusion, but in no event shall the hearing occur later than 15 calendar days after the date of the request. Within 7 days after the hearing, the Commission shall deliver a recommendation to the appro-

priate chief procurement officer whether to void the contract or reject the proposal or bid.

HISTORY:
2020 P.A. 101-657, § 40-125, effective January 1, 2022; 2021 P.A. 102-29, § 10, effective June 25, 2021.

30 ILCS 500/5-23 Interests of Board members.

Members of the Procurement Policy Board employed by or holding an interest in an entity doing business with or attempting to do business with the State of Illinois do not, by their service on the Board, preclude that entity from doing business with or attempting to do business with the State.

HISTORY:
P.A. 90-572, § 5-23.

30 ILCS 500/5-25 Rulemaking authority; agency policy; agency response.

(a) Rulemaking. A chief procurement officer authorized to make procurements under this Code shall have the authority to promulgate rules to carry out that authority. The rulemaking on specific procurement topics mentioned in specific Sections of this Code shall not be construed as prohibiting or limiting rulemaking on other procurement topics.

All rules shall be promulgated in accordance with the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.]. Contractual provisions, specifications, and procurement descriptions are not rules and are not subject to the Illinois Administrative Procedure Act. All rules other than those promulgated by the Board shall be presented in writing to the Board for review and comment. The Board shall express their opinions and recommendations in writing. The proposed rules and recommendations shall be made available for public review. The rules shall also be approved by the Joint Committee on Administrative Rules.

(b) Policy. Each chief procurement officer shall promptly notify the Procurement Policy Board in writing of any proposed new procurement rule or policy or any proposed change in an existing procurement rule or policy.

(c) Response. Each State agency must respond promptly in writing to all inquiries and comments of the Procurement Policy Board.

HISTORY:
P.A. 90-572, § 5-25; 93-839, § 10-130; 96-795, § 95-35; 98-1076, § 5.

30 ILCS 500/5-30 Proposed contracts; Procurement Policy Board; Commission on Equity and Inclusion.

(a) Except as provided in subsection (c), within 14 calendar days after notice of the awarding or letting of a contract has appeared in the Procurement Bulletin in accordance with subsection (b) of Section 15-25, the Board or the Commission on Equity and Inclusion may request in writing from the contracting agency and the contracting agency shall promptly, but in no event later than 7 calendar days after receipt of the request, provide to the requesting entity, by electronic or other means satisfactory to the requesting entity, documentation in the possession of the contracting agency concerning the proposed contract. Nothing in this subsection is intended to waive or abrogate any privilege or right of confidentiality authorized by law.

(b) No contract subject to this Section may be entered into until the 14-day period described in subsection (a) has expired, unless the contracting agency requests in writing that the Board and the Commission on Equity and Inclusion waive the period and the Board and the Commission on Equity and Inclusion grant the waiver in writing.

(c) This Section does not apply to (i) contracts entered into under this Code for small and emergency procurements as those procurements are defined in Article 20 [30 ILCS 500/20-5 et seq.] and (ii) contracts for professional and artistic services that are nonrenewable, one year or less in duration, and have a value of less than $20,000. If requested in writing by the Board or the Commission on Equity and Inclusion, however, the contracting agency must promptly, but in no event later than 10 calendar days after receipt of the request, transmit to the Board or the Commission on Equity and Inclusion a copy of the contract for an emergency procurement and documentation in the possession of the contracting agency concerning the contract.

HISTORY:
P.A. 93-839, § 10-130; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017; 2020 P.A. 101-657, § 40-125, effective January 1, 2022.

ARTICLE 10.

APPOINTMENTS

30 ILCS 500/10-5 Exercise of procurement authority

The chief procurement officer shall exercise all procurement authority created by this Code. The State purchasing officers appointed under this Code shall exercise procurement authority at the direction of their respective chief procurement officer. Decisions of a State purchasing officer are subject to review by the respective chief procurement officer.

HISTORY:
P.A. 90-572, § 10-5; 96-795, § 95-35.

30 ILCS 500/10-10 Independent State purchasing officers.

(a) The chief procurement officer shall appoint a State purchasing officer for each agency that the chief procurement officer is responsible for under Section 1-15.15 [30 ILCS 500/1-15.15]. A State pur-

chasing officer shall be located in the State agency that the officer serves but shall report to his or her respective chief procurement officer. The State purchasing officer shall have direct communication with agency staff assigned to assist with any procurement process. At the direction of his or her respective chief procurement officer, a State purchasing officer shall have the authority to (i) review any contract or contract amendment prior to execution to ensure that applicable procurement and contracting standards were followed and (ii)approve or reject contracts for a purchasing agency. If the State purchasing officer provides written approval of the contract, the head of the applicable State agency shall have the authority to sign and enter into that contract. All actions of a State purchasing officer are subject to review by a chief procurement officer in accordance with procedures and policies established by the chief procurement officer.

(a-5) A State purchasing officer may (i) attend any procurement meetings; (ii) access any records or files related to procurement; (iii) submit reports to the chief procurement officer on procurement issues; (iv) ensure the State agency is maintaining appropriate records; and (v) ensure transparency of the procurement process.

(a-10) If a State purchasing officer is aware of misconduct, waste, or inefficiency with respect to State procurement, the State purchasing officer shall advise the State agency of the issue in writing. If the State agency does not correct the issue, the State purchasing officer shall report the problem, in writing, to the chief procurement officer and appropriate Inspector General.

(b) In addition to any other requirement or qualification required by State law, within 30 months after appointment, a State purchasing officer must be a Certified Professional Public Buyer or a Certified Public Purchasing Officer, pursuant to certification by the Universal Public Purchasing Certification Council or the Institute for Supply Management. A State purchasing officer shall serve a term of 5 years beginning on the date of the officer's appointment. A State purchasing officer shall have an office located in the State agency that the officer serves but shall report to the chief procurement officer. A State purchasing officer may be removed by a chief procurement officer for cause after a hearing by the Executive Ethics Commission. The chief procurement officer or executive officer of the State agency housing the State purchasing officer may institute a complaint against the State purchasing officer by filing such a complaint with the Commission and the Commission shall have a public hearing based on the complaint. The State purchasing officer, chief procurement officer, and executive officer of the State agency shall receive notice of the hearing and shall be permitted to present their respective arguments on the complaint. After the hearing, the Commission shall make a non-binding recommendation on whether the State purchasing officer shall be removed. The salary of a State purchasing officer shall be established by the chief procurement officer and may not be diminished during the officer's term. In the absence of an appointed State purchasing officer, the applicable chief procurement officer shall exercise the procurement authority created by this Code and may appoint a temporary acting State purchasing officer.

(c) Each State purchasing officer owes a fiduciary duty to the State.

HISTORY:

P.A. 90-572, § 10-10; 96-795, § 95-35; 97-895, § 15; 2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/10-15 Procurement compliance monitors.

(a) The Executive Ethics Commission may appoint procurement compliance monitors to oversee and review the procurement processes. Each procurement compliance monitor shall serve a term of 5 years beginning on the date of the officer's appointment. Each procurement compliance monitor appointed pursuant to this Section and serving a 5-year term on the effective date of this amendatory Act of the 100th General Assembly shall report to the chief procurement officer in the performance of his or her duties until the expiration of the monitor's term. The compliance monitor shall have direct communications with the executive officer of a State agency in exercising duties. A procurement compliance monitor may be removed only for cause after a hearing by the Executive Ethics Commission. The appropriate chief procurement officer or executive officer of the State agency served by the procurement compliance monitor may institute a complaint against the procurement compliance monitor with the Commission and the Commission shall hold a public hearing based on the complaint. The procurement compliance monitor, State purchasing officer, appropriate chief procurement officer, and executive officer of the State agency shall receive notice of the hearing and shall be permitted to present their respective arguments on the complaint. After the hearing, the Commission shall determine whether the procurement compliance monitor shall be removed. The salary of a procurement compliance monitor shall be established by the Executive Ethics Commission and may not be diminished during the officer's term.

(b) The procurement compliance monitor shall: (i) review any procurement, contract, or contract amendment as directed by the Executive Ethics Commission or a chief procurement officer; and (ii) report any findings of the review, in writing, to the Commission, the affected agency, the chief procurement officer responsible for the affected agency, and any entity requesting the review. The procurement compliance monitor may: (i) review each contract or contract amendment prior to execution to ensure that applicable procurement and contracting standards were followed; (ii) attend any procurement

meetings; (iii) access any records or files related to procurement; (iv) issue reports to the chief procurement officer on procurement issues that present issues or that have not been corrected after consultation with appropriate State officials; (v) ensure the State agency is maintaining appropriate records; and (vi) ensure transparency of the procurement process.

(c) If the procurement compliance monitor is aware of misconduct, waste, or inefficiency with respect to State procurement, the procurement compliance monitor shall advise the State agency of the issue in writing. If the State agency does not correct the issue, the monitor shall report the problem, in writing, to the chief procurement officer and Inspector General.

(d) Each procurement compliance monitor owes a fiduciary duty to the State.

HISTORY:

P.A. 90-572, § 10-15; 96-795, § 95-35; 97-895, § 15; 2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/10-20 Independent chief procurement officers.

(a) Appointment. Within 60 calendar days after the effective date of this amendatory Act of the 96th General Assembly [P.A. 96-1076], the Executive Ethics Commission, with the advice and consent of the Senate shall appoint or approve 4 chief procurement officers, one for each of the following categories:

(1) for procurements for construction and construction-related services committed by law to the jurisdiction or responsibility of the Capital Development Board;

(2) for procurements for all construction, construction-related services, operation of any facility, and the provision of any service or activity committed by law to the jurisdiction or responsibility of the Illinois Department of Transportation, including the direct or reimbursable expenditure of all federal funds for which the Department of Transportation is responsible or accountable for the use thereof in accordance with federal law, regulation, or procedure, the chief procurement officer recommended for approval under this item appointed by the Secretary of Transportation after consent by the Executive Ethics Commission;

(3) for all procurements made by a public institution of higher education; and

(4) for all other procurement needs of State agencies.

A chief procurement officer shall be responsible to the Executive Ethics Commission but must be located within the agency that the officer provides with procurement services. The chief procurement officer for higher education shall have an office located within the Board of Higher Education, unless otherwise designated by the Executive Ethics Commission. The chief procurement officer for all other procurement needs of the State shall have an office located within the Department of Central Management Services, unless otherwise designated by the Executive Ethics Commission.

(b) Terms and independence. Each chief procurement officer appointed under this Section shall serve for a term of 5 years beginning on the date of the officer's appointment. The chief procurement officer may be removed for cause after a hearing by the Executive Ethics Commission. The Governor or the director of a State agency directly responsible to the Governor may institute a complaint against the officer by filing such complaint with the Commission. The Commission shall have a hearing based on the complaint. The officer and the complainant shall receive reasonable notice of the hearing and shall be permitted to present their respective arguments on the complaint. After the hearing, the Commission shall make a finding on the complaint and may take disciplinary action, including but not limited to removal of the officer.

The salary of a chief procurement officer shall be established by the Executive Ethics Commission and may not be diminished during the officer's term. The salary may not exceed the salary of the director of a State agency for which the officer serves as chief procurement officer.

(c) Qualifications. In addition to any other requirement or qualification required by State law, each chief procurement officer must within 12 months of employment be a Certified Professional Public Buyer or a Certified Public Purchasing Officer, pursuant to certification by the Universal Public Purchasing Certification Council, and must reside in Illinois.

(d) Fiduciary duty. Each chief procurement officer owes a fiduciary duty to the State.

(e) Vacancy. In case of a vacancy in one or more of the offices of a chief procurement officer under this Section during the recess of the Senate, the Executive Ethics Commission shall make a temporary appointment until the next meeting of the Senate, when the Executive Ethics Commission shall nominate some person to fill the office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until his or her successor is appointed and qualified. If the Senate is not in session at the time this amendatory Act of the 96th General Assembly takes effect, the Executive Ethics Commission shall make a temporary appointment as in the case of a vacancy.

(f) (Blank).

(g) (Blank).

HISTORY:

P.A. 96-795, § 95-35; 96-920, § 5; 98-1076, § 5.

30 ILCS 500/10-25 Executive Procurement Officer. [Repealed]

HISTORY:

P.A. 96-795, § 95-35; repealed by P.A. 96-795, § 95-35 effective July 1, 2010.

30 ILCS 500/10-30 Fiduciary duty.

Each chief procurement officer, State purchasing

officer, and procurement compliance monitor owe a fiduciary duty to the State.

HISTORY:
2017 P.A. 100-43, § 15, effective August 9, 2017.

ARTICLE 15.
PROCUREMENT INFORMATION

30 ILCS 500/15-1 Publisher.

Each chief procurement officer, in consultation with the agencies under his or her jurisdiction, possesses the rights to and is the authority responsible for publishing its volume of the Illinois Procurement Bulletin.

Each volume of the Illinois Procurement Bulletin shall be available electronically and may be available in print. References in this Code to the publication and distribution of the Illinois Procurement Bulletin include both its print and electronic formats.

HISTORY:
P.A. 90-572, § 15-1; 95-481, § 5-925; 97-895, § 15.

30 ILCS 500/15-10 Contents.

The Illinois Procurement Bulletin shall contain notices and other information required by this Code or by rules promulgated under this Code to be published in the Illinois Procurement Bulletin. Each volume shall include a comprehensive index of its contents.

HISTORY:
P.A. 90-572, § 15-10.

30 ILCS 500/15-15 Publication.

All volumes of the Illinois Procurement Bulletin shall be published at least once per month. Any volume, including volumes available in print format, shall be available through subscription for a minimal fee not exceeding publication and distribution costs. The Illinois Procurement Bulletin shall be distributed free to public libraries within Illinois and electronically to any entity that has subscribed on the publishing entity's website.

HISTORY:
P.A. 90-572, § 15-15; 96-1444, § 3.

30 ILCS 500/15-20 Qualified bidders or offerors.

Subscription to the Illinois Procurement Bulletin shall not be required to qualify as a bidder or offeror under this Code.

HISTORY:
P.A. 90-572, § 15-20; 98-1076, § 5.

30 ILCS 500/15-25 Bulletin content.

(a) Invitations for bids. Notice of each and every contract that is offered, including renegotiated contracts and change orders, shall be published in the Bulletin. The applicable chief procurement officer may provide by rule an organized format for the publication of this information, but in any case it must include at least the date first offered, the date submission of offers is due, the location that offers are to be submitted to, the purchasing State agency, the responsible State purchasing officer, a brief purchase description, the method of source selection, information of how to obtain a comprehensive purchase description and any disclosure and contract forms, and encouragement to potential contractors to hire qualified veterans, as defined by Section 45-67 of this Code [30 ILCS 500/45-67], and qualified Illinois minorities, women, persons with disabilities, and residents discharged from any Illinois adult correctional center.

(a-5) All businesses listed on the Illinois Unified Certification Program Disadvantaged Business Enterprise Directory, the Business Enterprise Program of the Department of Central Management Services, and any small business database created pursuant to Section 45-45 of this Code [30 ILCS 500/45-45] shall be furnished written instructions and information on how to register for the Illinois Procurement Bulletin. This information shall be provided to each business within 30 calendar days after the business's notice of certification or qualification.

(b) Contracts let. Notice of each and every contract that is let, including renegotiated contracts and change orders, shall be issued electronically to those bidders submitting responses to the solicitations, inclusive of the unsuccessful bidders, immediately upon contract let. Failure of any chief procurement officer to give such notice shall result in tolling the time for filing a bid protest up to 7 calendar days.

For purposes of this subsection (b), "contracts let" means a construction agency's act of advertising an invitation for bids for one or more construction projects.

(b-5) Contracts awarded. Notice of each and every contract that is awarded, including renegotiated contracts and change orders, shall be issued electronically to the successful responsible bidder, offeror, or contractor and published in the Bulletin. The applicable chief procurement officer may provide by rule an organized format for the publication of this information, but in any case it must include at least all of the information specified in subsection (a) as well as the name of the successful responsible bidder, offeror, the contract price, the number of unsuccessful bidders or offerors and any other disclosure specified in any Section of this Code. This notice must be posted in the online electronic Bulletin prior to execution of the contract.

For purposes of this subsection (b-5), "contract award" means the determination that a particular bidder or offeror has been selected from among other bidders or offerors to receive a contract, subject to the successful completion of final negotiations. "Contract award" is evidenced by the posting of a Notice of

Award or a Notice of Intent to Award to the respective volume of the Illinois Procurement Bulletin.

(c) Emergency purchase disclosure. Any chief procurement officer or State purchasing officer exercising emergency purchase authority under this Code shall publish a written description and reasons and the total cost, if known, or an estimate if unknown and the name of the responsible chief procurement officer and State purchasing officer, and the business or person contracted with for all emergency purchases in the Bulletin. This notice must be posted in the online electronic Bulletin no later than 5 calendar days after the contract is awarded. Notice of a hearing to extend an emergency contract must be posted in the online electronic Procurement Bulletin no later than 14 calendar days prior to the hearing.

(c-5) Business Enterprise Program report. Each purchasing agency shall, with the assistance of the applicable chief procurement officer, post in the online electronic Bulletin a copy of its annual report of utilization of businesses owned by minorities, women, and persons with disabilities as submitted to the Business Enterprise Council for Minorities, Women, and Persons with Disabilities pursuant to Section 6(c) of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act [30 ILCS 575/6] within 10 calendar days after its submission of its report to the Council.

(c-10) Renewals. Notice of each contract renewal shall be posted in the Bulletin within 14 calendar days of the determination to execute a renewal of the contract. The notice shall include at least all of the information required in subsection (a) or (b), as applicable.

(c-15) Sole source procurements. Before entering into a sole source contract, a chief procurement officer exercising sole source procurement authority under this Code shall publish a written description of intent to enter into a sole source contract along with a description of the item to be procured and the intended sole source contractor. This notice must be posted in the online electronic Procurement Bulletin before a sole source contract is awarded and at least 14 calendar days before the hearing required by Section 20-25 [30 ILCS 500/20-25].

(d) Other required disclosure. The applicable chief procurement officer shall provide by rule for the organized publication of all other disclosure required in other Sections of this Code in a timely manner.

(e) The changes to subsections (b), (c), (c-5), (c-10), and (c-15) of this Section made by Public Act 96-795 apply to reports submitted, offers made, and notices on contracts executed on or after July 1, 2010 (the effective date of Public Act 96-795).

(f) Each chief procurement officer shall, in consultation with the agencies under his or her jurisdiction, provide the Procurement Policy Board with the information and resources necessary, and in a manner, to effectuate the purpose of Public Act 96-1444.

HISTORY:

P.A. 90-572, § 15-25; 94-1067, § 5; 95-536, § 5; 96-795, § 95-35; 96-1444, § 3; 97-895, § 15; 2014 P.A. 98-1038, § 5, effective August 25, 2014; 2014 P.A. 98-1076, § 5, effective January 1, 2015; 2017 P.A. 100-43, § 15, effective August 9, 2017; 2017 P.A. 100-391, § 55, effective August 25, 2017; 2018 P.A. 100-863, § 150, effective August 14, 2018.

30 ILCS 500/15-30 Electronic Bulletin clearinghouse.

(a) The Procurement Policy Board shall maintain on its official website a searchable database containing all information required to be included in the Illinois Procurement Bulletin under subsections (b), (c), (c-10), and (c-15) of Section 15-25 [30 ILCS 500/15-25] and all information required to be disclosed under Section 50-41. The posting of procurement information on the website is subject to the same posting requirements as the online electronic Bulletin.

(b) For the purposes of this Section, searchable means searchable and sortable by awarded bidder, offeror, potential contractor, or contractor, for emergency purchases, business or person contracted with; the contract price or total cost; the service or supply; the purchasing State agency; and the date first offered or announced.

(c) The applicable chief procurement officer shall provide the Procurement Policy Board the information and resources necessary, and in a manner, to effectuate the purpose of this Section.

HISTORY:

P.A. 95-536, § 5; 96-795, § 95-35; 97-895, § 15; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/15-35 Vendor portal.

Each chief procurement officer may, in consultation with the agencies under his or her jurisdiction and the Procurement Policy Board, establish a vendor portal. The vendor portal shall allow a potential vendor to provide certifications, disclosures, registrations, and other documentation needed to do business with a State agency in advance of any particular procurement. A potential vendor who registers with the vendor portal and provides this information may submit its registration number, with a confirmation that the portal information remains current, as part of its response to a competitive selection or a contracting process, rather than submit the same information in full. One or more chief procurement officers may jointly operate a vendor portal if a single portal would better serve the needs of the State agencies and the vendor community. A chief procurement officer may accept, for use on procurements and contracts under his or her jurisdiction, the registration from another chief procurement officer's vendor portal. This Section applies notwithstanding any laws to the contrary except for later enacted laws that specifically refer to this Section.

Nothing in this Section shall preclude a State agency from implementing its own pre-qualification, certification, disclosure, and registration require-

ments necessary to conduct and manage its program operation.

This Section does not apply to any contract for any project as to which federal funds are available for expenditure when its provisions may be in conflict with federal law or federal regulation.

HISTORY:
P.A. 97-895, § 15; 98-1076, § 5.

30 ILCS 500/15-40 Method of notices and reports.

Notices and reports required by any Section of this Code may be made by either paper or electronic means.

HISTORY:
2014 P.A. 98-1076, § 5, effective January 1, 2015.

30 ILCS 500/15-45 Computation of days.

The time within which any act provided in this Code is to be done shall be computed by excluding the first day and including the last, unless the last day is Saturday or Sunday or is a holiday, and then it shall also be excluded. If the day succeeding a Saturday, Sunday, or holiday is also a holiday, a Saturday, or a Sunday, then that succeeding day shall also be excluded. For the purposes of this Code, "holiday" means: New Year's Day; Dr. Martin Luther King, Jr.'s Birthday; Lincoln's Birthday; President's Day; Memorial Day; Juneteenth National Freedom Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving Day; Christmas Day; and any other day from time to time declared by the President of the United States or the Governor of Illinois to be a day during which the agencies of the State of Illinois that are ordinarily open to do business with the public shall be closed for business.

Notwithstanding any other provision of State law to the contrary, November 3, 2020 shall be a State holiday known as 2020 General Election Day and shall be observed throughout the State pursuant to this amendatory Act of the 101st General Assembly [P.A. 101-642].

HISTORY:
2014 P.A. 98-1076, § 5, effective January 1, 2015; 2020 P.A. 101-642, § 15, effective June 16, 2020; 2021 P.A. 102-14, § 15, effective January 1, 2022; 2021 P.A. 102-334, § 15, effective August 9, 2021.

ARTICLE 20.

SOURCE SELECTION AND CONTRACT FORMATION

30 ILCS 500/20-5 Method of source selection.

Unless otherwise authorized by law, all State contracts shall be awarded by competitive sealed bidding, in accordance with Section 20-10, except as provided in Sections 20-15, 20-20, 20-25, 20-30, 20-35, 30-15, and 40-20 [30 ILCS 500/20-15, 30 ILCS 500/20-20, 30 ILCS 500/20-25, 30 ILCS 500/20-30, 30 ILCS 500/20-35, 30 ILCS 500/30-15, and 30 ILCS 500/40-20]. The chief procurement officers appointed pursuant to Section 10-20 [30 ILCS 500/10-20] may determine the method of solicitation and contract for all procurements pursuant to this Code.

HISTORY:
P.A. 90-572, § 20-5; 98-1076, § 5.

30 ILCS 500/20-10 Competitive sealed bidding; reverse auction.

(a) Conditions for use. All contracts shall be awarded by competitive sealed bidding except as otherwise provided in Section 20-5 [30 ILCS 500/20-5].

(b) Invitation for bids. An invitation for bids shall be issued and shall include a purchase description and the material contractual terms and conditions applicable to the procurement.

(c) Public notice. Public notice of the invitation for bids shall be published in the Illinois Procurement Bulletin at least 14 calendar days before the date set in the invitation for the opening of bids.

(d) Bid opening. Bids shall be opened publicly or through an electronic procurement system in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, including earned and applied bid credit from the Illinois Works Jobs Program Act [30 ILCS 559/1 et seq.], the amount of each bid, and other relevant information as may be specified by rule shall be recorded. After the award of the contract, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

(e) Bid acceptance and bid evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Code. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award, such as discounts, transportation costs, and total or life cycle costs, shall be objectively measurable. The invitation for bids shall set forth the evaluation criteria to be used.

(f) Correction or withdrawal of bids. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards of contracts based on bid mistakes, shall be permitted in accordance with rules. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids based on bid mistakes shall be supported by written determination made by a State purchasing officer.

(g) Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, except when a State purchasing officer determines it is not in the best interest of the State and by written explanation determines another bidder shall receive the award. The explanation shall appear in the appropriate volume of the Illinois Procurement Bulletin. The written explanation must include:

(1) a description of the agency's needs;

(2) a determination that the anticipated cost will be fair and reasonable;

(3) a listing of all responsible and responsive bidders; and

(4) the name of the bidder selected, the total contract price, and the reasons for selecting that bidder.

Each chief procurement officer may adopt guidelines to implement the requirements of this subsection (g).

The written explanation shall be filed with the Legislative Audit Commission, and the Commission on Equity and Inclusion, and the Procurement Policy Board, and be made available for inspection by the public, within 14 days after the agency's decision to award the contract.

(h) Multi-step sealed bidding. When it is considered impracticable to initially prepare a purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

(i) Alternative procedures. Notwithstanding any other provision of this Act to the contrary, the Director of the Illinois Power Agency may create alternative bidding procedures to be used in procuring professional services under subsections (a) and (c) of Section 1-75 [20 ILCS 3855/1-75] and subsection (d) of Section 1-78 of the Illinois Power Agency Act [20 ILCS 3855/1-78] and Section 16-111.5(c) of the Public Utilities Act [220 ILCS 5/16-111.5] and to procure renewable energy resources under Section 1-56 of the Illinois Power Agency Act. These alternative procedures shall be set forth together with the other criteria contained in the invitation for bids, and shall appear in the appropriate volume of the Illinois Procurement Bulletin.

(j) Reverse auction. Notwithstanding any other provision of this Section and in accordance with rules adopted by the chief procurement officer, that chief procurement officer may procure supplies or services through a competitive electronic auction bidding process after the chief procurement officer determines that the use of such a process will be in the best interest of the State. The chief procurement officer shall publish that determination in his or her next volume of the Illinois Procurement Bulletin.

An invitation for bids shall be issued and shall include (i) a procurement description, (ii) all contractual terms, whenever practical, and (iii) conditions applicable to the procurement, including a notice that bids will be received in an electronic auction manner.

Public notice of the invitation for bids shall be given in the same manner as provided in subsection (c).

Bids shall be accepted electronically at the time and in the manner designated in the invitation for bids. During the auction, a bidder's price shall be disclosed to other bidders. Bidders shall have the opportunity to reduce their bid prices during the auction. At the conclusion of the auction, the record of the bid prices received and the name of each bidder shall be open to public inspection.

After the auction period has terminated, withdrawal of bids shall be permitted as provided in subsection (f).

The contract shall be awarded within 60 calendar days after the auction by written notice to the lowest responsible bidder, or all bids shall be rejected except as otherwise provided in this Code. Extensions of the date for the award may be made by mutual written consent of the State purchasing officer and the lowest responsible bidder.

This subsection does not apply to (i) procurements of professional and artistic services, (ii) telecommunications services, communication services, and information services, and (iii) contracts for construction projects, including design professional services.

HISTORY:

P.A. 90-572, § 20-10; 95-481, § 5-925; 96-159, § 15; 96-588, § 95; 96-795, § 95-35; 97-96, § 7; 97-895, § 15; 98-1076, § 5; 99-906, § 10; 2019 P.A. 101-31, § 20-905, effective June 28, 2019; 2020 P.A. 101-657, § 40-125, effective January 1, 2022; 2021 P.A. 102-29, § 10, effective June 25, 2021.

30 ILCS 500/20-15 Competitive sealed proposals.

(a) Conditions for use. When provided under this Code or under rules, or when the purchasing agency determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the State, a contract may be entered into by competitive sealed proposals.

(b) Request for proposals. Proposals shall be solicited through a request for proposals.

(c) Public notice. Public notice of the request for proposals shall be published in the Illinois Procurement Bulletin at least 14 calendar days before the date set in the invitation for the opening of proposals.

(d) Receipt of proposals. Proposals shall be opened publicly or via an electronic procurement system in the presence of one or more witnesses at the time and place designated in the request for proposals, but proposals shall be opened in a manner to avoid disclosure of contents to competing offerors during the process of negotiation. A record of proposals shall

be prepared and shall be open for public inspection after contract award.

(e) Evaluation factors. The requests for proposals shall state the relative importance of price and other evaluation factors. Proposals shall be submitted in 3 parts: the first, price; the second, commitment to diversity; and the third, all other items. Each part of all proposals shall be evaluated and ranked independently of the other parts of all proposals. The results of the evaluation of all 3 parts shall be used in ranking of proposals.

(e-5) Method of scoring.

(1) The point scoring methodology for competitive sealed proposals shall provide points for commitment to diversity. Those points shall be equivalent to 20% of the points assigned to the third part of the proposal, all other items.

(2) Factors to be considered in the award of points for the commitment to diversity component shall be set by rule by the applicable chief procurement officer and may include, but are not limited to:

(A) whether or how well the offeror, on the solicitation being evaluated, met the goal of contracting or subcontracting with businesses owned by women, minorities, or persons with disabilities;

(B) whether the offeror, on the solicitation being evaluated, assisted businesses owned by women, minorities, or persons with disabilities in obtaining lines of credit, insurance, necessary equipment, supplies, materials, or related assistance or services;

(C) the percentage of prior year revenues of the offeror that involve businesses owned by women, minorities, or persons with disabilities;

(D) whether the offeror has a written supplier diversity program, including, but not limited to, use of diverse vendors in the supply chain and a training or mentoring program with businesses owned by women, minorities, or persons with disabilities; and

(E) the percentage of members of the offeror's governing board, senior executives, and managers who are women, minorities, or persons with disabilities.

(3) If any State agency or public institution of higher education contract is eligible to be paid for or reimbursed, in whole or in part, with federal-aid funds, grants, or loans, and the provisions of this subsection (e-5) would result in the loss of those federal-aid funds, grants, or loans, then the contract is exempt from the provisions of this Section in order to remain eligible for those federal-aid funds, grants, or loans. For the purposes of this subsection (e-5):

"Manager" means a person who controls or administers all or part of a company or similar organization.

"Minorities" has the same meaning as "minority person" under Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

"Persons with disabilities" has the same meaning as "person with a disability" under Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act [30 ILCS 575/2].

"Senior executive" means the chief executive officer, chief operating officer, chief financial officer, or anyone else in charge of a principal business unit or function.

"Women" has the same meaning as "woman" under Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act.

(f) Discussion with responsible offerors and revisions of offers or proposals. As provided in the request for proposals and under rules, discussions may be conducted with responsible offerors who submit offers or proposals determined to be reasonably susceptible of being selected for award for the purpose of clarifying and assuring full understanding of and responsiveness to the solicitation requirements. Those offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Revisions may be permitted after submission and before award for the purpose of obtaining best and final offers. In conducting discussions there shall be no disclosure of any information derived from proposals submitted by competing offerors. If information is disclosed to any offeror, it shall be provided to all competing offerors.

(g) Award. Awards shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the State, taking into consideration price and the evaluation factors set forth in the request for proposals. The contract file shall contain the basis on which the award is made.

HISTORY:

P.A. 90-572, § 20-15; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017; 2020 P.A. 101-657, § 5-5, effective March 23, 2021; 2021 P.A. 102-29, § 10, effective June 25, 2021.

30 ILCS 500/20-20 Small purchases. [Effective until January 1, 2023]

(a) Amount. Any individual procurement of supplies or services not exceeding $100,000 and any procurement of construction not exceeding $100,000, or any individual procurement of professional or artistic services not exceeding $100,000 may be made without competitive source selection . Procurements shall not be artificially divided so as to constitute a small purchase under this Section. Any procurement of construction not exceeding $100,000 may be made by an alternative competitive source selection. The construction agency shall establish rules for an alternative competitive source selection process. This Section does not apply to construction-related professional services contracts awarded in accordance with the provisions of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/1 et seq.].

(b) Adjustment. Each July 1, the small purchase maximum established in subsection (a) shall be adjusted for inflation as determined by the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor and rounded to the nearest $100.

(c) Based upon rules proposed by the Board and rules promulgated by the chief procurement officers, the small purchase maximum established in subsection (a) may be modified.

HISTORY:
P.A. 90-572, § 20-20; 2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/20-20 Small purchases. [Effective January 1, 2023]

(a) Amount. Any individual procurement of supplies or services not exceeding $100,000 and any procurement of construction not exceeding $100,000, or any individual procurement of professional or artistic services not exceeding $100,000 may be made without competitive source selection. Procurements shall not be artificially divided so as to constitute a small purchase under this Section. Any procurement of construction not exceeding $100,000 may be made by an alternative competitive source selection. The construction agency shall establish rules for an alternative competitive source selection process. This Section does not apply to construction-related professional services contracts awarded in accordance with the provisions of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/1 et seq.].

(b) Adjustment. Each July 1, the small purchase maximum established in subsection (a) shall be adjusted for inflation as determined by the Consumer Price Index for All Urban Consumers as determined by the United States Department of Labor and rounded to the nearest $100.

(c) Based upon rules proposed by the Board and rules promulgated by the chief procurement officers, the small purchase maximum established in subsection (a) may be modified.

(d) Certification. All small purchases with an annual value that exceeds $50,000 shall be accompanied by Standard Illinois Certifications in a form prescribed by each Chief Procurement Officer.

HISTORY:
P.A. 90-572, § 20-20; 2017 P.A. 100-43, § 15, effective August 9, 2017; 2022 P.A. 102-721, § 5, effective January 1, 2023.

30 ILCS 500/20-25 Sole source procurements.

(a) In accordance with standards set by rule, contracts may be awarded without use of the specified method of source selection when there is only one economically feasible source for the item. A State contract may be awarded as a sole source contract unless an interested party submits a written request for a public hearing at which the chief procurement officer and purchasing agency present written justification for the procurement method. Any interested party may present testimony. A sole source contract where a hearing was requested by an interested party may be awarded after the hearing is conducted with the approval of the chief procurement officer.

(b) This Section may not be used as a basis for amending a contract for professional or artistic services if the amendment would result in an increase in the amount paid under the contract of more than 5% of the initial award, or would extend the contract term beyond the time reasonably needed for a competitive procurement, not to exceed 2 months.

(c) Notice of intent to enter into a sole source contract shall be provided to the Procurement Policy Board and the Commission on Equity and Inclusion and published in the online electronic Bulletin at least 14 calendar days before the public hearing required in subsection (a). The notice shall include the sole source procurement justification form prescribed by the Board, a description of the item to be procured, the intended sole source contractor, and the date, time, and location of the public hearing. A copy of the notice and all documents provided at the hearing shall be included in the subsequent Procurement Bulletin.

(d) By August 1 each year, each chief procurement officer shall file a report with the General Assembly identifying each contract the officer sought under the sole source procurement method and providing the justification given for seeking sole source as the procurement method for each of those contracts.

HISTORY:
P.A. 90-572, § 20-25; 96-795, § 95-35; 96-920, § 5; 97-895, § 15; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017; 2020 P.A. 101-657, § 40-125, effective January 1, 2022.

30 ILCS 500/20-25.1 Special expedited procurement.

(a) The Chief Procurement Officer shall work with the Department of Healthcare and Family Services to identify an appropriate method of source selection that will result in an executed contract for the technology required by Section 5-30.12 of the Illinois Public Aid Code [305 ILCS 5/5-30.12] no later than August 1, 2019 in order to target implementation of the technology to be procured by January 1, 2020. The method of source selection may be sole source, emergency, or other expedited process.

(b) Due to the negative impact on access to critical State health care services and the ability to draw federal match for services being reimbursed caused by issues with implementation of the Integrated Eligibility System by the Department of Human Services, the Department of Healthcare and Family Services, and the Department of Innovation and Technology, the General Assembly finds that a threat to public health exists and to prevent or minimize serious disruption in critical State services that affect health, an emergency purchase of a vendor shall

be made by the Department of Healthcare and Family Services to assess the Integrated Eligibility System for critical gaps and processing errors and to monitor the performance of the Integrated Eligibility System vendor under the terms of its contract. The emergency purchase shall not exceed 2 years. Notwithstanding any other provision of this Code, such emergency purchase shall extend without a hearing required by Section 20-30 [30 ILCS 500/20-30] until the integrated eligibility system is stabilized and performing according to the needs of the State to ensure continued access to health care for eligible individuals.

History.
2019 P.A. 101-209, § 10, effective August 5, 2019.

30 ILCS 500/20-30 Emergency purchases.

(a) Conditions for use. In accordance with standards set by rule, a purchasing agency may make emergency procurements without competitive sealed bidding or prior notice when there exists a threat to public health or public safety, or when immediate expenditure is necessary for repairs to State property in order to protect against further loss of or damage to State property, to prevent or minimize serious disruption in critical State services that affect health, safety, or collection of substantial State revenues, or to ensure the integrity of State records; provided, however, that the term of the emergency purchase shall be limited to the time reasonably needed for a competitive procurement, not to exceed 90 calendar days. A contract may be extended beyond 90 calendar days if the chief procurement officer determines additional time is necessary and that the contract scope and duration are limited to the emergency. Prior to execution of the extension, the chief procurement officer must hold a public hearing and provide written justification for all emergency contracts. Members of the public may present testimony. Emergency procurements shall be made with as much competition as is practicable under the circumstances, and agencies shall utilize best efforts to include contractors certified under the Business Enterprise Program in its emergency procurement process. A written description of the basis for the emergency and reasons for the selection of the particular contractor shall be included in the contract file.

(b) Notice. Notice of all emergency procurements shall be provided to the Procurement Policy Board and the Commission on Equity and Inclusion and published in the online electronic Bulletin no later than 5 calendar days after the contract is awarded. Notice of intent to extend an emergency contract shall be provided to the Procurement Policy Board and the Commission on Equity and Inclusion and published in the online electronic Bulletin at least 14 calendar days before the public hearing. Notice shall include at least a description of the need for the emergency purchase, the contractor, and if applicable, the date, time, and location of the public hearing. A copy of this notice and all documents provided at the hearing shall be included in the subsequent Procurement Bulletin. Before the next appropriate volume of the Illinois Procurement Bulletin, the purchasing agency shall publish in the Illinois Procurement Bulletin a copy of each written description and reasons and the total cost of each emergency procurement made during the previous month. When only an estimate of the total cost is known at the time of publication, the estimate shall be identified as an estimate and published. When the actual total cost is determined, it shall also be published in like manner before the 10th day of the next succeeding month.

(c) Statements. A chief procurement officer making a procurement under this Section shall file statements with the Procurement Policy Board, the Commission on Equity and Inclusion, and the Auditor General within 10 calendar days after the procurement setting forth the amount expended, the name of the contractor involved, and the conditions and circumstances requiring the emergency procurement. When only an estimate of the cost is available within 10 calendar days after the procurement, the actual cost shall be reported immediately after it is determined. At the end of each fiscal quarter, the Auditor General shall file with the Legislative Audit Commission and the Governor a complete listing of all emergency procurements reported during that fiscal quarter. The Legislative Audit Commission shall review the emergency procurements so reported and, in its annual reports, advise the General Assembly of procurements that appear to constitute an abuse of this Section.

(d) Quick purchases. The chief procurement officer may promulgate rules extending the circumstances by which a purchasing agency may make purchases under this Section, including but not limited to the procurement of items available at a discount for a limited period of time.

(d-5) The chief procurement officer shall adopt rules regarding the use of contractors certified in the Business Enterprise Program in emergency and quick purchase procurements.

(e) The changes to this Section made by this amendatory Act of the 96th General Assembly [P.A. 96-795] apply to procurements executed on or after its effective date.

HISTORY:
P.A. 90-572, § 20-30; 96-795, § 95-35; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017; 2020 P.A. 101-657, § 40-125, effective January 1, 2022; 2021 P.A. 102-29, § 10, effective June 25, 2021.

30 ILCS 500/20-35 Competitive selection procedures.

(a) Conditions for use. The services specified in Article 35 [30 ILCS 500/35-5 et seq.] shall be procured in accordance with this Section, except as authorized under Sections 20-25 and 20-30 of this Article [30 ILCS 500/20-25 and 30 ILCS 500/20-30].

(b) Statement of qualifications. Respondents shall submit statements of qualifications and expressions of interest. The chief procurement officer shall specify a uniform format for statements of qualifications. Persons may amend these statements at any time by filing a new statement.

(c) Public announcement and form of request for proposals. Public notice of the need for the procurement shall be given in the form of a request for proposals and published in the Illinois Procurement Bulletin at least 14 calendar days before the date set in the request for proposals for the opening of proposals. The request for proposals shall describe the services required, list the type of information and data required of each respondent, and state the relative importance of particular qualifications.

(d) Discussions. The purchasing agency may conduct discussions with any respondent who has submitted a response to determine the respondent's qualifications for further consideration. Discussions shall not disclose any information derived from proposals submitted by other respondents.

(e) Award. Award shall be made to the respondent determined in writing by the purchasing agency to be best qualified based on the evaluation factors set forth in the request for proposals and negotiation of compensation determined to be fair and reasonable.

HISTORY:
P.A. 90-572, § 20-35; 98-1076, § 5.

30 ILCS 500/20-40 Cancellation of invitations for bids or requests for proposals.

An invitation for bids, a request for proposals, or any other solicitation may be cancelled without penalty, or any and all bids, offers, proposals, or any other solicitation may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interests of the State in accordance with rules. The reasons for cancellation or rejection shall be made part of the contract file.

HISTORY:
P.A. 90-572, § 20-40; 98-1076, § 5.

30 ILCS 500/20-43 Bidder or offeror authorized to transact business or conduct affairs in Illinois.

In addition to meeting any other requirement of law or rule, a person (other than an individual acting as a sole proprietor) may qualify as a bidder or offeror under this Code only if the person is a legal entity prior to submitting the bid, offer, or proposal. The legal entity must be authorized to transact business or conduct affairs in Illinois prior to execution of the contract. This Section shall not apply to construction contracts that are subject to the requirements of Sections 30-20 and 33-10 of this Code [30 ILCS 500/30-20 and 30 ILCS 500/33-10]. The pre-qualification requirements of Sections 30-20 and 33-10 of this Code shall include the requirement that the bidder be registered with the Secretary of State.

HISTORY:
P.A. 96-795, § 95-35; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/20-45 Prequalification of suppliers

The chief procurement officer shall promulgate rules for the development of prequalified supplier lists for appropriate categories of purchases and the annual updating of those lists.

HISTORY:
P.A. 90-572, § 20-45.

30 ILCS 500/20-50 Specifications.

Specifications shall be prepared in accordance with consistent standards that are promulgated by the chief procurement officer and reviewed by the Board and the Joint Committee on Administrative Rules. Those standards shall include a prohibition against the use of brand-name only products, except for products intended for retail sale or as specified by rule. All specifications shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the State's needs and shall not be unduly restrictive.

A solicitation or specification for a contract or a contract, including but not limited to of a college, university, or institution under the jurisdiction of a governing board listed in Section 1-15.100 [30 ILCS 500/1-15.100], may not require, stipulate, suggest, or encourage a monetary or other financial contribution or donation, cash bonus or incentive, economic investment, or other prohibited conduct as an explicit or implied term or condition for awarding or completing the contract. The contract, solicitation, or specification also may not include a requirement that an individual or individuals employed by such a college, university, or institution receive a consulting contract for professional services.

As used in this Section, "prohibited conduct" includes requested payments or other consideration by a third party to the university or State agency that is not part of the solicitation or that is unrelated to the subject matter or purpose of the solicitation. "Prohibited conduct" does not include a payment from the vendor that is supported by additional consideration (such as exclusive rights to sell items or rights to advertise), other than the consideration of the State's awarding a contract to purchase of goods and services.

HISTORY:
P.A. 90-572, § 20-50; 91-627, § 5; 96-795, § 95-35; 98-1076, § 5.

30 ILCS 500/20-55 Types of contracts

Subject to the limitations of this Section and unless otherwise authorized by law, any type of contract that will promote the best interests of the State may

be used, except that cost-plus-a-percentage-of-cost contracts are prohibited. A cost-reimbursement contract may be used only when a determination is made in writing that a cost-reimbursement contract is likely to be less costly to the State than any other type or that it is impracticable to obtain the item required except under that type of contract. The general form of contracts shall be determined by the chief procurement officer.

HISTORY:
P.A. 90-572, § 20-55.

30 ILCS 500/20-60 Duration of contracts. [Effective until January 1, 2023]

(a) Maximum duration. A contract may be entered into for any period of time deemed to be in the best interests of the State but not exceeding 10 years inclusive, beginning January 1, 2010, of proposed contract renewals. Third parties may lease State-owned dark fiber networks for any period of time deemed to be in the best interest of the State, but not exceeding 20 years. The length of a lease for real property or capital improvements shall be in accordance with the provisions of Section 40-25 [30 ILCS 500/40-25]. The length of energy conservation program contracts or energy savings contracts or leases shall be in accordance with the provisions of Section 25-45 [30 ILCS 500/25-45]. A contract for bond or mortgage insurance awarded by the Illinois Housing Development Authority, however, may be entered into for any period of time less than or equal to the maximum period of time that the subject bond or mortgage may remain outstanding.

(b) Subject to appropriation. All contracts made or entered into shall recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the contract.

(c) The chief procurement officer shall file a proposed extension or renewal of a contract with the Procurement Policy Board and the Commission on Equity and Inclusion prior to entering into any extension or renewal if the cost associated with the extension or renewal exceeds $249,999. The Procurement Policy Board or the Commission on Equity and Inclusion may object to the proposed extension or renewal within 30 calendar days and require a hearing before the Board or the Commission on Equity and Inclusion prior to entering into the extension or renewal. If the Procurement Policy Board or the Commission on Equity and Inclusion does not object within 30 calendar days or takes affirmative action to recommend the extension or renewal, the chief procurement officer may enter into the extension or renewal of a contract. This subsection does not apply to any emergency procurement, any procurement under Article 40 [30 ILCS 500/40-5 et seq.], or any procurement exempted by Section 1-10(b) of this Code [30 ILCS 500/1-10]. If any State agency contract is paid for in whole or in part with federal-aid funds, grants, or loans and the provisions of this subsection would result in the loss of those federal-aid funds, grants, or loans, then the contract is exempt from the provisions of this subsection in order to remain eligible for those federal-aid funds, grants, or loans, and the State agency shall file notice of this exemption with the Procurement Policy Board or the Commission on Equity and Inclusion prior to entering into the proposed extension or renewal. Nothing in this subsection permits a chief procurement officer to enter into an extension or renewal in violation of subsection (a). By August 1 each year, the Procurement Policy Board and the Commission on Equity and Inclusion shall each file a report with the General Assembly identifying for the previous fiscal year (i) the proposed extensions or renewals that were filed and whether such extensions and renewals were objected to and (ii) the contracts exempt from this subsection.

(d) Notwithstanding the provisions of subsection (a) of this Section, the Department of Innovation and Technology may enter into leases for dark fiber networks for any period of time deemed to be in the best interests of the State but not exceeding 20 years inclusive. The Department of Innovation and Technology may lease dark fiber networks from third parties only for the primary purpose of providing services (i) to the offices of Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer and State agencies, as defined under Section 5-15 of the Civil Administrative Code of Illinois or (ii) for anchor institutions, as defined in Section 7 of the Illinois Century Network Act [20 ILCS 3921/7]. Dark fiber network lease contracts shall be subject to all other provisions of this Code and any applicable rules or requirements, including, but not limited to, publication of lease solicitations, use of standard State contracting terms and conditions, and approval of vendor certifications and financial disclosures.

(e) As used in this Section, "dark fiber network" means a network of fiber optic cables laid but currently unused by a third party that the third party is leasing for use as network infrastructure.

HISTORY:
P.A. 90-572, § 20-60; 95-344, § 5; 96-15, § 97; 96-795, § 95-35; 96-920, § 5; 96-1478, § 5; 2017 P.A. 100-23, § 65-5, effective July 6, 2017; 2018 P.A. 100-611, § 1-943, effective July 20, 2018; 2019 P.A. 101-81, § 245, effective July 12, 2019; 2020 P.A. 101-657, § 5-5, effective March 23, 2021; 2020 P.A. 101-657, § 40-125, effective January 1, 2022; 2021 P.A. 102-29, § 10, effective June 25, 2021.

30 ILCS 500/20-60 Duration of contracts. [Effective January 1, 2023]

(a) Maximum duration. A contract may be entered into for any period of time deemed to be in the best interests of the State but not exceeding 10 years inclusive, beginning January 1, 2010, of proposed contract renewals. Third parties may lease State-owned dark fiber networks for any period of time deemed to be in the best interest of the State, but not

exceeding 20 years. The length of a lease for real property or capital improvements shall be in accordance with the provisions of Section 40-25 [30 ILCS 500/40-25]. The length of energy conservation program contracts or energy savings contracts or leases shall be in accordance with the provisions of Section 25-45 [30 ILCS 500/25-45]. A contract for bond or mortgage insurance awarded by the Illinois Housing Development Authority, however, may be entered into for any period of time less than or equal to the maximum period of time that the subject bond or mortgage may remain outstanding.

(b) Subject to appropriation. All contracts made or entered into shall recite that they are subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to make payments under the terms of the contract.

(c) The chief procurement officer shall file a proposed extension or renewal of a contract with the Procurement Policy Board and the Commission on Equity and Inclusion prior to entering into any extension or renewal if the cost associated with the extension or renewal exceeds $249,999. The Procurement Policy Board or the Commission on Equity and Inclusion may object to the proposed extension or renewal within 14 calendar days and require a hearing before the Board or the Commission on Equity and Inclusion prior to entering into the extension or renewal. If the Procurement Policy Board or the Commission on Equity and Inclusion does not object within 14 calendar days or takes affirmative action to recommend the extension or renewal, the chief procurement officer may enter into the extension or renewal of a contract. This subsection does not apply to any emergency procurement, any procurement under Article 40 [30 ILCS 500/40-5 et seq.], or any procurement exempted by Section 1-10(b) of this Code [30 ILCS 500/1-10] If any State agency contract is paid for in whole or in part with federal-aid funds, grants, or loans and the provisions of this subsection would result in the loss of those federal-aid funds, grants, or loans, then the contract is exempt from the provisions of this subsection in order to remain eligible for those federal-aid funds, grants, or loans, and the State agency shall file notice of this exemption with the Procurement Policy Board or the Commission on Equity and Inclusion prior to entering into the proposed extension or renewal. Nothing in this subsection permits a chief procurement officer to enter into an extension or renewal in violation of subsection (a). By August 1 each year, the Procurement Policy Board and the Commission on Equity and Inclusion shall each file a report with the General Assembly identifying for the previous fiscal year (i) the proposed extensions or renewals that were filed and whether such extensions and renewals were objected to and (ii) the contracts exempt from this subsection.

(d) Notwithstanding the provisions of subsection (a) of this Section, the Department of Innovation and Technology may enter into leases for dark fiber networks for any period of time deemed to be in the best interests of the State but not exceeding 20 years inclusive. The Department of Innovation and Technology may lease dark fiber networks from third parties only for the primary purpose of providing services (i) to the offices of Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer and State agencies, as defined under Section 5-15 of the Civil Administrative Code of Illinois or (ii) for anchor institutions, as defined in Section 7 of the Illinois Century Network Act [20 ILCS 3921/7]. Dark fiber network lease contracts shall be subject to all other provisions of this Code and any applicable rules or requirements, including, but not limited to, publication of lease solicitations, use of standard State contracting terms and conditions, and approval of vendor certifications and financial disclosures.

(e) As used in this Section, "dark fiber network" means a network of fiber optic cables laid but currently unused by a third party that the third party is leasing for use as network infrastructure.

(f) No vendor shall be eligible for renewal of a contract when that vendor has failed to meet the goals agreed to in the vendor's utilization plan, as defined in Section 2 of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act [30 ILCS 575/2], unless the State agency or public institution of higher education has determined that the vendor made good faith efforts toward meeting the contract goals. If the State agency or public institution of higher education determines that the vendor made good faith efforts, the agency or public institution of higher education may issue a waiver after concurrence by the chief procurement officer, which shall not be unreasonably withheld or impair a State agency determination to execute the renewal. The form and content of the waiver shall be prescribed by each chief procurement officer, but shall not impair a State agency or public institution of higher education determination to execute the renewal. The chief procurement officer shall post the completed form on his or her official website within 5 business days after receipt from the State agency or public institution of higher education. The chief procurement officer shall maintain on his or her official website a database of waivers granted under this Section with respect to contracts under his or her jurisdiction. The database shall be updated periodically and shall be searchable by contractor name and by contracting State agency or public institution of higher education.

HISTORY:

P.A. 90-572, § 20-60; 95-344, § 5; 96-15, § 97; 96-795, § 95-35; 96-920, § 5; 96-1478, § 5; 2017 P.A. 100-23, § 65-5, effective July 6, 2017; 2018 P.A. 100-611, § 1-943, effective July 20, 2018; 2019 P.A. 101-81, § 245, effective July 12, 2019; 2020 P.A. 101-657, § 5-5, effective March 23, 2021; 2020 P.A. 101-657, § 40-125, effective January 1, 2022; 2021 P.A. 102-29, § 10, effective June 25, 2021; 2022 P.A. 102-721, § 5, effective January 1, 2023.

30 ILCS 500/20-65 Right to audit records.

(a) **Maintenance of books and records.** Every

contract and subcontract shall require the contractor or subcontractor, as applicable, to maintain books and records relating to the performance of the contract or subcontract and necessary to support amounts charged to the State under the contract or subcontract. The books and records shall be maintained by the contractor for a period of 3 years from the later of the date of final payment under the contract or completion of the contract and by the subcontractor for a period of 3 years from the later of the date of final payment under the subcontract or completion of the subcontract. However, the 3-year period shall be extended for the duration of any audit in progress at the time of that period's expiration.

(b) **Audit.** Every contract and subcontract shall provide that all books and records required to be maintained under subsection (a) shall be available for review and audit by the Auditor General, chief procurement officer, internal auditor, and the purchasing agency. Every contract and subcontract shall require the contractor and subcontractor, as applicable, to cooperate fully with any audit.

(c) **Failure to maintain books and records.** Failure to maintain the books and records required by this Section shall establish a presumption in favor of the State for the recovery of any funds paid by the State for which required books and records are not available.

HISTORY:
P.A. 90-572, § 20-65; 96-795, § 95-35.

30 ILCS 500/20-70 Finality of determinations.

Except as otherwise provided in this Code, determinations made by a chief procurement officer, State purchasing officer, or a purchasing agency under this Code are final and conclusive unless they are clearly erroneous, arbitrary, capricious, or contrary to law.

HISTORY:
P.A. 90-572, § 20-70; 96-795, § 95-35.

30 ILCS 500/20-75 Disputes and protests. [Effective until January 1, 2023]

The chief procurement officers shall by rule establish procedures to be followed in resolving protested solicitations and awards and contract controversies, for debarment or suspension of contractors, and for resolving other procurement-related disputes.

HISTORY:
P.A. 90-572, § 20-75; 96-795, § 95-35.

30 ILCS 500/20-75 Disputes and protests. [Effective January 1, 2023]

The chief procurement officers shall by rule establish procedures to be followed in resolving protested solicitations and awards and contract controversies, for debarment or suspension of contractors, and for resolving other procurement-related disputes. At a minimum, the established procedures must include the requirement that the chief procurement officer resolve the protest by means of a written determination within 30 days of receiving all relevant requested information, unless an action concerning the protest has commenced in a court or administrative body, in which case, the chief procurement officer may defer resolution of the protest pending the judicial or administrative proceeding.

HISTORY:
P.A. 90-572, § 20-75; 96-795, § 95-35; 2022 P.A. 102-721, § 5, effective January 1, 2023.

30 ILCS 500/20-80 Contract files.

(a) Written determinations. All written determinations required under this Article shall be placed in the contract file maintained by the chief procurement officer.

(b) Filing with Comptroller. Whenever a grant, defined pursuant to accounting standards established by the Comptroller, or a contract liability, except for: (1) contracts paid from personal services, (2) contracts between the State and its employees to defer compensation in accordance with Article 24 of the Illinois Pension Code, or (3) contracts or grants that do not obligate funds held within the State treasury for fiscal year 2022 and thereafter, exceeding $20,000 is incurred by any State agency, a copy of the contract, purchase order, grant, or lease shall be filed with the Comptroller within 30 calendar days thereafter. Beginning in fiscal year 2022, information pertaining to contracts or grants exceeding $20,000 that do not obligate funds held within the State treasury shall be submitted in a quarterly report to the Comptroller in a form and manner prescribed by the Comptroller. The Comptroller shall make the quarterly report available on his or her website. Beginning January 1, 2013, the Comptroller may require that contracts and grants required to be filed with the Comptroller under this Section shall be filed electronically, unless the agency is incapable of filing the contract or grant electronically because it does not possess the necessary technology or equipment. Any State agency that is incapable of electronically filing its contracts or grants shall submit a written statement to the Governor and to the Comptroller attesting to the reasons for its inability to comply. This statement shall include a discussion of what the State agency needs in order to effectively comply with this Section. Prior to requiring electronic filing, the Comptroller shall consult with the Governor as to the feasibility of establishing mutually agreeable technical standards for the electronic document imaging, storage, and transfer of contracts and grants, taking into consideration the technology available to that agency, best practices, and the technological capabilities of State agencies. Nothing in this amendatory Act of the 97th General Assembly shall be construed to impede the implementation of an Enterprise Resource Planning (ERP) system. For each State contract for supplies or services awarded on or

after July 1, 2010, the contracting agency shall provide the applicable rate and unit of measurement of the supplies or services on the contract obligation document as required by the Comptroller. If the contract obligation document that is submitted to the Comptroller contains the rate and unit of measurement of the supplies or services, the Comptroller shall provide that information on his or her official website. Any cancellation or modification to any such contract liability shall be filed with the Comptroller within 30 calendar days of its execution.

(c) Late filing affidavit. When a contract, purchase order, grant, or lease required to be filed by this Section has not been filed within 30 calendar days of execution, the Comptroller shall refuse to issue a warrant for payment thereunder until the agency files with the Comptroller the contract, purchase order, grant, or lease and an affidavit, signed by the chief executive officer of the agency or his or her designee, setting forth an explanation of why the contract liability was not filed within 30 calendar days of execution. A copy of this affidavit shall be filed with the Auditor General.

(d) Timely execution of contracts. Except as set forth in subsection (b) of this Section, no voucher shall be submitted to the Comptroller for a warrant to be drawn for the payment of money from the State treasury or from other funds held by the State Treasurer on account of any contract unless the contract is reduced to writing before the services are performed and filed with the Comptroller. Contractors shall not be paid for any supplies that were received or services that were rendered before the contract was reduced to writing and signed by all necessary parties. A chief procurement officer may approve an exception to this subsection by submitting a written statement to the Comptroller setting forth the circumstances and reasons why the contract could not be reduced to writing before the supplies were received or services were performed. This Section shall not apply to emergency purchases if notice of the emergency purchase is filed with the Procurement Policy Board and published in the Bulletin as required by this Code.

(e) Method of source selection. When a contract is filed with the Comptroller under this Section, the Comptroller's file shall identify the method of source selection used in obtaining the contract.

HISTORY:
P.A. 90-572, § 20-80; 91-904, § 5; 96-794, § 5; 96-795, § 95-35; 96-1000, § 155; 97-932, § 20; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017; 2021 P.A. 102-291, § 30, effective August 6, 2021; 2022 P.A. 102-783, § 20, effective May 13, 2022.

30 ILCS 500/20-85 Federal requirements.

A State agency receiving federal-aid funds, grants, or loans shall have authority to adopt its procedures, rules, project statements, drawings, maps, surveys, plans, specifications, contract terms, estimates, bid forms, bond forms, and other documents or practices to comply with the regulations, policies, and procedures of the designated authority, administration, or department of the United States, in order to remain eligible for such federal-aid funds, grants, or loans.

HISTORY:
P.A. 90-572, § 20-85.

30 ILCS 500/20-90 Foreign country procurements.

Procurements to meet the needs of State offices located in foreign countries shall comply with the provisions of this Code to the extent practical.

HISTORY:
P.A. 90-572, § 20-90.

30 ILCS 500/20-95 Donations.

Nothing in this Code or in the rules promulgated under this Code shall prevent any State agency from complying with the terms and conditions of any grant, gift, or bequest that calls for the procurement of a particular good or service or the use of a particular vendor, provided that the grant, gift, or bequest provides majority funding for the contract.

HISTORY:
P.A. 90-572, § 20-95; 98-1076, § 5.

30 ILCS 500/20-105 State agency printing.

All books, pamphlets, documents, and reports published through or by the State of Illinois or any State agency, board, or commission shall have printed thereon "Printed by authority of the State of Illinois", the date of each publication, the number of copies printed, and the printing order number. Each using agency shall be responsible for ascertaining the compliance of printing materials procured by or for it with this Section. No printing or reproduction contract shall be let and no printing or reproduction shall be accomplished when that wording does not appear on the material to be printed or reproduced. No publication may have written, stamped, or printed on it, or attached to it, "Compliments of ....., (naming a person)" or any words of similar import.

This Section does not apply to the printing by a public institution of higher education of material not paid for in any portion from funds appropriated by the General Assembly, printing that is performed by a university unit, or printing that is performed in conjunction with contracts referenced in subsection (b)(1) of Section 1-10 [30 ILCS 500/1-10].

HISTORY:
P.A. 90-572, § 20-105; 95-75, § 5.

30 ILCS 500/20-110 Printing cost offsets.

The chief procurement officer may promulgate rules permitting the exchange of advertising rights in or receipt of free copies of printed products pro-

cured under this Article as a means of reducing printing costs. The rules shall specify the appropriate method of source selection to be used to competitively acquire printing cost offsets.

HISTORY:
P.A. 90-572, § 20-110.

30 ILCS 500/20-120 Subcontractors. [Effective until January 1, 2023]

(a) Any contract granted under this Code shall state whether the services of a subcontractor will be used. The contract shall include the names and addresses of all known subcontractors with subcontracts with an annual value of more than $50,000, the general type of work to be performed by these subcontractors, and the expected amount of money each will receive under the contract. Upon the request of the chief procurement officer appointed pursuant to paragraph (2) of subsection (a) of Section 10-20 [30 ILCS 500/10-20], the contractor shall provide the chief procurement officer a copy of a subcontract so identified within 15 calendar days after the request is made. A subcontractor, or contractor on behalf of a subcontractor, may identify information that is deemed proprietary or confidential. If the chief procurement officer determines the information is not relevant to the primary contract, the chief procurement officer may excuse the inclusion of the information. If the chief procurement officer determines the information is proprietary or could harm the business interest of the subcontractor, the chief procurement officer may, in his or her discretion, redact the information. Redacted information shall not become part of the public record.

(b) If at any time during the term of a contract, a contractor adds or changes any subcontractors, he or she shall promptly notify, in writing, the chief procurement officer, State purchasing officer, or their designee of the names and addresses of each new or replaced subcontractor and the general type of work to be performed. Upon the request of the chief procurement officer appointed pursuant to paragraph (2) of subsection (a) of Section 10-20, the contractor shall provide the chief procurement officer a copy of any new or amended subcontract so identified within 15 calendar days after the request is made.

(c) In addition to any other requirements of this Code, a subcontract subject to this Section must include all of the subcontractor's certifications required by Article 50 of the Code [30 ILCS 500/50-1 et seq.].

(d) This Section applies to procurements solicited on or after the effective date of this amendatory Act of the 96th General Assembly [P.A. 96-920]. The changes made to this Section by this amendatory Act of the 97th General Assembly [P.A. 97-895] apply to procurements solicited on or after the effective date of this amendatory Act of the 97th General Assembly.

HISTORY:
P.A. 96-795, § 95-35; 96-920, § 5; 97-895, § 15; 98-1076, § 5.

30 ILCS 500/20-120 Subcontractors. [Effective January 1, 2023]

(a) Any contract granted under this Code shall state whether the services of a subcontractor will be used. The contract shall include the names and addresses of all known subcontractors with subcontracts with an annual value that exceeds the small purchase maximum established by Section 20-20 of this Code [30 ILCS 500/20-20], the general type of work to be performed by these subcontractors, and the expected amount of money each will receive under the contract. Upon the request of the chief procurement officer appointed pursuant to paragraph (2) of subsection (a) of Section 10-20 [30 ILCS 500/10-20], the contractor shall provide the chief procurement officer a copy of a subcontract so identified within 15 calendar days after the request is made. A subcontractor, or contractor on behalf of a subcontractor, may identify information that is deemed proprietary or confidential. If the chief procurement officer determines the information is not relevant to the primary contract, the chief procurement officer may excuse the inclusion of the information. If the chief procurement officer determines the information is proprietary or could harm the business interest of the subcontractor, the chief procurement officer may, in his or her discretion, redact the information. Redacted information shall not become part of the public record.

(b) If at any time during the term of a contract, a contractor adds or changes any subcontractors, he or she shall promptly notify, in writing, the chief procurement officer, State purchasing officer, or their designee of the names and addresses of each new or replaced subcontractor and the general type of work to be performed. Upon the request of the chief procurement officer appointed pursuant to paragraph (2) of subsection (a) of Section 10-20, the contractor shall provide the chief procurement officer a copy of any new or amended subcontract so identified within 15 calendar days after the request is made.

(c) In addition to any other requirements of this Code, a subcontract subject to this Section must include all of the subcontractor's certifications required by Article 50 of the Code [30 ILCS 500/50-1 et seq.].

(d) This Section applies to procurements solicited on or after the effective date of this amendatory Act of the 96th General Assembly [P.A. 96-920]. The changes made to this Section by this amendatory Act of the 97th General Assembly [P.A. 97-895] apply to procurements solicited on or after the effective date of this amendatory Act of the 97th General Assembly.

HISTORY:
P.A. 96-795, § 95-35; 96-920, § 5; 97-895, § 15; 98-1076, § 5; 2022 P.A. 102-721, § 5, effective January 1, 2023.

30 ILCS 500/20-150 Proposed contracts; Procurement Policy Board.

This Article is subject to Section 5-30 of this Code [30 ILCS 500/5-30].

HISTORY:
P.A. 93-839, § 10-130.

30 ILCS 500/20-155 Solicitation and contract documents.

(a) Each chief procurement officer appointed pursuant to Section 10-20 [30 ILCS 500/10-20] shall have the sole authority in their respective jurisdiction to develop and distribute uniform documents for the solicitation, review, and acceptance of all bids, offers, and responses and the award of contracts pursuant to this Code. If a chief procurement officer appointed pursuant to Section 10-20 exercises the authority to develop and distribute uniform documents for the solicitation, review and acceptance of all bids, offers and responses and the award of contracts, then the State agency shall use the uniform documents.

(b) After award of a contract and subject to provisions of the Freedom of Information Act, the procuring agency shall make available for public inspection and copying all pre-award, post-award, administration, and close-out documents relating to that particular contract.

(c) A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids and proposals, all evaluation materials, score sheets and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement file shall contain a written determination, signed by the chief procurement officer or State purchasing officer, setting forth the reasoning for the contract award decision. The procurement file shall not include trade secrets or other competitively sensitive, confidential, or proprietary information. The procurement file shall be open to public inspection within 7 calendar days following award of the contract.

HISTORY:
P.A. 94-978, § 5; 96-795, § 95-35; 97-895, § 15; 98-1076, § 5.

30 ILCS 500/20-160 Business entities; certification; registration with the State Board of Elections.

(a) For purposes of this Section, the terms "business entity", "contract", "State contract", "contract with a State agency", "State agency", "affiliated entity", and "affiliated person" have the meanings ascribed to those terms in Section 50-37 [30 ILCS 5/50-37].

(b) Every bid and offer submitted to and every contract executed by the State on or after January 1, 2009 (the effective date of Public Act 95-971) and every submission to a vendor portal shall contain (1) a certification by the bidder, offeror, vendor, or contractor that either (i) the bidder, offeror, vendor, or contractor is not required to register as a business entity with the State Board of Elections pursuant to this Section or (ii) the bidder, offeror, vendor, or contractor has registered as a business entity with the State Board of Elections and acknowledges a continuing duty to update the registration and (2) a statement that the contract is voidable under Section 50-60 [30 ILCS 500/50-60] for the bidder's, offeror's, vendor's, or contractor's failure to comply with this Section.

(c) Each business entity (i) whose aggregate bids and proposals on State contracts annually total more than $50,000, (ii) whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed $50,000, or (iii) whose contracts with State agencies, in the aggregate, annually total more than $50,000 shall register with the State Board of Elections in accordance with Section 9-35 of the Election Code [10 ILCS 5/9-35]. A business entity required to register under this subsection due to item (i) or (ii) has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the date the contract is awarded; any change in information must be reported to the State Board of Elections 5 business days following such change or no later than a day before the contract is awarded, whichever date is earlier. A business entity required to register under this subsection due to item (iii) has a continuing duty to ensure that the registration is accurate in accordance with subsection (e).

(d) Any business entity, not required under subsection (c) to register, whose aggregate bids and proposals on State contracts annually total more than $50,000, or whose aggregate bids and proposals on State contracts combined with the business entity's aggregate annual total value of State contracts exceed $50,000, shall register with the State Board of Elections in accordance with Section 9-35 of the Election Code prior to submitting to a State agency the bid or proposal whose value causes the business entity to fall within the monetary description of this subsection. A business entity required to register under this subsection has a continuing duty to ensure that the registration is accurate during the period beginning on the date of registration and ending on the day after the date the contract is awarded. Any change in information must be reported to the State Board of Elections within 5 business days following such change or no later than a day before the contract is awarded, whichever date is earlier.

(e) A business entity whose contracts with State agencies, in the aggregate, annually total more than $50,000 must maintain its registration under this Section and has a continuing duty to ensure that the registration is accurate for the duration of the term of office of the incumbent officeholder awarding the contracts or for a period of 2 years following the expiration or termination of the contracts, whichever is longer. A business entity, required to register under this subsection, has a continuing duty to report any

changes on a quarterly basis to the State Board of Elections within 14 calendar days following the last day of January, April, July, and October of each year. Any update pursuant to this paragraph that is received beyond that date is presumed late and the civil penalty authorized by subsection (e) of Section 9-35 of the Election Code may be assessed.

Also, if a business entity required to register under this subsection has a pending bid or offer, any change in information shall be reported to the State Board of Elections within 7 calendar days following such change or no later than a day before the contract is awarded, whichever date is earlier.

(f) A business entity's continuing duty under this Section to ensure the accuracy of its registration includes the requirement that the business entity notify the State Board of Elections of any change in information, including, but not limited to, changes of affiliated entities or affiliated persons.

(g) For any bid or offer for a contract with a State agency by a business entity required to register under this Section, the chief procurement officer shall verify that the business entity is required to register under this Section and is in compliance with the registration requirements on the date the bid or offer is due. A chief procurement officer shall not accept a bid or offer if the business entity is not in compliance with the registration requirements as of the date bids or offers are due. Upon discovery of noncompliance with this Section, if the bidder or offeror made a good faith effort to comply with registration efforts prior to the date the bid or offer is due, a chief procurement officer may provide the bidder or offeror 5 business days to achieve compliance. A chief procurement officer may extend the time to prove compliance by as long as necessary in the event that there is a failure within the State Board of Elections' registration system.

(h) A registration, and any changes to a registration, must include the business entity's verification of accuracy and subjects the business entity to the penalties of the laws of this State for perjury.

In addition to any penalty under Section 9-35 of the Election Code, intentional, willful, or material failure to disclose information required for registration shall render the contract, bid, offer, or other procurement relationship voidable by the chief procurement officer if he or she deems it to be in the best interest of the State of Illinois.

(i) This Section applies regardless of the method of source selection used in awarding the contract.

HISTORY:
P.A. 95-971, § 10; 96-795, § 95-35; 96-848, § 10; 97-333, § 110; 97-895, § 15; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017; 2019 P.A. 101-81, § 245, effective July 12, 2019.

30 ILCS 500/20-165 Compliance with Transportation Sustainability Procurement Program Act.

When procuring freight, small package delivery, and other forms of cargo shipping and transportation services, appropriate weight shall be given to the requirements of the Transportation Sustainability Procurement Program Act [30 ILCS 530/1 et seq.].

HISTORY:
P.A. 98-348, § 90.

30 ILCS 500/20-170 Quincy Veterans' Home rehabilitation and rebuilding contracts.

Notwithstanding any provision of law to the contrary, any contract for procurements entered into under the Quincy Veterans' Home Rehabilitation and Rebuilding Act [330 ILCS 21/170] and executed prior to the repeal of that Act shall continue in full force and effect after the repeal of that Act and until as otherwise dictated by the terms of the contract.

HISTORY:
2021 P.A. 102-35, § 10, effective June 25, 2021.

ARTICLE 25.

SUPPLIES AND SERVICES (EXCLUDING PROFESSIONAL OR ARTISTIC)

30 ILCS 500/25-80 Successor contractor.

All service contracts shall include a clause requiring the bidder or offeror, in order to be considered a responsible bidder or offeror for the purposes of this Code, to certify to the purchasing agency (i) that it shall offer to assume the collective bargaining obligations of the prior employer, including any existing collective bargaining agreement with the bargaining representative of any existing collective bargaining unit or units performing substantially similar work to the services covered by the contract subject to its bid or offer, and (ii) that it shall offer employment to all employees currently employed in any existing bargaining unit performing substantially similar work that will be performed by the successor vendor.

This Section does not apply to heating and air conditioning service contracts, plumbing service contracts, and electrical service contracts.

HISTORY:
P.A. 95-314, § 5; 98-1076, § 5.

30 ILCS 500/25-85 Best value procurement. [Repealed January 1, 2021]

(a) This Section shall apply only to purchases of heavy mobile fleet vehicles and off-road construction equipment procured by or on behalf of:

(1) institutions of higher education;
(2) the Department of Agriculture;
(3) the Department of Transportation; and
(4) the Department of Natural Resources.

(b) As used in this Section, "best value procurement" means a contract award determined by objective criteria related to price, features, functions, and life-cycle costs that may include the following:

(1) total cost of ownership, including warranty, under which all repair costs are borne solely by the warranty provider; repair costs; maintenance costs; fuel consumption; and salvage value;

(2) product performance, productivity, and safety standards;

(3) the supplier's ability to perform to the contract requirements; and

(4) environmental benefits, including reduction of greenhouse gas emissions, reduction of air pollutant emissions, or reduction of toxic or hazardous materials.

(c) The department or institution may enter into a contract for heavy mobile fleet vehicles and off-road construction equipment for use by the department or institution by means of best value procurement, using specifications and criteria developed in consultation with the Chief Procurement Officer of each designated department or institution and conducted in accordance with Section 20-15 of this Code [30 ILCS 500/20-15].

(d) In addition to disclosure of the minimum requirements for qualification, the solicitation document shall specify which business performance measures, in addition to price, shall be given a weighted value. The solicitation shall include a scoring method based on those factors and price in determining the successful offeror. Any evaluation and scoring method shall ensure substantial weight is given to the contract price.

(e) Upon written request of any person who has submitted an offer, notice of the award shall be posted in a public place in the offices of the department or institution at least 24 hours before executing the contract or purchase order. If, before making an award, any offeror who has submitted a bid files a protest with the department or institution against the awarding of the contract or purchase order on the ground that his or her offer should have been selected in accordance with the selection criteria in the solicitation document, the contract or purchase order shall not be awarded until either the protest has been withdrawn or the appropriate Chief Procurement Officer has made a final decision as to the action to be taken relative to the protest. Within 10 days after filing a protest, the protesting offeror shall file with the Chief Procurement Officer a full and complete written statement specifying in detail the ground of the protest and the facts in support thereof.

(f) The total annual value of vehicles and equipment purchased through best value procurement pursuant to this Section shall be limited to $20,000,000 per each department or institution.

(g) Best value procurement shall only be used on procurements first solicited on or before June 30, 2020.

(h) On or before January 1, 2021, the Chief Procurement Officer of each designated department or institution shall prepare an evaluation of the best value procurement pilot program authorized by this Section, including a recommendation on whether or not the process should be continued. The evaluation shall be posted in the applicable volume or volumes of the Illinois Procurement Bulletin on or before January 1, 2021.

(i) This Section is repealed on January 1, 2021.

HISTORY:
2017 P.A. 100-43, § 15, effective August 9, 2017.

ARTICLE 30.

CONSTRUCTION AND CONSTRUCTION-RELATED PROFESSIONAL SERVICES

30 ILCS 500/30-5 Applicability.

Construction and construction-related professional services shall be procured in accordance with this Article.

HISTORY:
P.A. 90-572, § 30-5.

30 ILCS 500/30-10 Authority.

Construction agencies shall have the authority to procure construction and construction-related professional services.

HISTORY:
P.A. 90-572, § 30-10.

30 ILCS 500/30-15 Method of source selection.

(a) Competitive sealed bidding. Except as provided in subsections (b), (c), and (d) and Sections 20-20, 20-25, and 20-30 [30 ILCS 500/20-20, 30 ILCS 500/20-25, and 30 ILCS 500/20-30], all State construction contracts shall be procured by competitive sealed bidding in accordance with Section 20-10 [30 ILCS 500/20-10].

(b) Other methods. The Capital Development Board shall establish by rule construction purchases that may be made without competitive sealed bidding and the most competitive alternate method of source selection that shall be used.

(c) Construction-related professional services. All construction-related professional services contracts shall be awarded in accordance with the provisions of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/1 et seq.]. "Professional services" means those services within the scope of the practice of architecture, professional engineering, structural engineering, or registered land surveying, as defined by the laws of this State.

(d) Correctional facilities. Remodeling and rehabilitation projects at correctional facilities under

$25,000 funded from the General Revenue Fund are exempt from the provisions of this Article. The Department of Corrections may use inmate labor for the remodeling or rehabilitation of correctional facilities on those projects under $25,000 funded from the General Revenue Fund.

HISTORY:
P.A. 90-572, § 30-15.

30 ILCS 500/30-20 Prequalification.

(a) The Capital Development Board shall promulgate rules for the development of prequalified supplier lists for construction and construction-related professional services and the periodic updating of those lists. Construction and construction-related professional services contracts over $25,000 may be awarded to any qualified suppliers.

(b) The Illinois Power Agency shall promulgate rules for the development of prequalified supplier lists for construction and construction-related professional services and the periodic updating of those lists. Construction and construction related professional services contracts over $25,000 may be awarded to any qualified suppliers, pursuant to a competitive bidding process.

HISTORY:
P.A. 90-572, § 30-20; 95-481, § 5-925.

30 ILCS 500/30-22 Construction contracts; responsible bidder requirements.

To be considered a responsible bidder on a construction contract for purposes of this Code, a bidder must comply with all of the following requirements and must present satisfactory evidence of that compliance to the appropriate construction agency:

(1) The bidder must comply with all applicable laws concerning the bidder's entitlement to conduct business in Illinois.

(2) The bidder must comply with all applicable provisions of the Prevailing Wage Act.

(3) The bidder must comply with Subchapter VI ("Equal Employment Opportunities") of Chapter 21 of Title 42 of the United States Code (42 U.S.C. 2000e and following) and with Federal Executive Order No. 11246 as amended by Executive Order No. 11375.

(4) The bidder must have a valid Federal Employer Identification Number or, if an individual, a valid Social Security Number.

(5) The bidder must have a valid certificate of insurance showing the following coverages: general liability, professional liability, product liability, workers' compensation, completed operations, hazardous occupation, and automobile.

(6) The bidder and all bidder's subcontractors must participate in applicable apprenticeship and training programs approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.

(7) For contracts with the Illinois Power Agency, the Director of the Illinois Power Agency may establish additional requirements for responsible bidders. These additional requirements, if established, shall be set forth together with the other criteria contained in the invitation for bids, and shall appear in the appropriate volume of the Illinois Procurement Bulletin.

(8) The bidder must certify that the bidder will maintain an Illinois office as the primary place of employment for persons employed in the construction authorized by the contract.

The provisions of this Section shall not apply to federally funded construction projects if such application would jeopardize the receipt or use of federal funds in support of such a project.

HISTORY:
P.A. 93-642, § 5; 95-481, § 5-925; 97-369, § 5; 98-1076, § 5.

30 ILCS 500/30-25 Retention of a percentage of contract price.

Whenever any contract entered into by a construction agency for the repair, remodeling, renovation, or construction of a building or structure, for the construction or maintenance of a highway, as those terms are defined in Article 2 of the Illinois Highway Code [605 ILCS 5/2-101 et seq.], for the construction or maintenance of facilities as that term is defined under Section 1-10 of the Illinois Power Agency Act, or for the reclamation of abandoned lands as those terms are defined in Article I of the Abandoned Mined Lands and Water Reclamation Act [20 ILCS 1920/1.01 et seq.] provides for the retention of a percentage of the contract price until final completion and acceptance of the work, upon the request of the contractor and with the approval of the construction agency the amount so retained may be deposited under a trust agreement with an Illinois bank or financial institution of the contractor's choice and subject to the approval of the construction agency. The contractor shall receive any interest on the deposited amount. Upon application by the contractor, the trust agreement must contain, at a minimum, the following provisions:

(1) the amount to be deposited subject to the trust;

(2) the terms and conditions of payment in case of default by the contractor;

(3) the termination of the trust agreement upon completion of the contract; and

(4) the contractor shall be responsible for obtaining the written consent of the bank trustee and for any costs or service fees.

The trust agreement may, at the discretion of the construction agency and upon request of the contractor, become effective at the time of the first partial payment in accordance with existing statutes and rules.

HISTORY:
P.A. 90-572, § 30-25; 95-481, § 5-925.

30 ILCS 500/30-30 Design-bid-build construction.

(a) The provisions of this subsection are operative through December 31, 2023.

For building construction contracts in excess of $250,000, separate specifications may be prepared for all equipment, labor, and materials in connection with the following 5 subdivisions of the work to be performed:

(1) plumbing;

(2) heating, piping, refrigeration, and automatic temperature control systems, including the testing and balancing of those systems;

(3) ventilating and distribution systems for conditioned air, including the testing and balancing of those systems;

(4) electric wiring; and

(5) general contract work.

The specifications may be so drawn as to permit separate and independent bidding upon each of the 5 subdivisions of work. All contracts awarded for any part thereof may award the 5 subdivisions of work separately to responsible and reliable persons, firms, or corporations engaged in these classes of work. The contracts, at the discretion of the construction agency, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the construction agency before the bidding as the prime subdivision of work, provided that all payments will be made directly to the contractors for the 5 subdivisions of work upon compliance with the conditions of the contract.

Beginning on the effective date of this amendatory Act of the 101st General Assembly and through December 31, 2023, for single prime projects: (i) the bid of the successful low bidder shall identify the name of the subcontractor, if any, and the bid proposal costs for each of the 5 subdivisions of work set forth in this Section; (ii) the contract entered into with the successful bidder shall provide that no identified subcontractor may be terminated without the written consent of the Capital Development Board; (iii) the contract shall comply with the disadvantaged business practices of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and the equal employment practices of Section 2-105 of the Illinois Human Rights Act [775 ILCS 5/2-105]; and (iv) the Capital Development Board shall submit an annual report to the General Assembly and Governor on the bidding, award, and performance of all single prime projects.

For building construction projects with a total construction cost valued at $5,000,000 or less, the Capital Development Board shall not use the single prime procurement delivery method for more than 50% of the total number of projects bid for each fiscal year. Any project with a total construction cost valued greater than $5,000,000 may be bid using single prime at the discretion of the Executive Director of the Capital Development Board.

(b) The provisions of this subsection are operative on and after January 1, 2024. For building construction contracts in excess of $250,000, separate specifications shall be prepared for all equipment, labor, and materials in connection with the following 5 subdivisions of the work to be performed:

(1) plumbing;

(2) heating, piping, refrigeration, and automatic temperature control systems, including the testing and balancing of those systems;

(3) ventilating and distribution systems for conditioned air, including the testing and balancing of those systems;

(4) electric wiring; and

(5) general contract work.

The specifications must be so drawn as to permit separate and independent bidding upon each of the 5 subdivisions of work. All contracts awarded for any part thereof shall award the 5 subdivisions of work separately to responsible and reliable persons, firms, or corporations engaged in these classes of work. The contracts, at the discretion of the construction agency, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the construction agency before the bidding as the prime subdivision of work, provided that all payments will be made directly to the contractors for the 5 subdivisions of work upon compliance with the conditions of the contract.

HISTORY:

P.A. 90-572, § 30-30; 93-1035, § 10; 94-699, § 5; 95-758, § 5; 96-1204, § 5; 96-1486, § 5; 97-182, § 5; 98-431, § 5; 98-1076, § 5; 99-257, § 5; 2017 P.A. 100-391, § 55, effective August 25, 2017; 2019 P.A. 101-369, § 15, effective December 15, 2019; 2020 P.A. 101-645, § 40, effective June 26, 2020; 2021 P.A. 102-671, § 45, effective November 30, 2021.

30 ILCS 500/30-35 Expenditure in excess of contract price.

(a) **Germaneness.** No funds in excess of the contract price may be obligated or expended unless the additional work to be performed or materials to be furnished is germane to the original contract. Even if germane to the original contract, no additional expenditures or obligations may, in their total combined amounts, be in excess of the percentages of the original contract amount set forth in subsection (b) unless they have received the prior written approval of the construction agency. In the event that the total of the combined additional expenditures or obligations exceeds the percentages of the original contract amount set forth in subsection (b), the construction agency shall investigate all the additional expenditures or obligations in excess of the original contract amount and shall in writing approve or disapprove subsequent expenditures or obligations and state in detail the reasons for the approval or disapproval.

(b) **Written determination required.** When the contract amount is no more than $75,000, the percentage shall be 9% (maximum $6,750). When the

contract amount is between $75,001 and $200,000, the percentage shall be 7% of the amount above $75,000 plus $6,750, but not to exceed 7% of $200,000 (maximum $14,000). When the contract amount is between $200,001 and $500,000, the percentage shall be 5% of the amount above $200,000 plus $14,000, but not to exceed 5% of $500,000 (maximum $25,000). When the contract amount is in excess of $500,000, the percentage shall be 3% of the amount above $500,000 plus $25,000.

HISTORY:
P.A. 90-572, § 30-35.

30 ILCS 500/30-43 Capitol complex construction. [Repealed]

HISTORY:
P.A. 92-11, § 20; repealed by P.A. 93-632, § 80, effective February 1, 2004.

30 ILCS 500/30-45 Other Acts.

This Article is subject to applicable provisions of the following Acts:

(1) the Prevailing Wage Act [820 ILCS 130/0.01 et seq.];

(2) the Public Construction Bond Act [30 ILCS 550/0.01 et seq.];

(3) the Public Works Employment Discrimination Act [775 ILCS 10/0.01 et seq.];

(4) the Public Works Preference Act [30 ILCS 560/0.01 et seq.] (repealed on June 16, 2010 by Public Act 96-929);

(5) the Employment of Illinois Workers on Public Works Act [30 ILCS 570/0.01 et seq.];

(6) the Public Contract Fraud Act [30 ILCS 545/0.01 et seq.];

(7) (blank); and

(8) the Project Labor Agreements Act [30 ILCS 571/1 et seq.].

HISTORY:
P.A. 90-572, § 30-45; 97-199, § 45; 97-333, § 110; 2019 P.A. 101-149, § 20, effective July 26, 2019.

30 ILCS 500/30-50 Mobilization payments.

(a) As used in this Section, "mobilization payment" means an advance payment for the preparatory work and operations necessary for the movement of personnel, equipment, supplies, and incidentals to a project site and for all other work or operations that must be performed or costs incurred when beginning work on a project.

(b) When a contract under this Code entered into by the Department of Transportation provides for mobilization payments and the contractor is using the services of a subcontractor, the subcontract shall include terms requiring mobilization payments be made to the subcontractor.

Mobilization payments to a subcontractor shall be made on a tiered system based on the initial value of the subcontract:

Subcontract value	Mobilization percentage
Less than $10,000	25%
$10,000-$19,999	20%
$20,000-$39,999	18%
$40,000-$59,999	16%
$60,000-$79,999	14%
$80,000-$99,999	12%
$100,000-$249,999	10%
$250,000-$499,999	9%
$500,000-$750,000	8%
Over $750,000	7%

(c) This Section only applies to contracts entered into by the Department of Transportation.

HISTORY:
2017 P.A. 100-333, § 5, effective January 1, 2018.

30 ILCS 500/30-55 Construction contracts involving nonmarket economy countries.

(a) Notwithstanding any provision of law to the contrary, no procurement contract for the construction, alteration, operation, repair, maintenance, or improvement of any mass transit facility, or equipment thereof, in excess of $1,000,000 shall be awarded to or executed with any vendor that receives support from a nonmarket economy country as defined in section 7781(18) of the Tariff Act of 1930 (19 U.S.C. 1677 (18)) and was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country, and is subject to monitoring by the United States Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

(b) Nothing in this Section is intended to contravene any existing treaties, laws, trade agreements, or regulations of the United States or subsequent trade agreements entered into between any foreign countries and the State or the United States.

HISTORY:
2021 P.A. 102-163, § 5, effective January 1, 2022.

30 ILCS 500/30-60 Change order reports. [Effective January 1, 2023; Effective until January 1, 2026]

(a) During the period described in subsection (b), the Capital Development Board and the Department of Transportation shall each prepare quarterly reports on the status of change order requests concerning price that have been received by either the Board or the Department and that have not been acted upon within 45 days. The reports shall be made available to the public on the Internet websites of the Capital Development Board and the Department of Transportation, and shall also be submitted to the Governor and the General Assembly. The reports shall include as much information as possible, including, but not limited to: (i) the number of change

order requests concerning price that have been received by the Board or the Department within the applicable reporting quarter and have not been acted upon within 45 days after their receipt; and (ii) for those change order requests concerning price that are agreed to by the Board or the Department, information on the number of days that passed between the date the change order request was received and the date it was agreed to by the Board or Department.

(b) There shall be 12 quarterly reports in total. The first report shall be published on or before January 15, 2023, and the last report shall be published on or before December 15, 2025.

(c) The reports may include a narrative section that explains any internal improvements made and any plans to reduce the number of contracts with a change order in which an agreement on price is not reached within 45 days after receipt of the change order request.

(d) This Section is repealed on January 1, 2026.

HISTORY:
2022 P.A. 102-721, § 5, effective January 1, 2023.

30 ILCS 500/30-150 Proposed contracts; Procurement Policy Board.

This Article is subject to Section 5-30 of this Code [30 ILCS 500/5-30].

HISTORY:
P.A. 93-839, § 10-130.

ARTICLE 50.

PROCUREMENT ETHICS AND DISCLOSURE

30 ILCS 500/50-1 Purpose.

It is the express duty of all chief procurement officers, State purchasing officers, and their designees to maximize the value of the expenditure of public moneys in procuring goods, services, and contracts for the State of Illinois and to act in a manner that maintains the integrity and public trust of State government. In discharging this duty, they are charged to use all available information, reasonable efforts, and reasonable actions to protect, safeguard, and maintain the procurement process of the State of Illinois.

HISTORY:
P.A. 90-572, § 50-1.

30 ILCS 500/50-2 Continuing disclosure; false certification.

Every person that has entered into a contract for more than one year in duration for the initial term or for any renewal term shall certify, by January 1 of each fiscal year covered by the contract after the initial fiscal year, to the chief procurement officer or, if the procurement is under the authority of a chief procurement officer, the applicable procurement officer of any changes that affect its ability to satisfy the requirements of this Article pertaining to eligibility for a contract award. If a contractor or subcontractor continues to meet all requirements of this Article, it shall not be required to submit any certification or if the work under the contract has been substantially completed before contract expiration but the contract has not yet expired. If a contractor or subcontractor is not able to truthfully certify that it continues to meet all requirements, it shall provide with its certification a detailed explanation of the circumstances leading to the change in certification status. A contractor or subcontractor that makes a false statement material to any given certification required under this Article is, in addition to any other penalties or consequences prescribed by law, subject to liability under the Illinois False Claims Act [740 ILCS 175/1 et seq.] for submission of a false claim.

HISTORY:
P.A. 96-795, § 95-35; 96-1304, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/50-5 Bribery.

(a) Prohibition. No person or business shall be awarded a contract or subcontract under this Code who:

(1) has been convicted under the laws of Illinois or any other state of bribery or attempting to bribe an officer or employee of the State of Illinois or any other state in that officer's or employee's official capacity; or

(2) has made an admission of guilt of that conduct that is a matter of record but has not been prosecuted for that conduct.

(b) Businesses. No business shall be barred from contracting with any unit of State or local government, or subcontracting under such a contract, as a result of a conviction under this Section of any employee or agent of the business if the employee or agent is no longer employed by the business and:

(1) the business has been finally adjudicated not guilty; or

(2) the business demonstrates to the governmental entity with which it seeks to contract or which is a signatory to the contract to which the subcontract relates, and that entity finds that the commission of the offense was not authorized, requested, commanded, or performed by a director, officer, or high managerial agent on behalf of the business as provided in paragraph (2) of subsection (a) of Section 5-4 of the Criminal Code of 2012 [720 ILCS 5/5-4].

(c) Conduct on behalf of business. For purposes of this Section, when an official, agent, or employee of a business committed the bribery or attempted bribery on behalf of the business and in accordance with the direction or authorization of a responsible official of

the business, the business shall be chargeable with the conduct.

(d) Certification. Every bid or offer submitted to every contract executed by the State, every subcontract subject to Section 20-120 of this Code [30 ILCS 500/20-120], and every vendor's submission to a vendor portal shall contain a certification by the bidder, offeror, potential contractor, contractor, or the subcontractor, respectively, that the bidder, offeror, potential contractor, contractor or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer may declare the related contract void if any certifications required by this Section are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false. A bidder, offeror, potential contractor, contractor, or subcontractor who makes a false statement, material to the certification, commits a Class 3 felony.

HISTORY:
P.A. 90-572, § 50-5; 96-795, § 95-35; 97-895, § 15; 97-1150, § 110; 98-1076, § 5.

30 ILCS 500/50-10 Felons.

(a) Unless otherwise provided, no person or business convicted of a felony shall do business with the State of Illinois or any State agency, or enter into a subcontract, from the date of conviction until 5 years after the date of completion of the sentence for that felony, unless no person held responsible by a prosecutorial office for the facts upon which the conviction was based continues to have any involvement with the business.

For purposes of this subsection (a), "completion of sentence" means completion of all sentencing related to the felony conviction or admission and includes, but is not limited to, the following: incarceration, mandatory supervised release, probation, work release, house arrest, or commitment to a mental facility.

(b) Every bid or offer submitted to the State, every contract executed by the State, every subcontract subject to Section 20-120 of this Code [30 ILCS 500/50-120], and every vendor's submission to a vendor portal shall contain a certification by the bidder, offeror, potential contractor, contractor, or subcontractor, respectively, that the bidder, offeror, potential contractor, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer may declare the related contract void if any of the certifications required by this Section are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.

HISTORY:
P.A. 90-572, § 50-10; 96-795, § 95-35; 97-895, § 15; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/50-10.5 Prohibited bidders, offerors, potential contractors, and contractors.

(a) Unless otherwise provided, no business shall bid, offer, enter into a contract or subcontract under this Code, or make a submission to a vendor portal if the business or any officer, director, partner, or other managerial agent of the business has been convicted of a felony under the Sarbanes-Oxley Act of 2002 or a Class 3 or Class 2 felony under the Illinois Securities Law of 1953 [815 ILCS 5/1 et seq.] for a period of 5 years from the date of conviction.

(b) Every bid and offer submitted to the State, every contract executed by the State, every vendor's submission to a vendor portal, and every subcontract subject to Section 20-120 of this Code [30 ILCS 500/50-120] shall contain a certification by the bidder, offeror, potential contractor, contractor, or subcontractor, respectively, that the bidder, offeror, potential contractor, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer shall declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.

(c) If a business is not a natural person, the prohibition in subsection (a) applies only if:

(1) the business itself is convicted of a felony referenced in subsection (a); or

(2) the business is ordered to pay punitive damages based on the conduct of any officer, director, partner, or other managerial agent who has been convicted of a felony referenced in subsection (a).

(d) A natural person who is convicted of a felony referenced in subsection (a) remains subject to Section 50-10 [30 ILCS 500/50-10].

(e) No person or business shall bid, offer, make a submission to a vendor portal, or enter into a contract under this Code if the person or business assisted an employee of the State of Illinois, who, by the nature of his or her duties, has the authority to participate personally and substantially in the decision to award a State contract, by reviewing, drafting, directing, or preparing any invitation for bids, a request for proposal, or request for information or provided similar assistance except as part of a publicly issued opportunity to review drafts of all or part of these documents.

This subsection does not prohibit a person or business from submitting a bid or offer or entering into a contract if the person or business: (i) initiates a communication with an employee to provide general information about products, services, or industry best practices, (ii) responds to a communication initiated by an employee of the State for the purposes of providing information to evaluate new products, trends, services, or technologies, or (iii) asks for clarification regarding a solicitation, so long as there is no competitive advantage to the person or business and the question and answer, if material, are posted to the Illinois Procurement Bulletin as an addendum to the solicitation.

Nothing in this Section prohibits a vendor developing technology, goods, or services from bidding or offering to supply that technology or those goods or services if the subject demonstrated to the State represents industry trends and innovation and is not specifically designed to meet the State's needs.

Nothing in this Section prohibits a person performing construction-related services from initiating contact with a business that performs construction for the purpose of obtaining market costs or production time to determine the estimated costs to complete the construction project.

For purposes of this subsection (e), "business" includes all individuals with whom a business is affiliated, including, but not limited to, any officer, agent, employee, consultant, independent contractor, director, partner, or manager of a business.

No person or business shall submit specifications to a State agency unless requested to do so by an employee of the State. No person or business who contracts with a State agency to write specifications for a particular procurement need shall submit a bid or proposal or receive a contract for that procurement need.

HISTORY:
P.A. 93-600, § 5; 96-795, § 95-35; 96-920, § 5; 97-895, § 15; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/50-11 Debt delinquency. [Effective until January 1, 2023]

(a) No person shall submit a bid or offer for, enter into a contract or subcontract under this Code, or make a submission to a vendor portal if that person knows or should know that he or she or any affiliate is delinquent in the payment of any debt to the State, unless the person or affiliate has entered into a deferred payment plan to pay off the debt. For purposes of this Section, the phrase "delinquent in the payment of any debt" shall be determined by the Debt Collection Bureau. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), a person controls an entity if the person owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

(b) Every bid and offer submitted to the State, every vendor's submission to a vendor portal, every contract executed by the State and every subcontract subject to Section 20-120 of this Code [30 ILCS 500/20-120] shall contain a certification by the bidder, offeror, potential contractor, contractor, or subcontractor, respectively, that the bidder, offeror, respondent, potential contractor, contractor or the subcontractor and its affiliate is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer may declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.

HISTORY:
P.A. 92-404, § 10; 93-25, § 30-5; 96-493, § 15; 96-795, § 95-35; 96-1000, § 155; 97-895, § 15; 98-1076, § 5.

30 ILCS 500/50-11 Debt delinquency. [Effective January 1, 2023]

(a) If a person submits a bid or offer for, enters into a contract or subcontract under this Code, or makes a submission to a vendor portal and that person knows or should know that he or she or any affiliate is delinquent in the payment of any debt to the State, that person or affiliate must cure the debt delinquency within 7 calendar days by satisfying the entire debt, or the person or affiliate must enter into a deferred payment plan to pay off the debt, subject to the Comptroller's ability to process the payment, or must be actively disputing or seeking a resolution of the debt. For purposes of this Section, the phrase "delinquent in the payment of any debt" shall be determined by the Debt Collection Bureau. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), a person controls an entity if the person owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the

holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

(b) Every bid and offer submitted to the State, every vendor's submission to a vendor portal, every contract executed by the State and every subcontract subject to Section 20-120 of this Code [30 ILCS 500/20-120] shall contain a certification by the bidder, offeror, potential contractor, contractor, or subcontractor, respectively, that the bidder, offeror, respondent, potential contractor, contractor or the subcontractor and its affiliate is not barred from being awarded a contract or subcontract under this Section and acknowledges that the chief procurement officer may declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.

HISTORY:

P.A. 92-404, § 10; 93-25, § 30-5; 96-493, § 15; 96-795, § 95-35; 96-1000, § 155; 97-895, § 15; 98-1076, § 5; 2022 P.A. 102-721, § 5, effective January 1, 2023.

30 ILCS 500/50-12 Collection and remittance of Illinois Use Tax

(a) No person shall enter into a contract with a State agency or enter into a subcontract under this Code unless the person and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act [35 ILCS 105/1 et seq.] regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act [35 ILCS 105/2]. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (a), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (a), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

(b) Every bid and offer submitted to the State, every submission to a vendor portal, every contract executed by the State and every subcontract subject to Section 20-120 of this Code [30 ILCS 500/20-120] shall contain a certification by the bidder, offer or, potential contractor, contractor, or subcontractor, respectively, that the bidder, offeror, respondent, potential contractor, contractor, or subcontractor is not barred from bidding for or entering into a contract under subsection (a) of this Section and acknowledges that the chief procurement officer may declare the related contract void if any of the certifications completed pursuant to this subsection (b) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.

HISTORY:

P.A. 93-25, § 30-5; 96-795, § 95-35; 97-895, § 15; 98-1076, § 15.

30 ILCS 500/50-13 Conflicts of interest.

(a) Prohibition. It is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government and who receives compensation for such employment in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority.

(b) Interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) is entitled to receive (i) more than 7 1/2% of the total distributable income or (ii) an amount in excess of the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

(c) Combined interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) together with his or her spouse or minor children is entitled to receive (i) more than 15%, in the aggregate, of the total distributable income or (ii) an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

(c-5) Appointees and firms. In addition to any provisions of this Code, the interests of certain appointees and their firms are subject to Section 3A-35 of the Illinois Governmental Ethics Act [5 ILCS 420/3A-35].

(d) Securities. Nothing in this Section invalidates the provisions of any bond or other security previously offered or to be offered for sale or sold by or for the State of Illinois.

(e) Prior interests. This Section does not affect the validity of any contract made between the State and an officer or employee of the State or member of the General Assembly, his or her spouse, minor child, or other immediate family member living in his or her residence or any combination of those persons if that contract was in existence before his or her election or employment as an officer, member, or employee. The contract is voidable, however, if it cannot be completed within 365 calendar days after the officer, member, or employee takes office or is employed.

(f) Exceptions.

(1) Public aid payments. This Section does not apply to payments made for a public aid recipient.

(2) Teaching. This Section does not apply to a contract for personal services as a teacher or school administrator between a member of the General Assembly or his or her spouse, or a State officer or employee or his or her spouse, and any school district, public community college district, the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governors State University, or Northeastern Illinois University.

(3) Ministerial duties. This Section does not apply to a contract for personal services of a wholly ministerial character, including but not limited to services as a laborer, clerk, typist, stenographer, page, bookkeeper, receptionist, or telephone switchboard operator, made by a spouse or minor child of an elective or appointive State officer or employee or of a member of the General Assembly.

(4) Child and family services. This Section does not apply to payments made to a member of the General Assembly, a State officer or employee, his or her spouse or minor child acting as a foster parent, homemaker, advocate, or volunteer for or in behalf of a child or family served by the Department of Children and Family Services.

(5) Licensed professionals. Contracts with licensed professionals, provided they are competitively bid or part of a reimbursement program for specific, customary goods and services through the Department of Children and Family Services, the Department of Human Services, the Department of Healthcare and Family Services, the Department of Public Health, or the Department on Aging.

(g) Penalty. A person convicted of a violation of this Section is guilty of a business offense and shall be fined not less than $1,000 nor more than $5,000.

HISTORY:

P.A. 90-572, § 50-13; 93-615, § 90-35; 95-331, § 350; 98-1076, § 5; 2019 P.A. 101-81, § 245, effective July 12, 2019.

30 ILCS 500/50-14 Environmental Protection Act violations.

(a) Unless otherwise provided, no person or business found by a court or the Pollution Control Board to have committed a willful or knowing violation of the Environmental Protection Act [415 ILCS 5/1 et seq.] shall do business with the State of Illinois or any State agency or enter into a subcontract that is subject to this Code from the date of the order containing the finding of violation until 5 years after that date, unless the person or business can show that no person involved in the violation continues to have any involvement with the business.

(b) A person or business otherwise barred from doing business with the State of Illinois or any State agency or subcontracting under this Code by subsection (a) may be allowed to do business with the State of Illinois or any State agency if it is shown that there is no practicable alternative to the State to contracting with that person or business.

(c) Every bid or offer submitted to the State, every contract executed by the State, every submission to a vendor portal, and every subcontract subject to Section 20-120 of this Code [30 ILCS 500/20-120] shall contain a certification by the bidder, offeror, potential contractor, contractor, or subcontractor, respectively, that the bidder, offeror, potential contractor, contractor, or subcontractor is not barred from being awarded a contract or subcontract under this Section and acknowledges that the contracting State agency may declare the related contract void if any of the certifications completed pursuant to this subsection (c) are false. If the false certification is made by a subcontractor, then the contractor's submitted bid or offer and the executed contract may not be declared void, unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontract's certification was false.

HISTORY:

P.A. 93-575, § 5; 93-826, § 5; 96-795, § 95-35; 97-895, § 15; 98-1076, § 5.

30 ILCS 500/50-14.5 Lead Poisoning Prevention Act violations.

Owners of residential buildings who have committed a willful or knowing violation of the Lead Poisoning Prevention Act [410 ILCS 45/1 et seq.] are prohibited from doing business with the State of Illinois or any State agency, or subcontracting under this Code, until the violation is mitigated.

HISTORY:

P.A. 94-879, § 5; 96-795, § 95-35.

30 ILCS 500/50-15 Negotiations.

(a) It is unlawful for any person employed in or on a continual contractual relationship with any of the offices or agencies of State government to participate in contract negotiations on behalf of that office or

agency with any firm, partnership, association, or corporation with whom that person has a contract for future employment or is negotiating concerning possible future employment.

(b) Any person convicted of a violation of this Section is guilty of a business offense and shall be fined not less than $1,000 nor more than $5,000.

HISTORY:
P.A. 90-572, § 50-15.

30 ILCS 500/50-17 Expatriated entities.

(a) Except as provided in subsection (b) of this Section, no business or member of a unitary business group, as defined in the Illinois Income Tax Act [35 ILCS 5/101 et seq.], shall submit a bid for or enter into a contract with a State agency under this Code if that business or any member of the unitary business group is an expatriated entity.

(b) An expatriated entity or a member of a unitary business group with an expatriated entity as a member may submit a bid for or enter into a contract with a State agency under this Code if the appropriate chief procurement officer determines that either of the following apply:

(1) the contract is awarded as a sole source procurement under Section 20-25 of this Code [30 ILCS 500/20-25], provided that the appropriate chief procurement officer (i) includes in the notice of intent to enter into a sole source contract a prominent statement that the intended sole source contractor is an expatriated entity and (ii) holds a public hearing at which the chief procurement officer and purchasing agency present written justification for the use of a sole source contract with an expatriated entity and any member of the public may present testimony; or

(2) the purchase is of pharmaceutical products, drugs, biologics, vaccines, medical supplies, or devices used to provide medical and health care or treat disease or used in medical or research diagnostic tests, and medical nutritionals regulated by the Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act.

HISTORY:
2017 P.A. 100-551, § 5, effective January 1, 2018.

30 ILCS 500/50-20 Exemptions.

The appropriate chief procurement officer may file a request with the Executive Ethics Commission to exempt named individuals from the prohibitions of Section 50-13 [30 ILCS 500/50-13] when, in his or her judgment, the public interest in having the individual in the service of the State outweighs the public policy evidenced in that Section. The Executive Ethics Commission may grant an exemption after a public hearing at which any person may present testimony. The chief procurement officer shall publish notice of the date, time, and location of the hearing in the online electronic Bulletin at least 14 calendar days prior to the hearing and provide notice to the individual subject to the waiver, the Procurement Policy Board, and the Commission on Equity and Inclusion. The Executive Ethics Commission shall also provide public notice of the date, time, and location of the hearing on its website. If the Commission grants an exemption, the exemption is effective only if it is filed with the Secretary of State and the Comptroller prior to the execution of any contract and includes a statement setting forth the name of the individual and all the pertinent facts that would make that Section applicable, setting forth the reason for the exemption, and declaring the individual exempted from that Section. Notice of each exemption shall be published in the Illinois Procurement Bulletin. A contract for which a waiver has been issued but has not been filed in accordance with this Section is voidable by the State. The changes to this Section made by this amendatory Act of the 96th General Assembly shall apply to exemptions granted on or after its effective date.

HISTORY:
P.A. 90-572, § 50-20; 96-795, § 95-35; 98-1076, § 5; 2020 P.A. 101-657, § 40-125, effective January 1, 2022.

30 ILCS 500/50-21 Bond issuances.

(a) A State agency shall not enter into a contract with respect to the issuance of bonds or other securities by the State or a State agency with any entity that uses an independent consultant.

As used in this subsection, "independent consultant" means a person used by the entity to obtain or retain securities business through direct or indirect communication by the person with a State official or employee on behalf of the entity when the communication is undertaken by the person in exchange for or with the understanding of receiving payment from the entity or another person. "Independent consultant" does not include (i) a finance professional employed by the entity or (ii) a person whose sole basis of compensation from the entity is the actual provision of legal, accounting, or engineering advice, services, or assistance in connection with the securities business that the entity seeks to obtain or retain.

(b) Prior to entering into a contract with a State agency with respect to the issuance of bonds or other securities by the State or a State agency, a contracting party subject to the Municipal Securities Rulemaking Board's Rule G-37, or a successor rule, shall include a certification that the contracting entity is and shall remain for the duration of the contract in compliance with the Rule's requirements for reporting political contributions. Subsequent failure to remain in compliance shall make the contract voidable by the State.

(c) If a federal agency finds that an entity has knowingly violated in Illinois the Municipal Securities Rulemaking Board's Rule G-37 (or any successor rule) with respect to the making of prohibited political contributions or payments, then the chief pro-

curement officer shall impose a penalty that is at least twice the fine assessed against that entity by the federal agency. The chief procurement officer shall also bar that entity from participating in any State agency contract with respect to the issuance of bonds or other securities for a period of one year. The one-year period shall begin upon the expiration of any debarment period imposed by a federal agency. If no debarment is imposed by a federal agency, then the one-year period shall begin on the date the chief procurement officer is advised of the violation.

If a federal agency finds that an entity has knowingly violated in Illinois the Municipal Securities Rulemaking Board's Rule G-38 (or any successor rule) with respect to the prohibition on obtaining or retaining municipal securities business, then the chief procurement officer shall bar that entity from participating in any State agency contract with respect to the issuance of bonds or other securities for a period of one year. The one-year period shall begin upon the expiration of any debarment period imposed by a federal agency. If no debarment is imposed by a federal agency, then the one-year period shall begin on the date the chief procurement officer is advised of the violation.

(d) Nothing in this Section shall be construed to apply retroactively, but shall apply prospectively on and after the effective date of this amendatory Act of the 96th General Assembly [P.A. 96-795].

HISTORY:
P.A. 96-795, § 95-35.

30 ILCS 500/50-25 Inducement.

Any person who offers or pays any money or other valuable thing to any person to induce him or her not to provide a submission to a vendor portal, bid, or submit an offer for a State contract or as recompense for not having bid on or submitted an offer for a State contract or provided a submission to a vendor portal is guilty of a Class 4 felony. Any person who accepts any money or other valuable thing for not bidding or submitting an offer for a State contract, not making a submission to a vendor portal, or who withholds a bid, offer, or submission to vendor portal in consideration of the promise for the payment of money or other valuable thing is guilty of a Class 4 felony.

HISTORY:
P.A. 90-572, § 50-25; 98-1076, § 5.

30 ILCS 500/50-30 Revolving door prohibition.

(a) Chief procurement officers, State purchasing officers, procurement compliance monitors, their designees whose principal duties are directly related to State procurement, and executive officers confirmed by the Senate are expressly prohibited for a period of 2 years after terminating an affected position from engaging in any procurement activity relating to the State agency most recently employing them in an affected position for a period of at least 6 months. The prohibition includes but is not limited to: lobbying the procurement process; specifying; bidding; proposing bid, proposal, or contract documents; on their own behalf or on behalf of any firm, partnership, association, or corporation. This subsection applies only to persons who terminate an affected position on or after January 15, 1999.

(b) In addition to any other provisions of this Code, employment of former State employees is subject to the State Officials and Employees Ethics Act [5 ILCS 430/1-1 et seq.].

HISTORY:
P.A. 90-572, § 50-30; 93-615, § 90-35; 96-795, § 95-35.

30 ILCS 500/50-35 Financial disclosure and potential conflicts of interest. [Effective until January 1, 2023]

(a) All bids and offers from responsive bidders, offerors, vendors, or contractors with an annual value of more than $50,000, and all submissions to a vendor portal, shall be accompanied by disclosure of the financial interests of the bidder, offeror, potential contractor, or contractor and each subcontractor to be used. In addition, all subcontracts identified as provided by Section 20-120 of this Code [30 ILCS 500/20-120] with an annual value of more than $50,000 shall be accompanied by disclosure of the financial interests of each subcontractor. The financial disclosure of each successful bidder, offeror, potential contractor, or contractor and its subcontractors shall be incorporated as a material term of the contract and shall become part of the publicly available contract or procurement file maintained by the appropriate chief procurement officer. Each disclosure under this Section shall be signed and made under penalty of perjury by an authorized officer or employee on behalf of the bidder, offeror, potential contractor, contractor, or subcontractor, and must be filed with the Procurement Policy Board and the Commission on Equity and Inclusion.

(b) Disclosure shall include any ownership or distributive income share that is in excess of 5%, or an amount greater than 60% of the annual salary of the Governor, of the disclosing entity or its parent entity, whichever is less, unless the bidder, offeror, potential contractor, contractor, or subcontractor (i) is a publicly traded entity subject to Federal 10K reporting, in which case it may submit its 10K disclosure in place of the prescribed disclosure, or (ii) is a privately held entity that is exempt from Federal 10k reporting but has more than 100 shareholders, in which case it may submit the information that Federal 10k reporting companies are required to report under 17 CFR 229.401 and list the names of any person or entity holding any ownership share that is in excess of 5% in place of the prescribed disclosure. The form of disclosure shall be prescribed by the applicable chief procurement officer and must include at least the names, addresses, and dollar or proportionate share of ownership of each person identified in this

Section, their instrument of ownership or beneficial relationship, and notice of any potential conflict of interest resulting from the current ownership or beneficial relationship of each individual identified in this Section having in addition any of the following relationships:

(1) State employment, currently or in the previous 3 years, including contractual employment of services.

(2) State employment of spouse, father, mother, son, or daughter, including contractual employment for services in the previous 2 years.

(3) Elective status; the holding of elective office of the State of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois currently or in the previous 3 years.

(4) Relationship to anyone holding elective office currently or in the previous 2 years; spouse, father, mother, son, or daughter.

(5) Appointive office; the holding of any appointive government office of the State of Illinois, the United States of America, or any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois, which office entitles the holder to compensation in excess of expenses incurred in the discharge of that office currently or in the previous 3 years.

(6) Relationship to anyone holding appointive office currently or in the previous 2 years; spouse, father, mother, son, or daughter.

(7) Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government.

(8) Relationship to anyone who is or was a registered lobbyist in the previous 2 years; spouse, father, mother, son, or daughter.

(9) Compensated employment, currently or in the previous 3 years, by any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.

(10) Relationship to anyone; spouse, father, mother, son, or daughter; who is or was a compensated employee in the last 2 years of any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.

(b-1) The disclosure required under this Section must also include the name and address of each lobbyist required to register under the Lobbyist Registration Act [25 ILCS 170/1 et seq.] and other agent of the bidder, offeror, potential contractor, contractor, or subcontractor who is not identified under subsections (a) and (b) and who has communicated, is communicating, or may communicate with any State officer or employee concerning the bid or offer. The disclosure under this subsection is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.

(b-2) The disclosure required under this Section must also include, for each of the persons identified in subsection (b) or (b-1), each of the following that occurred within the previous 10 years: suspension or debarment from contracting with any governmental entity; professional licensure discipline; bankruptcies; adverse civil judgments and administrative findings; and criminal felony convictions. The disclosure under this subsection is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.

(c) The disclosure in subsection (b) is not intended to prohibit or prevent any contract. The disclosure is meant to fully and publicly disclose any potential conflict to the chief procurement officers, State purchasing officers, their designees, and executive officers so they may adequately discharge their duty to protect the State.

(d) When a potential for a conflict of interest is identified, discovered, or reasonably suspected, the chief procurement officer or State procurement officer shall send the contract to the Procurement Policy Board and the Commission on Equity and Inclusion. In accordance with the objectives of subsection (c), if the Procurement Policy Board or the Commission on Equity and Inclusion finds evidence of a potential conflict of interest not originally disclosed by the bidder, offeror, potential contractor, contractor, or subcontractor, the Board or the Commission on Equity and Inclusion shall provide written notice to the bidder, offeror, potential contractor, contractor, or subcontractor that is identified, discovered, or reasonably suspected of having a potential conflict of interest. The bidder, offeror, potential contractor, contractor, or subcontractor shall have 15 calendar days to respond in writing to the Board or the Commission on Equity and Inclusion, and a hearing before the Board or the Commission on Equity and Inclusion will be granted upon request by the bidder, offeror, potential contractor, contractor, or subcontractor, at a date and time to be determined by the Board or the Commission on Equity and Inclusion, but which in no event shall occur later than 15 calendar days after the date of the request. Upon consideration, the Board or the Commission on Equity and Inclusion shall recommend, in writing, whether to allow or void the contract, bid, offer, or subcontract weighing the best interest of the State of Illinois. All recommendations shall be submitted to the Executive Ethics Commission. The Executive Ethics Commission must hold a public hearing within 30 calendar days after receiving the Board's or the Commission on Equity and Inclusion's recommendation if the Procurement Policy Board or the

Commission on Equity and Inclusion makes a recommendation to (i) void a contract or (ii) void a bid or offer and the chief procurement officer selected or intends to award the contract to the bidder, offeror, or potential contractor. A chief procurement officer is prohibited from awarding a contract before a hearing if the Board or the Commission on Equity and Inclusion recommendation does not support a bid or offer. The recommendation and proceedings of any hearing, if applicable, shall be available to the public.

(e) These thresholds and disclosure do not relieve the chief procurement officer, the State purchasing officer, or their designees from reasonable care and diligence for any contract, bid, offer, or submission to a vendor portal. The chief procurement officer, the State purchasing officer, or their designees shall be responsible for using any reasonably known and publicly available information to discover any undisclosed potential conflict of interest and act to protect the best interest of the State of Illinois.

(f) Inadvertent or accidental failure to fully disclose shall render the contract, bid, offer, proposal, subcontract, or relationship voidable by the chief procurement officer if he or she deems it in the best interest of the State of Illinois and, at his or her discretion, may be cause for barring from future contracts, bids, offers, proposals, subcontracts, or relationships with the State for a period of up to 2 years.

(g) Intentional, willful, or material failure to disclose shall render the contract, bid, offer, proposal, subcontract, or relationship voidable by the chief procurement officer if he or she deems it in the best interest of the State of Illinois and shall result in debarment from future contracts, bids, offers, proposals, subcontracts, or relationships for a period of not less than 2 years and not more than 10 years. Reinstatement after 2 years and before 10 years must be reviewed and commented on in writing by the Governor of the State of Illinois, or by an executive ethics board or commission he or she might designate. The comment shall be returned to the responsible chief procurement officer who must rule in writing whether and when to reinstate.

(h) In addition, all disclosures shall note any other current or pending contracts, bids, offers, proposals, subcontracts, leases, or other ongoing procurement relationships the bidder, offeror, potential contractor, contractor, or subcontractor has with any other unit of State government and shall clearly identify the unit and the contract, offer, proposal, lease, or other relationship.

(i) The bidder, offeror, potential contractor, or contractor has a continuing obligation to supplement the disclosure required by this Section throughout the bidding process during the term of any contract, and during the vendor portal registration process.

HISTORY:

P.A. 90-572, § 50-35; 91-146, § 5; 95-331, § 350; 96-795, § 95-35; 96-920, § 5; 97-490, § 5; 97-895, § 15; 98-1076, § 5; 2020 P.A. 101-657, § 40-125, effective January 1, 2022.

30 ILCS 500/50-35 Financial disclosure and potential conflicts of interest. [Effective January 1, 2023]

(a) All bids and offers from responsive bidders, offerors, vendors, or contractors with an annual value that exceeds the small purchase threshold established under subsection (a) of Section 20-20 of this Code [30 ILCS 500/20-20], and all submissions to a vendor portal, shall be accompanied by disclosure of the financial interests of the bidder, offeror, potential contractor, or contractor and each subcontractor to be used. In addition, all subcontracts identified as provided by Section 20-120 of this Code [30 ILCS 500/20-120] with an annual value that exceeds the small purchase threshold established under subsection (a) of Section 20-20 of this Code shall be accompanied by disclosure of the financial interests of each subcontractor. The financial disclosure of each successful bidder, offeror, potential contractor, or contractor and its subcontractors shall be incorporated as a material term of the contract and shall become part of the publicly available contract or procurement file maintained by the appropriate chief procurement officer. Each disclosure under this Section shall be signed and made under penalty of perjury by an authorized officer or employee on behalf of the bidder, offeror, potential contractor, contractor, or subcontractor, and must be filed with the Procurement Policy Board and the Commission on Equity and Inclusion.

(b) Disclosure shall include any ownership or distributive income share that is in excess of 5%, or an amount greater than 60% of the annual salary of the Governor, of the disclosing entity or its parent entity, whichever is less, unless the bidder, offeror, potential contractor, contractor, or subcontractor (i) is a publicly traded entity subject to Federal 10K reporting, in which case it may submit its 10K disclosure in place of the prescribed disclosure, or (ii) is a privately held entity that is exempt from Federal 10k reporting but has more than 100 shareholders, in which case it may submit the information that Federal 10k reporting companies are required to report under 17 CFR 229.401 and list the names of any person or entity holding any ownership share that is in excess of 5% in place of the prescribed disclosure. The form of disclosure shall be prescribed by the applicable chief procurement officer and must include at least the names, addresses, and dollar or proportionate share of ownership of each person identified in this Section, their instrument of ownership or beneficial relationship, and notice of any potential conflict of interest resulting from the current ownership or beneficial relationship of each individual identified in this Section having in addition any of the following relationships:

(1) State employment, currently or in the previous 3 years, including contractual employment of services.

(2) State employment of spouse, father, mother, son, or daughter, including contractual employment for services in the previous 2 years.

(3) Elective status; the holding of elective office of the State of Illinois, the government of the United States, any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois currently or in the previous 3 years.

(4) Relationship to anyone holding elective office currently or in the previous 2 years; spouse, father, mother, son, or daughter.

(5) Appointive office; the holding of any appointive government office of the State of Illinois, the United States of America, or any unit of local government authorized by the Constitution of the State of Illinois or the statutes of the State of Illinois, which office entitles the holder to compensation in excess of expenses incurred in the discharge of that office currently or in the previous 3 years.

(6) Relationship to anyone holding appointive office currently or in the previous 2 years; spouse, father, mother, son, or daughter.

(7) Employment, currently or in the previous 3 years, as or by any registered lobbyist of the State government.

(8) Relationship to anyone who is or was a registered lobbyist in the previous 2 years; spouse, father, mother, son, or daughter.

(9) Compensated employment, currently or in the previous 3 years, by any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.

(10) Relationship to anyone; spouse, father, mother, son, or daughter; who is or was a compensated employee in the last 2 years of any registered election or re-election committee registered with the Secretary of State or any county clerk in the State of Illinois, or any political action committee registered with either the Secretary of State or the Federal Board of Elections.

(b-1) The disclosure required under this Section must also include the name and address of each lobbyist required to register under the Lobbyist Registration Act [25 ILCS 170/1 et seq.] and other agent of the bidder, offeror, potential contractor, contractor, or subcontractor who is not identified under subsections (a) and (b) and who has communicated, is communicating, or may communicate with any State officer or employee concerning the bid or offer. The disclosure under this subsection is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.

(b-2) The disclosure required under this Section must also include, for each of the persons identified in subsection (b) or (b-1), each of the following that occurred within the previous 10 years: suspension or debarment from contracting with any governmental entity; professional licensure discipline; bankruptcies; adverse civil judgments and administrative findings; and criminal felony convictions. The disclosure under this subsection is a continuing obligation and must be promptly supplemented for accuracy throughout the process and throughout the term of the contract if the bid or offer is successful.

(c) The disclosure in subsection (b) is not intended to prohibit or prevent any contract. The disclosure is meant to fully and publicly disclose any potential conflict to the chief procurement officers, State purchasing officers, their designees, and executive officers so they may adequately discharge their duty to protect the State.

(d) When a potential for a conflict of interest is identified, discovered, or reasonably suspected, the chief procurement officer or State procurement officer shall send the contract to the Procurement Policy Board and the Commission on Equity and Inclusion. In accordance with the objectives of subsection (c), if the Procurement Policy Board or the Commission on Equity and Inclusion finds evidence of a potential conflict of interest not originally disclosed by the bidder, offeror, potential contractor, contractor, or subcontractor, the Board or the Commission on Equity and Inclusion shall provide written notice to the bidder, offeror, potential contractor, contractor, or subcontractor that is identified, discovered, or reasonably suspected of having a potential conflict of interest. The bidder, offeror, potential contractor, contractor, or subcontractor shall have 15 calendar days to respond in writing to the Board or the Commission on Equity and Inclusion, and a hearing before the Board or the Commission on Equity and Inclusion will be granted upon request by the bidder, offeror, potential contractor, contractor, or subcontractor, at a date and time to be determined by the Board or the Commission on Equity and Inclusion, but which in no event shall occur later than 15 calendar days after the date of the request. Upon consideration, the Board or the Commission on Equity and Inclusion shall recommend, in writing, whether to allow or void the contract, bid, offer, or subcontract weighing the best interest of the State of Illinois. All recommendations shall be submitted to the Executive Ethics Commission. The Executive Ethics Commission must hold a public hearing within 30 calendar days after receiving the Board's or the Commission on Equity and Inclusion's recommendation if the Procurement Policy Board or the Commission on Equity and Inclusion makes a recommendation to (i) void a contract or (ii) void a bid or offer and the chief procurement officer selected or intends to award the contract to the bidder, offeror, or potential contractor. A chief procurement officer is prohibited from awarding a contract before a hearing if the Board or the Commission on Equity and Inclusion recommendation does not support a bid or offer. The recommendation and proceedings of any hearing, if applicable, shall be available to the public.

(e) These thresholds and disclosure do not relieve the chief procurement officer, the State purchasing

officer, or their designees from reasonable care and diligence for any contract, bid, offer, or submission to a vendor portal. The chief procurement officer, the State purchasing officer, or their designees shall be responsible for using any reasonably known and publicly available information to discover any undisclosed potential conflict of interest and act to protect the best interest of the State of Illinois.

(f) Inadvertent or accidental failure to fully disclose shall render the contract, bid, offer, proposal, subcontract, or relationship voidable by the chief procurement officer if he or she deems it in the best interest of the State of Illinois and, at his or her discretion, may be cause for barring from future contracts, bids, offers, proposals, subcontracts, or relationships with the State for a period of up to 2 years.

(g) Intentional, willful, or material failure to disclose shall render the contract, bid, offer, proposal, subcontract, or relationship voidable by the chief procurement officer if he or she deems it in the best interest of the State of Illinois and shall result in debarment from future contracts, bids, offers, proposals, subcontracts, or relationships for a period of not less than 2 years and not more than 10 years. Reinstatement after 2 years and before 10 years must be reviewed and commented on in writing by the Governor of the State of Illinois, or by an executive ethics board or commission he or she might designate. The comment shall be returned to the responsible chief procurement officer who must rule in writing whether and when to reinstate.

(h) In addition, all disclosures shall note any other current or pending contracts, bids, offers, proposals, subcontracts, leases, or other ongoing procurement relationships the bidder, offeror, potential contractor, contractor, or subcontractor has with any other unit of State government and shall clearly identify the unit and the contract, offer, proposal, lease, or other relationship.

(i) The bidder, offeror, potential contractor, or contractor has a continuing obligation to supplement the disclosure required by this Section throughout the bidding process during the term of any contract, and during the vendor portal registration process.

(j) If a bid or offer is received from a responsive bidder, offeror, vendor, contractor, or subcontractor with an annual value of more than $100,000 and the bidder, offeror, vendor, contractor, or subcontractor has an active contract with that same entity and already has submitted their financial disclosures and potential conflicts of interest within the last 12 months, the bidder, offeror, vendor, contractor, or subcontractor may submit a signed affidavit attesting that the original submission of its financial disclosures and potential conflicts of interests has not been altered or changed. The form and content of the affidavit shall be prescribed by the applicable chief procurement officer.

HISTORY:

P.A. 90-572, § 50-35; 91-146, § 5; 95-331, § 350; 96-795, § 95-35; 96-920, § 5; 97-490, § 5; 97-895, § 15; 98-1076, § 5; 2020 P.A. 101-657, § 40-125, effective January 1, 2022; 2022 P.A. 102-721, § 5, effective January 1, 2023.

30 ILCS 500/50-36 Disclosure of business in Iran.

(a) As used in this Section:

"Business operations" means engaging in commerce in any form in Iran, including, but not limited to, acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

"Company" means any sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including all wholly owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of those entities or business associations, that exists for the purpose of making profit.

"Mineral-extraction activities" include exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals or associated metal alloys or oxides (ore), including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc.

"Oil-related activities" include, but are not limited to, owning rights to oil blocks; exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading of oil; and constructing, maintaining, or operating a pipeline, refinery, or other oil-field infrastructure. The mere retail sale of gasoline and related consumer products is not considered an oil-related activity.

"Petroleum resources" means petroleum, petroleum byproducts, or natural gas.

"Substantial action" means adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within one year and to refrain from any such new business operations.

(b) Each bid or offer submitted for a State contract, other than a small purchase defined in Section 20-20 [30 ILCS 500/20-20], shall include a disclosure of whether or not the bidder, offeror, or any of its corporate parents or subsidiaries, within the 24 months before submission of the bid or offer had business operations that involved contracts with or provision of supplies or services to the Government of Iran, companies in which the Government of Iran has any direct or indirect equity share, consortiums or projects commissioned by the Government of Iran, or companies involved in consortiums or projects commissioned by the Government of Iran and:

(1) more than 10% of the company's revenues produced in or assets located in Iran involve oil-related activities or mineral-extraction activities; less than 75% of the company's revenues produced in or assets located in Iran involve contracts with

or provision of oil-related or mineral-extraction products or services to the Government of Iran or a project or consortium created exclusively by that government; and the company has failed to take substantial action; or

(2) the company has, on or after August 5, 1996, made an investment of $20 million or more, or any combination of investments of at least $10 million each that in the aggregate equals or exceeds $20 million in any 12-month period, that directly or significantly contributes to the enhancement of Iran's ability to develop petroleum resources of Iran.

(c) A bid or offer that does not include the disclosure required by subsection (b) may be given a period after the bid or offer is submitted to cure nondisclosure. A chief procurement officer may consider the disclosure when evaluating the bid or offer or awarding the contract.

(d) Each chief procurement officer shall provide the State Comptroller with the name of each entity disclosed under subsection (b) as doing business or having done business in Iran. The State Comptroller shall post that information on his or her official website.

HISTORY:
P.A. 95-616, § 5; 98-1076, § 5.

30 ILCS 500/50-37 Prohibition of political contributions.

(a) As used in this Section:

The terms "contract", "State contract", and "contract with a State agency" each mean any contract, as defined in this Code, between a business entity and a State agency let or awarded pursuant to this Code. The terms "contract", "State contract", and "contract with a State agency" do not include cost reimbursement contracts; purchase of care agreements as defined in Section 1-15.68 of this Code [30 ILCS 500/1-15.68]; contracts for projects eligible for full or partial federal-aid funding reimbursements authorized by the Federal Highway Administration; grants, including but are not limited to grants for job training or transportation; and grants, loans, or tax credit agreements for economic development purposes.

"Contribution" means a contribution as defined in Section 9-1.4 of the Election Code [10 ILCS 5/9-1.4].

"Declared candidate" means a person who has filed a statement of candidacy and petition for nomination or election in the principal office of the State Board of Elections.

"State agency" means and includes all boards, commissions, agencies, institutions, authorities, and bodies politic and corporate of the State, created by or in accordance with the Illinois Constitution or State statute, of the executive branch of State government and does include colleges, universities, public employee retirement systems, and institutions under the jurisdiction of the governing boards of the University of Illinois, Southern Illinois University, Illinois State University, Eastern Illinois University, Northern Illinois University, Western Illinois University, Chicago State University, Governors State University, Northeastern Illinois University, and the Illinois Board of Higher Education.

"Officeholder" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer. The Governor shall be considered the officeholder responsible for awarding all contracts by all officers and employees of, and potential contractors and others doing business with, executive branch State agencies under the jurisdiction of the Executive Ethics Commission and not within the jurisdiction of the Attorney General, the Secretary of State, the Comptroller, or the Treasurer.

"Sponsoring entity" means a sponsoring entity as defined in Section 9-3 of the Election Code [10 ILCS 5/9-3].

"Affiliated person" means (i) any person with any ownership interest or distributive share of the bidding or contracting business entity in excess of 7.5%, (ii) executive employees of the bidding or contracting business entity, and (iii) the spouse of any such persons. "Affiliated person" does not include a person prohibited by federal law from making contributions or expenditures in connection with a federal, state, or local election.

"Affiliated entity" means (i) any corporate parent and each operating subsidiary of the bidding or contracting business entity, (ii) each operating subsidiary of the corporate parent of the bidding or contracting business entity, (iii) any organization recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law) established by the bidding or contracting business entity, any affiliated entity of that business entity, or any affiliated person of that business entity, or (iv) any political committee for which the bidding or contracting business entity, or any 501(c) organization described in item (iii) related to that business entity, is the sponsoring entity. "Affiliated entity" does not include an entity prohibited by federal law from making contributions or expenditures in connection with a federal, state, or local election.

"Business entity" means any entity doing business for profit, whether organized as a corporation, partnership, sole proprietorship, limited liability company or partnership, or otherwise.

"Executive employee" means (i) the President, Chairman, or Chief Executive Officer of a business entity and any other individual that fulfills equivalent duties as the President, Chairman of the Board, or Chief Executive Officer of a business entity; and (ii) any employee of a business entity whose compensation is determined directly, in whole or in part, by the award or payment of contracts by a State agency to the entity employing the employee. A regular salary that is paid irrespective of the award or

payment of a contract with a State agency shall not constitute "compensation" under item (ii) of this definition. "Executive employee" does not include any person prohibited by federal law from making contributions or expenditures in connection with a federal, state, or local election.

(b) Any business entity whose contracts with State agencies, in the aggregate, annually total more than $50,000, and any affiliated entities or affiliated persons of such business entity, are prohibited from making any contributions to any political committees established to promote the candidacy of (i) the officeholder responsible for awarding the contracts or (ii) any other declared candidate for that office. This prohibition shall be effective for the duration of the term of office of the incumbent officeholder awarding the contracts or for a period of 2 years following the expiration or termination of the contracts, whichever is longer.

(c) Any business entity whose aggregate pending bids and offers on State contracts total more than $50,000, or whose aggregate pending bids and offers on State contracts combined with the business entity's aggregate annual total value of State contracts exceed $50,000, and any affiliated entities or affiliated persons of such business entity, are prohibited from making any contributions to any political committee established to promote the candidacy of the officeholder responsible for awarding the contract on which the business entity has submitted a bid or offer during the period beginning on the date the invitation for bids, request for proposals, or any other procurement opportunity is issued and ending on the day after the date the contract is awarded.

(c-5) For the purposes of the prohibitions under subsections (b) and (c) of this Section, (i) any contribution made to a political committee established to promote the candidacy of the Governor or a declared candidate for the office of Governor shall also be considered as having been made to a political committee established to promote the candidacy of the Lieutenant Governor, in the case of the Governor, or the declared candidate for Lieutenant Governor having filed a joint petition, or write-in declaration of intent, with the declared candidate for Governor, as applicable, and (ii) any contribution made to a political committee established to promote the candidacy of the Lieutenant Governor or a declared candidate for the office of Lieutenant Governor shall also be considered as having been made to a political committee established to promote the candidacy of the Governor, in the case of the Lieutenant Governor, or the declared candidate for Governor having filed a joint petition, or write-in declaration of intent, with the declared candidate for Lieutenant Governor, as applicable.

(d) All contracts between State agencies and a business entity that violate subsection (b) or (c) shall be voidable under Section 50-60 [30 ILCS 500/50-60]. If a business entity violates subsection (b) 3 or more times within a 36-month period, then all contracts between State agencies and that business entity shall be void, and that business entity shall not bid or respond to any invitation to bid or request for proposals from any State agency or otherwise enter into any contract with any State agency for 3 years from the date of the last violation. A notice of each violation and the penalty imposed shall be published in both the Procurement Bulletin and the Illinois Register.

(e) Any political committee that has received a contribution in violation of subsection (b) or (c) shall pay an amount equal to the value of the contribution to the State no more than 30 calendar days after notice of the violation concerning the contribution appears in the Illinois Register. Payments received by the State pursuant to this subsection shall be deposited into the general revenue fund.

HISTORY:

P.A. 95-971, § 10; 95-1038, § 10; 96-795, § 95-35; 96-848, §§ 10, 15; 97-411, § 5; 98-1076, § 5.

30 ILCS 500/50-38 Lobbying restrictions.

(a) A person or business that is let or awarded a contract is not entitled to receive any payment, compensation, or other remuneration from the State to compensate the person or business for any expenses related to travel, lodging, or meals that are paid by the person or business to any officer, agent, employee, consultant, independent contractor, director, partner, manager, or shareholder.

(b) Any bidder, offeror, potential contractor, or contractor on a State contract that hires a person required to register under the Lobbyist Registration Act [25 ILCS 170/1 et seq.] to assist in obtaining a contract shall (i) disclose all costs, fees, compensation, reimbursements, and other remunerations paid or to be paid to the lobbyist related to the contract, (ii) not bill or otherwise cause the State of Illinois to pay for any of the lobbyist's costs, fees, compensation, reimbursements, or other remuneration, and (iii) sign a verification certifying that none of the lobbyist's costs, fees, compensation, reimbursements, or other remuneration were billed to the State. This information, along with all supporting documents, shall be filed with the agency awarding the contract and with the Secretary of State. The chief procurement officer shall post this information, together with the contract award notice, in the online Procurement Bulletin.

(c) Ban on contingency fee. No person or entity shall retain a person or entity required to register under the Lobbyist Registration Act to attempt to influence the outcome of a procurement decision made under this Code for compensation contingent in whole or in part upon the decision or procurement. Any person who violates this subsection is guilty of a business offense and shall be fined not more than $10,000.

HISTORY:

P.A. 96-795, § 95-35; 96-920, § 5; 98-1076, § 5.

30 ILCS 500/50-39 Procurement communications reporting requirement.

(a) Any written or oral communication received by a State employee who, by the nature of his or her duties, has the authority to participate personally and substantially in the decision to award a State contract and that imparts or requests material information or makes a material argument regarding potential action concerning an active procurement matter, including, but not limited to, an application, a contract, or a project, shall be reported to the Procurement Policy Board, and, with respect to the Illinois Power Agency, by the initiator of the communication, and may be reported also by the recipient.

Any person communicating orally, in writing, electronically, or otherwise with the Director or any person employed by, or associated with, the Illinois Power Agency to impart, solicit, or transfer any information related to the content of any power procurement plan, the manner of conducting any power procurement process, the procurement of any power supply, or the method or structure of contracting with power suppliers must disclose to the Procurement Policy Board the full nature, content, and extent of any such communication in writing by submitting a report with the following information:

(1) The names of any party to the communication.

(2) The date on which the communication occurred.

(3) The time at which the communication occurred.

(4) The duration of the communication.

(5) The method (written, oral, etc.) of the communication.

(6) A summary of the substantive content of the communication.

These communications do not include the following: (i) statements by a person publicly made in a public forum; (ii) statements regarding matters of procedure and practice, such as format, the number of copies required, the manner of filing, and the status of a matter; (iii) statements made by a State employee of the agency to the agency head or other employees of that agency, to the employees of the Executive Ethics Commission, or to an employee of another State agency who, through the communication, is either (a) exercising his or her experience or expertise in the subject matter of the particular procurement in the normal course of business, for official purposes, and at the initiation of the purchasing agency or the appropriate State purchasing officer, or (b) exercising oversight, supervisory, or management authority over the procurement in the normal course of business and as part of official responsibilities; (iv) unsolicited communications providing general information about products, services, or industry best practices before those products or services become involved in a procurement matter; (v) communications received in response to procurement solicitations, including, but not limited to, vendor responses to a request for information, request for proposal, request for qualifications, invitation for bid, or a small purchase, sole source, or emergency solicitation, or questions and answers posted to the Illinois Procurement Bulletin to supplement the procurement action, provided that the communications are made in accordance with the instructions contained in the procurement solicitation, procedures, or guidelines; (vi) communications that are privileged, protected, or confidential under law; and (vii) communications that are part of a formal procurement process as set out by statute, rule, or the solicitation, guidelines, or procedures, including, but not limited to, the posting of procurement opportunities, the process for approving a procurement business case or its equivalent, fiscal approval, submission of bids, the finalizing of contract terms and conditions with an awardee or apparent awardee, and similar formal procurement processes. The provisions of this Section shall not apply to communications regarding the administration and implementation of an existing contract, except communications regarding change orders or the renewal or extension of a contract.

The reporting requirement does not apply to any communication asking for clarification regarding a contract solicitation so long as there is no competitive advantage to the person or business and the question and answer, if material, are posted to the Illinois Procurement Bulletin as an addendum to the contract solicitation.

(b) The report required by subsection (a) shall be submitted monthly and include at least the following: (i) the date and time of each communication; (ii) the identity of each person from whom the written or oral communication was received, the individual or entity represented by that person, and any action the person requested or recommended; (iii) the identity and job title of the person to whom each communication was made; (iv) if a response is made, the identity and job title of the person making each response; (v) a detailed summary of the points made by each person involved in the communication; (vi) the duration of the communication; (vii) the location or locations of all persons involved in the communication and, if the communication occurred by telephone, the telephone numbers for the callers and recipients of the communication; and (viii) any other pertinent information. No trade secrets or other proprietary or confidential information shall be included in any communication reported to the Procurement Policy Board.

(c) Additionally, when an oral communication made by a person required to register under the Lobbyist Registration Act [25 ILCS 170/1 et seq.] is received by a State employee that is covered under this Section, all individuals who initiate or participate in the oral communication shall submit a written report to that State employee that memorializes the communication and includes, but is not limited to, the items listed in subsection (b).

(d) The Procurement Policy Board shall make each report submitted pursuant to this Section available

on its website within 7 calendar days after its receipt of the report. The Procurement Policy Board may promulgate rules to ensure compliance with this Section.

(e) The reporting requirements shall also be conveyed through ethics training under the State Officials and Employees Ethics Act [5 ILCS 430/1-1 et seq.]. An employee who knowingly and intentionally violates this Section shall be subject to suspension or discharge. The Executive Ethics Commission shall promulgate rules, including emergency rules, to implement this Section.

(f) This Section becomes operative on January 1, 2011.

(g) For purposes of this Section:

"Active procurement matter" means a procurement process beginning with requisition or determination of need by an agency and continuing through the publication of an award notice or other completion of a final procurement action, the resolution of any protests, and the expiration of any protest or Procurement Policy Board review period, if applicable. "Active procurement matter" also includes communications relating to change orders, renewals, or extensions.

"Material information" means information that a reasonable person would deem important in determining his or her course of action and pertains to significant issues, including, but not limited to, price, quantity, and terms of payment or performance.

"Material argument" means a communication that a reasonable person would believe was made for the purpose of influencing a decision relating to a procurement matter. "Material argument" does not include general information about products, services, or industry best practices or a response to a communication initiated by an employee of the State for the purposes of providing information to evaluate new products, trends, services, or technologies.

HISTORY:

P.A. 96-795, § 95-35; 96-920, § 5; 97-333, § 110; 97-618, § 880; 97-895, § 15; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/50-40 Reporting and anticompetitive practices.

When, for any reason, any vendor, bidder, offeror, potential contractor, contractor, chief procurement officer, State purchasing officer, designee, elected official, or State employee suspects collusion or other anticompetitive practice among any bidders, offerors, potential contractors, contractors, or employees of the State, a notice of the relevant facts shall be transmitted to the appropriate Inspector General, the Attorney General, and the chief procurement officer.

HISTORY:

P.A. 90-572, § 50-40; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/50-45 Confidentiality.

Any chief procurement officer, State purchasing officer, designee, executive officer, or State employee who willfully uses or allows the use of specifications, competitive solicitation documents, proprietary competitive information, contracts, or selection information to compromise the fairness or integrity of the procurement or contract process shall be subject to immediate dismissal, regardless of the Personnel Code [20 ILCS 415/1 et seq.], any contract, or any collective bargaining agreement, and may in addition be subject to criminal prosecution.

HISTORY:

P.A. 90-572, § 50-45; 98-1076, § 5; 2017 P.A. 100-43, § 15, effective August 9, 2017.

30 ILCS 500/50-50 Insider information.

It is unlawful for any current or former elected or appointed State official or State employee to knowingly use confidential information available only by virtue of that office or employment for actual or anticipated gain for themselves or another person.

HISTORY:

P.A. 90-572, § 50-50.

30 ILCS 500/50-55 Supply inventory.

Every State agency shall inventory or stock no more than a 12-month need of equipment, supplies, commodities, articles, and other items, except as otherwise authorized by the State agency's regulations. Every State agency shall periodically review its inventory to ensure compliance with this Section. If, upon review, an agency determines it has more than a 12-month supply of any equipment, supplies, commodities, or other items, the agency shall undertake transfers of the oversupplied items or other action necessary to maintain compliance with this Section. This Section shall not apply to lifesaving medications, mechanical spare parts, and items for which the supplier requires a minimum order stipulation.

HISTORY:

P.A. 90-572, § 50-55.

30 ILCS 500/50-60 Voidable contracts.

(a) If any contract or amendment thereto is entered into or purchase or expenditure of funds is made at any time in violation of this Code or any other law, the contract or amendment thereto may be declared void by the chief procurement officer or may be ratified and affirmed, provided the chief procurement officer determines that ratification is in the best interests of the State. If the contract is ratified and affirmed, it shall be without prejudice to the State's rights to any appropriate damages.

(b) If, during the term of a contract, the chief procurement officer determines that the contractor is

delinquent in the payment of debt as set forth in Section 50-11 of this Code [30 ILCS 500/50-11], the chief procurement officer may declare the contract void if it determines that voiding the contract is in the best interests of the State. The Debt Collection Bureau shall adopt rules for the implementation of this subsection (b).

(c) If, during the term of a contract, the chief procurement officer determines that the contractor is in violation of Section 50-10.5 of this Code [30 ILCS 500/50-10.5], the chief procurement officer shall declare the contract void.

(d) If, during the term of a contract, the contracting agency learns from an annual certification or otherwise determines that the contractor no longer qualifies to enter into State contracts by reason of Section 50-5, 50-10, 50-12, 50-14, or 50-14.5 of this Article [30 ILCS 500/50-5, 30 ILCS 500/50-10, 30 ILCS 500/50-12, 30 ILCS 500/50-14, or 30 ILCS 500/50-14.5], the chief procurement officer may declare the contract void if it determines that voiding the contract is in the best interests of the State.

(e) If, during the term of a contract, the chief procurement officer learns from an annual certification or otherwise determines that a subcontractor subject to Section 20-120 no longer qualifies to enter into State contracts by reason of Section 50-5, 50-10, 50-10.5, 50-11, 50-12, 50-14, or 50-14.5 of this Article, the chief procurement officer may declare the related contract void if it determines that voiding the contract is in the best interests of the State. However, the related contract shall not be declared void unless the contractor refuses to terminate the subcontract upon the State's request after a finding that the subcontractor no longer qualifies to enter into State contracts by reason of one of the Sections listed in this subsection.

(f) The changes to this Section made by Public Act 96-795 apply to actions taken by the chief procurement officer on or after July 1, 2010.

HISTORY:
P.A. 90-572, § 50-60; 92-404, § 10; 93-600, § 5; 96-493, § 15; 96-795, § 95-35; 96-1000, § 155; 97-895, § 15.

30 ILCS 500/50-65 Suspension.

Any contractor or subcontractor may be suspended for violation of this Code [30 ILCS 500/1-1 et seq.] or for failure to conform to specifications or terms of delivery. Suspension shall be for cause and may be for a period of up to 10 years at the discretion of the applicable chief procurement officer. Contractors or subcontractors may be debarred in accordance with rules promulgated by the chief procurement officer or as otherwise provided by law.

HISTORY:
P.A. 90-572, § 50-65; 93-77, § 5; 96-795, § 95-35.

30 ILCS 500/50-70 Additional provisions.

This Code is subject to applicable provisions of the following Acts:

(1) Article 33E of the Criminal Code of 2012 [720 ILCS 5/33E-1 et seq.];

(2) the Illinois Human Rights Act [775 ILCS 5/5-101 et seq.];

(3) the Discriminatory Club Act [775 ILCS 25/0.01 et seq.];

(4) the Illinois Governmental Ethics Act [5 ILCS 420/1-101 et seq.];

(5) the State Prompt Payment Act [30 ILCS 540/0.01 et seq.];

(6) the Public Officer Prohibited Activities Act [50 ILCS 105/0.01 et seq.];

(7) the Drug Free Workplace Act [30 ILCS 580/1 et seq.];

(8) the Illinois Power Agency Act [20 ILCS 3855/1-1 et seq.];

(9) the Employee Classification Act [820 ILCS 185/1 et seq.];

(10) the State Officials and Employees Ethics Act [5 ILCS 430/1-1 et seq.]; and

(11) the Department of Employment Security Law.

HISTORY:
P.A. 90-572, § 50-70; 95-26, § 920; 95-481, § 5-925; 95-876, § 105; 96-795, § 95-35; 97-1150, § 110; 98-1076, § 5.

30 ILCS 500/50-75 Other violations.

(a) Any chief procurement officer, State purchasing officer, or designee who willfully violates or allows the violation of this Code shall be subject to immediate dismissal, regardless of the Personnel Code [30 ILCS 415/1 et seq.], any contract, or any collective bargaining agreement.

(b) Except as otherwise provided in this Code, whoever violates this Code or the rules promulgated under it is guilty of a Class A misdemeanor.

HISTORY:
P.A. 90-572, § 50-75.

30 ILCS 500/50-80 Sexual harassment policy.

Each bidder who submits a bid or offer for a State contract under this Code shall have a sexual harassment policy in accordance with paragraph (4) of subsection (A) of Section 2-105 of the Illinois Human Rights Act [775 ILCS 5/2-105]. A copy of the policy shall be provided to the State agency entering into the contract upon request.

HISTORY:
2018 P.A. 100-698, § 5, effective January 1, 2019.

30 ILCS 500/50-85 Diversity training.

Each chief procurement officer, State purchasing officer, procurement compliance monitor, applicable support staff of each chief procurement officer, State agency purchasing and contracting staff, those identified under subsection (c) of Section 5-45 of the State Officials and Employees Ethics Act who have the authority to participate personally and substantially

in the award of State contracts, and any other State agency staff with substantial procurement and contracting responsibilities as determined by the chief procurement officer, in consultation with the State agency, shall complete annual training for diversity and inclusion. Each chief procurement officer shall prescribe the program of diversity and inclusion training appropriate for each chief procurement officer's jurisdiction.

HISTORY:
2020 P.A. 101-657, § 5-5, effective March 23, 2021; 2021 P.A. 102-687, § 35, effective December 17, 2021.

30 ILCS 500/50-90 Certifications. [Effective January 1, 2023]

All contracts under this Code with an annual value that exceeds $50,000 annually shall be accompanied by Standard Illinois Certifications in a form prescribed by each chief procurement officer.

HISTORY:
2022 P.A. 102-721, § 5, effective January 1, 2023.

GOVERNMENTAL JOINT PURCHASING ACT

Section

30 ILCS 525/0.01 [Short title]

This Act may be cited as the Governmental Joint Purchasing Act.

HISTORY:
P.A. 86-1324.

30 ILCS 525/1 Definitions.

For the purposes of this Act:

"Governmental unit" means the State of Illinois, any State agency as defined in Section 1-15.100 of the Illinois Procurement Code [30 ILCS 500/1-15.100], officers of the State of Illinois, any public authority which has the power to tax, or any other public entity created by statute.

"Master contract" means a definite quantity or indefinite quantity contract awarded pursuant to this Act against which subsequent orders may be placed to meet the needs of a governmental unit or qualified not-for-profit agency.

"Multiple award" means an award that is made to 2 or more bidders or offerors for similar supplies or services.

HISTORY:
P.A. 86-769; 98-1076, § 15; 2017 P.A. 100-43, § 25, effective August 9, 2017; 2018 P.A. 100-863, § 155, effective August 14, 2018.

30 ILCS 525/1.1 Joint purchasing programs.

Each chief procurement officer may establish a joint purchasing program and a cooperative purchasing program.

HISTORY:
2017 P.A. 100-43, § 25, effective August 9, 2017.

30 ILCS 525/2 Joint purchasing authority.

(a) Any governmental unit, except a governmental unit subject to the jurisdiction of a chief procurement officer established in Section 10-20 of the Illinois Procurement Code [30 ILCS 500/10-20], may purchase personal property, supplies and services jointly with one or more other governmental units. All such joint purchases shall be by competitive solicitation as provided in Section 4 [30 ILCS 525/4], except as otherwise provided in this Act. The provisions of any other acts under which a governmental unit operates which refer to purchases and procedures in connection therewith shall be superseded by the provisions of this Act when the governmental units are exercising the joint powers created by this Act.

(a-5) For purchases made by a governmental unit subject to the jurisdiction of a chief procurement officer established in Section 10-20 of the Illinois Procurement Code, the applicable chief procurement officer established in Section 10-20 of the Illinois Procurement Code may authorize the purchase of supplies and services jointly with a governmental unit of this State, governmental entity of another state, or with a consortium of governmental entities of one or more other states, except as otherwise provided in this Act. Subject to provisions of the joint purchasing solicitation, the appropriate chief procurement officer may designate the resulting contract as available to governmental units in Illinois.

(a-10) Each chief procurement officer appointed pursuant to Section 10-20 of the Illinois Procurement Code, with joint agreement of the respective agency or institution, may authorize the purchase or lease of supplies and services which have been procured through a competitive process by a federal agency; a consortium of governmental, educational, medical, research, or similar entities; or a group purchasing organization of which the chief procurement officer or State agency is a member or affiliate, including, without limitation, any purchasing entity operating under the federal General Services Administration, the Higher Education Cooperation Act [110 ILCS 220/1 et seq.], and the Midwestern Higher Education Compact Act [45 ILCS 155/0.01 et seq.]. Each applicable chief procurement officer may authorize pur-

chases and contracts which have been procured through other methods of procurement if each chief procurement officer determines it is in the best interests of the State, considering a recommendation by their respective agencies or institutions. The chief procurement officer may establish detailed rules, policies, and procedures for use of these cooperative contracts. Notice of award shall be published by the chief procurement officer in the Illinois Procurement Bulletin at least prior to use of the contract. Each chief procurement officer shall submit to the General Assembly by November 1 of each year a report of procurements made under this subsection (a-10).

(b) Any not-for-profit agency that qualifies under Section 45-35 of the Illinois Procurement Code [30 ILCS 500/45-35] and that either (1) acts pursuant to a board established by or controlled by a unit of local government or (2) receives grant funds from the State or from a unit of local government, shall be eligible to participate in contracts established by the State.

(c) For governmental units subject to the jurisdiction of a chief procurement officer established in Section 10-20 of the Illinois Procurement Code, if any contract or amendment to a contract is entered into or purchase or expenditure of funds is made at any time in violation of this Act or any other law, the contract or amendment may be declared void by the chief procurement officer or may be ratified and affirmed, if the chief procurement officer determines that ratification is in the best interests of the governmental unit. If the contract or amendment is ratified and affirmed, it shall be without prejudice to the governmental unit's rights to any appropriate damages.

(d) This Section does not apply to construction-related professional services contracts awarded in accordance with the provisions of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/1 et seq.].

HISTORY:
Laws 1961, p. 3382; P.A. 87-960, § 1; 96-584, § 5; 97-895, § 20; 2017 P.A. 100-43, § 25, effective August 9, 2017.

30 ILCS 525/3 Conduct of competitive procurement.

Under any agreement of governmental units that desire to make joint purchases pursuant to subsection (a) of Section 2 [30 ILCS 525/2], one of the governmental units shall conduct the competitive procurement process. Where the State of Illinois is a party to the joint purchase agreement, the appropriate chief procurement officer shall conduct or authorize the competitive procurement process. Expenses of such competitive procurement process may be shared by the participating governmental units in proportion to the amount of personal property, supplies or services each unit purchases.

When the State of Illinois is a party to the joint purchase agreement pursuant to subsection (a) of Section 2, the acceptance of responses to the competitive procurement process shall be in accordance with the Illinois Procurement Code [30 ILCS 500/1-1 et seq.] and rules promulgated under that Code. When the State of Illinois is not a party to the joint purchase agreement, the acceptance of responses to the competitive procurement process shall be governed by the agreement.

When the State of Illinois is a party to a joint purchase agreement pursuant to subsection (a-5) of Section 2, the State may act as the lead state or as a participant state. When the State of Illinois is the lead state, all such joint purchases shall be conducted in accordance with the Illinois Procurement Code. When the State of Illinois is the lead state, a multiple award is allowed. When Illinois is a participant state, all such joint purchases shall be conducted in accordance with the procurement laws of the lead state; provided that all such joint procurements must be by competitive solicitation process. All resulting awards shall be published in the appropriate volume of the Illinois Procurement Bulletin as may be required by Illinois law governing award of Illinois State contracts. Contracts resulting from a joint purchase shall contain all provisions required by Illinois law and rule.

The supplies or services involved shall be distributed or rendered directly to each governmental unit taking part in the purchase. The person selling the personal property, supplies or services may bill each governmental unit separately for its proportionate share of the cost of the personal property, supplies or services purchased.

The credit or liability of each governmental unit shall remain separate and distinct. Disputes between contractors and governmental units or qualified not-for-profit agencies shall be resolved between the immediate parties.

HISTORY:
P.A. 87-860; 90-572, § 95-5; 96-584, § 5; 97-895, § 20; 98-1076, § 15; 2017 P.A. 100-43, § 25, effective August 9, 2017.

30 ILCS 525/4 Bids, offers, and small purchases.

The purchases of all personal property, supplies and services under this Act, except for small purchases, shall be based on competitive solicitations unless, for purchases made pursuant to subsection (a) of Section 2 of this Act [30 ILCS 525/2] , it is the determination of the applicable chief procurement officer that it is impractical to obtain competition. Purchases pursuant to this Section shall follow the same procedures used for competitive solicitations made pursuant to the Illinois Procurement Code [30 ILCS 500/1-1 et seq.] when the State is a party to the joint purchase. For purchases made pursuant to subsection (a) of Section 2 of this Act where the applicable chief procurement officer makes the determination that it is impractical to obtain competition, purchases shall either follow the same procedure used for sole source procurements in Section 20-25 of

the Illinois Procurement Code [30 ILCS 500/20-25] or the same procedure used for emergency purchases in Section 20-30 of the Illinois Procurement Code [30 ILCS 500/20-30]. For purchases pursuant to subsection (a) of Section 2, bids and offers shall be solicited by public notice inserted at least once in a newspaper of general circulation in one of the counties where the materials are to be used and at least 5 calendar days before the final date of submitting bids or offers, except as otherwise provided in this Section. Where the State of Illinois is a party to the joint purchase agreement, public notice soliciting the bids or offers shall be published in the appropriate volume of the Illinois Procurement Bulletin. Such notice shall include a general description of the supplies or services to be purchased and shall state where specifications may be obtained and the time and place for the opening of bids and offers. The governmental unit conducting the competitive procurement process may also solicit sealed bids or offers by sending requests by mail to potential contractors and by posting notices on a public bulletin board in its office. Small purchases pursuant to this Section shall follow the same procedure used for small purchases in Section 20-20 of the Illinois Procurement Code [30 ILCS 500/20-20].

All purchases, orders or contracts shall be awarded to the lowest responsible bidder or highest-ranked offeror, taking into consideration the qualities of the articles or services supplied, their conformity with the specifications, their suitability to the requirements of the participating governmental units and the delivery terms.

Where the State of Illinois is not a party, all bids or offers may be rejected and new bids or offers solicited if one or more of the participating governmental units believes the public interest may be served thereby. Each bid or offer, with the name of the bidder or offeror, shall be entered on a record, which record with the successful bid or offer, indicated thereon shall, after the award of the purchase or order or contract, be open to public inspection. A copy of all contracts shall be filed with the purchasing office or clerk or secretary of each participating governmental unit.

HISTORY:
P.A. 76-641; 96-584, § 5; 97-895, § 20; 98-1076, § 15; 2017 P.A. 100-43, § 25, effective August 9, 2017.

30 ILCS 525/4.05 Other methods of joint purchases.

(a) It may be determined that it is impractical to obtain competition because either (i) there is only one economically-feasible source for the item or (ii) there is a threat to public health or public safety, or when immediate expenditure is necessary to prevent or minimize serious disruption in critical State services that affect health, safety, or collection of substantial State revenues, or to ensure the integrity of State records.

(b) When the State of Illinois is a party to the joint purchase agreement, the applicable chief procurement officer shall make a determination whether (i) there is only one economically feasible source for the item or (ii) that there exists a threat to public health or public safety or that immediate expenditure is necessary to prevent or minimize serious disruption in critical State services.

(c) When there is only one economically feasible source for the item, the chief procurement officer may authorize a sole economically-feasible source contract. When there exists a threat to public health or public safety or when immediate expenditure is necessary to prevent or minimize serious disruption in critical State services, the chief procurement officer may authorize an emergency procurement without competitive sealed bidding or competitive sealed proposals or prior notice.

(d) All joint purchases made pursuant to this Section shall follow the same procedures for sole source contracts in the Illinois Procurement Code [30 ILCS 500/1-1 et seq.] when the chief procurement officer determines there is only one economically-feasible source for the item. All joint purchases made pursuant to this Section shall follow the same procedures for emergency purchases in the Illinois Procurement Code when the chief procurement officer determines immediate expenditure is necessary to prevent or minimize serious disruption in critical State services that affect health, safety, or collection of substantial State revenues, or to ensure the integrity of State records.

(e) Each chief procurement officer shall submit to the General Assembly by November 1 of each year a report of procurements made under this Section.

HISTORY:
2017 P.A. 100-43, § 25, effective August 9, 2017.

30 ILCS 525/4.1 [Prompt Payment Act]

Purchases made pursuant to this Act shall be made in compliance with the "Local Government Prompt Payment Act" [50 ILCS 505/1 et seq.], approved by the Eighty-fourth General Assembly.

HISTORY:
P.A. 84-731.

30 ILCS 525/4.2 [Procurement under contract let by State]

Any governmental unit may, without violating any bidding requirement otherwise applicable to it, procure supplies and services under any contract let by the State pursuant to lawful procurement procedures. Purchases made by the State of Illinois must be approved or authorized by the appropriate chief procurement officer.

HISTORY:
P.A. 87-960, § 1; 97-895, § 20; 2017 P.A. 100-43, § 25, effective August 9, 2017.

30 ILCS 525/5 [Exclusion]

The provisions of this Act shall not apply to public utility services.

HISTORY:
Laws 1961, p. 3382.

30 ILCS 525/6 [Powers and authority]

The powers and authority conferred by this Act shall be construed as in addition and supplemental to powers or authority conferred by any other law and nothing in this Act shall be construed as limiting any other powers or authority of any public agency.

HISTORY:
P.A. 76-641.

ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING QUALIFICATIONS BASED SELECTION ACT

Section

30 ILCS 535/1 Short title.

This Act may be cited as the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

HISTORY:
P.A. 87-673.

30 ILCS 535/5 State policy on procurement of architectural, engineering, and land surveying services.

It is the policy of State agencies of this State to publicly announce all requirements for architectural, engineering, and land surveying services, to procure these services on the basis of demonstrated competence and qualifications, to negotiate contracts at fair and reasonable prices, and to authorize the Department of Professional Regulation to enforce the provisions of Section 65 of this Act [30 ILCS 535/65].

HISTORY:
P.A. 87-673.

30 ILCS 535/10 Federal requirements.

In the procurement of architectural, engineering, and land surveying services and in the awarding of contracts, a State agency may comply with federal law and regulations including, but not limited to, Public Law 92-582 (Federal Architect-Engineer Selection Law, Brooks Law, 40 U.S.C. 541) and take all necessary steps to adapt its rules, specifications, policies, and procedures accordingly to remain eligible for federal aid.

HISTORY:
P.A. 87-673.

30 ILCS 535/15 Definitions.

As used in this Act:

"Architectural services" means any professional service as defined in Section 5 of the Illinois Architecture Practice Act of 1989 [225 ILCS 305/5].

"Engineering services" means any professional service as defined in Section 4 of the Professional Engineering Practice Act of 1989 [225 ILCS 325/4] or Section 5 of the Structural Engineering Practice Act of 1989 [225 ILCS 340/5].

"Firm" means any individual, sole proprietorship, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture, engineering, or land surveying and provide those services.

"Land surveying services" means any professional service as defined in Section 5 of the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330/5].

"Project" means any capital improvement project or any design, study, plan, survey, or new or existing program activity of a State agency, including development of new or existing programs that require architectural, engineering, or land surveying services.

"State agency" means any department, commission, council, board, bureau, committee, institution, agency, university, government corporation, authority, or other establishment or official of this State.

HISTORY:
P.A. 87-673; 91-91, § 10.

30 ILCS 535/20 Prequalification.

A State agency shall establish procedures to prequalify firms seeking to provide architectural, engineering, and land surveying services or may use prequalification lists from other State agencies to meet the requirements of this Section.

HISTORY:
P.A. 87-673.

30 ILCS 535/25 Public notice.

Whenever a project requiring architectural, engineering, or land surveying services is proposed for a State agency, the State agency shall provide no less than a 14 day advance notice published in a professional services bulletin or advertised within the official State newspaper setting forth the projects and services to be procured. The professional services bulletin shall be available electronically and may be available in print. The professional services bulletin shall include a description of each project and shall state the time and place for interested firms to submit a letter of interest and, if required by the public notice, a statement of qualifications.

HISTORY:
P.A. 87-673; 92-345, § 5.

30 ILCS 535/30 Evaluation procedure.

A State agency shall evaluate the firms submitting letters of interest and other prequalified firms, taking into account qualifications; and the State agency may consider, but shall not be limited to considering, ability of professional personnel, past record and experience, performance data on file, willingness to meet time requirements, location, workload of the firm and any other qualifications based factors as the State agency may determine in writing are applicable. The State agency may conduct discussions with and require public presentations by firms deemed to be the most qualified regarding their qualifications, approach to the project and ability to furnish the required services.

A State agency shall establish a committee to select firms to provide architectural, engineering, and land surveying services. A selection committee may include at least one public member nominated by a statewide association of the profession affected. The public member may not be employed or associated with any firm holding a contract with the State agency nor may the public member's firm be considered for a contract with that State agency while he or she is serving as a public member of the committee.

In addition, the Department of Transportation may appoint public members to selection committees that represent the geographic, ethnic, and cultural diversity of the population of the State, including persons nominated by associations representing minority and female-owned business associations. Public members shall be licensed in or have received a degree from an accredited college or university in one of the professions affected and shall not be employed by, associated with, or have an ownership interest in any firm holding or seeking to hold a contract while serving as a public member of the committee.

In no case shall a State agency, prior to selecting a firm for negotiation under Section 40 [30 ILCS 535/40], seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation.

HISTORY:
P.A. 87-673; 91-357, § 52; 96-37, § 55-10; 96-849, § 5.

30 ILCS 535/35 Selection procedure.

On the basis of evaluations, discussions, and any presentations, the State agency shall select no less than 3 firms it determines to be qualified to provide services for the project and rank them in order of qualifications to provide services regarding the specific project. The State agency shall then contact the firm ranked most preferred to negotiate a contract at a fair and reasonable compensation. If fewer than 3 firms submit letters of interest and the State agency determines that one or both of those firms are so qualified, the State agency may proceed to negotiate a contract under Section 40 [30 ILCS 535/40]. The decision of the State agency shall be final and binding.

HISTORY:
P.A. 87-673.

30 ILCS 535/40 Contract negotiation.

(a) The State agency shall prepare a written description of the scope of the proposed services to be used as a basis for negotiations and shall negotiate a contract with the highest qualified firm at compensation that the State agency determines in writing to be fair and reasonable. In making this decision, the State agency shall take into account the estimated value, scope, complexity, and professional nature of the services to be rendered. In no case may a State agency establish a maximum overhead rate or other payment formula designed to eliminate firms from contention or restrict competition or negotiation of fees.

(b) If the State agency is unable to negotiate a satisfactory contract with the firm that is most preferred, negotiations with that firm shall be terminated. The State agency shall then begin negotiations with the firm that is next preferred. If the State agency is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be terminated. The State agency shall then begin negotiations with the firm that is next preferred.

(c) If the State agency is unable to negotiate a satisfactory contract with any of the selected firms, the State agency shall re-evaluate the architectural, engineering, or land surveying services requested, including the estimated value, scope, complexity, and fee requirements. The State agency shall then compile a second list of not less than 3 qualified firms and proceed in accordance with the provisions of this Act.

(d) A firm negotiating a contract with a State agency shall negotiate subcontracts for architectural, engineering, and land surveying services at compensation that the firm determines in writing to be fair

and reasonable based upon a written description of the scope of the proposed services.

HISTORY:
P.A. 87-673.

30 ILCS 535/45 Small contracts.

The provisions of Sections 25, 30, and 35 [30 ILCS 535/25, 30 ILCS 535/30, and 30 ILCS 535/35] do not apply to architectural, engineering, and land surveying contracts with an estimated basic professional services fee of less than $25,000.

HISTORY:
P.A. 87-673; 92-861, § 5.

30 ILCS 535/50 Emergency services.

Sections 25, 30, and 35 [30 ILCS 535/25, 30 ILCS 535/30, and 30 ILCS 535/35], do not apply in the procurement of architectural, engineering, and land surveying services by State agencies (i) when an agency determines in writing that it is in the best interest of the State to proceed with the immediate selection of a firm or (ii) in emergencies when immediate services are necessary to protect the public health and safety, including, but not limited to, earthquake, tornado, storm, or natural or man-made disaster.

HISTORY:
P.A. 87-673.

30 ILCS 535/55 Firm performance evaluation.

Each State agency shall evaluate the performance of each firm upon completion of a contract. That evaluation shall be made available to the firm who may submit a written response, with the evaluation and response retained solely by the agency. The evaluation and response shall not be made available to any other person or firm and is exempt from disclosure under the Freedom of Information Act [5 ILCS 140/1 et seq.].

HISTORY:
P.A. 87-673.

30 ILCS 535/60 Certificate of compliance.

Each contract for architectural, engineering, and land surveying services by a State agency shall contain a certificate signed by a representative of the State agency and the firm that the provisions of this Act were complied with.

HISTORY:
P.A. 87-673.

30 ILCS 535/65 Scope.

No person, corporation, or partnership licensed or registered under the Illinois Architecture Practice Act of 1989 [225 ILCS 305/1 et seq.], the Professional Engineering Practice Act of 1989, [225 ILCS 325/1 et seq.], the Structural Engineering Practice Act of 1989 [225 ILCS 340/1 et seq.], or the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330/1 et seq.], shall engage in any act or conduct, or be a party to any contract, or agreement, in violation of the provisions of this Act.

HISTORY:
P.A. 87-673; 91-91, § 10.

30 ILCS 535/70 Enforcement.

Any contract or agreement made in violation of this Act after the effective date of this Act, except a supplement or extension of an existing contract, is void and unenforceable, and the Comptroller and Treasurer of the State of Illinois shall not process any payment claims or checks for any contract or agreement made in violation of this Act.

HISTORY:
P.A. 87-673.

30 ILCS 535/75 [State agencies]

Nothing in this Act shall be deemed to prohibit a State agency from contracting for a design/build project.

HISTORY:
P.A. 87-673.

30 ILCS 535/80 Affirmative action.

Nothing in this Act shall be deemed to prohibit or restrict agencies from establishing or maintaining affirmative action contracting goals for minorities or women, or small business setaside programs, now or hereafter established by law, rules and regulations, or executive order.

HISTORY:
P.A. 87-673.

STATE PROMPT PAYMENT ACT

Section

30 ILCS 540/1 [Definitions]

This Act applies to any State official or agency authorized to provide for payment from State funds, by virtue of any appropriation of the General Assembly, for goods or services furnished to the State.

For purposes of this Act, "goods or services furnished to the State" include but are not limited to (i) covered health care provided to eligible members and their covered dependents in accordance with the State Employees Group Insurance Act of 1971 [5 ILCS 375/1 et seq.], including coverage through a

physician-owned health maintenance organization under Section 6.1 of that Act [5 ILCS 375/6.1], (ii) prevention, intervention, or treatment services and supports for persons with developmental disabilities, mental health services, alcohol and substance abuse services, rehabilitation services, and early intervention services provided by a vendor, and (iii) prevention, intervention, or treatment services and supports for youth provided by a vendor by virtue of a contractual grant agreement. For the purposes of items (ii) and (iii), a vendor includes but is not limited to sellers of goods and services, including community-based organizations that are licensed to provide prevention, intervention, or treatment services and supports for persons with developmental disabilities, mental illness, and substance abuse problems, or that provides prevention, intervention, or treatment services and supports for youth.

For the purposes of this Act, "appropriate State official or agency" is defined as the Director or Chief Executive or his designee of that State agency or department or facility of such agency or department. With respect to covered health care provided to eligible members and their dependents in accordance with the State Employees Group Insurance Act of 1971, "appropriate State official or agency" also includes an administrator of a program of health benefits under that Act.

As used in this Act, "eligible member" means a member who is eligible for health benefits under the State Employees Group Insurance Act of 1971, and "member" and "dependent" have the meanings ascribed to those terms in that Act.

As used in this Act, "a proper bill or invoice" means a bill or invoice, including, but not limited to, an invoice issued under a contractual grant agreement, that includes the information necessary for processing the payment as may be specified by a State agency and in rules adopted in accordance with this Act. Beginning on and after July 1, 2021, "a proper bill or invoice" shall also include the names of all subcontractors or subconsultants to be paid from the bill or invoice and the amounts due to each of them, if any.

HISTORY:

P.A. 86-1383; 87-14; 87-860; 87-1010, § 1; 88-45, § 2-17; 88-554, § 94; 89-21, § 5-35; 91-266, § 10; 92-384, § 5; 96-802, § 5; 2017 P.A. 100-549, § 5, effective January 1, 2018; 2019 P.A. 101-524, § 5, effective January 1, 2020.

30 ILCS 540/6 [Waiver not permitted]

A State official or agency may not request any vendor or contractor to waive his rights, under this Act, to recover a penalty for late payment as a condition of, or inducement to enter into, any contract for goods or services.

HISTORY:

P.A. 87-773.

30 ILCS 540/7 Payments to subcontractors and material suppliers.

(a) When a State official or agency responsible for administering a contract submits a voucher to the Comptroller for payment to a contractor, that State official or agency shall promptly make available electronically the voucher number, the date of the voucher, and the amount of the voucher. The State official or agency responsible for administering the contract shall provide subcontractors and material suppliers, known to the State official or agency, with instructions on how to access the electronic information.

(a-5) When a contractor receives any payment, the contractor shall pay each subcontractor and material supplier electronically within 10 business days or 15 calendar days, whichever occurs earlier, or, if paid by a printed check, the printed check must be postmarked within 10 business days or 15 calendar days, whichever occurs earlier, after receiving payment in proportion to the work completed by each subcontractor and material supplier its application or pay estimate, plus interest received under this Act. When a contractor receives any payment, the contractor shall pay each lower-tiered subcontractor and material supplier and each subcontractor and material supplier shall make payment to its own respective subcontractors and material suppliers. If the contractor receives less than the full payment due under the public construction contract, the contractor shall be obligated to disburse on a pro rata basis those funds received, plus interest received under this Act, with the contractor, subcontractors and material suppliers each receiving a prorated portion based on the amount of payment each has earned. When, however, the State official or agency does not release the full payment due under the contract because there are specific areas of work or materials the State agency or official has determined are not suitable for payment, then those specific subcontractors or material suppliers involved shall not be paid for that portion of work rejected or deemed not suitable for payment and all other subcontractors and suppliers shall be paid based upon the amount of payment each has earned, plus interest received under this Act.

(a-10) For construction contracts with the Department of Transportation, the contractor, subcontractor, or material supplier, regardless of tier, shall not offset, decrease, or diminish payment or payments that are due to its subcontractors or material suppliers without reasonable cause.

A contractor, who refuses to make prompt payment within 10 business days or 15 calendar days, whichever occurs earlier, after receiving payment, in whole or in part, shall provide to the subcontractor or material supplier and the public owner or its agent, a written notice of that refusal. The written notice shall be made by a contractor no later than 5 calendar days after payment is received by the contractor. The written notice shall identify the Department of Transportation's contract, any subcontract or mate-

rial purchase agreement, a detailed reason for refusal, the value of the payment to be withheld, and the specific remedial actions required of the subcontractor or material supplier so that payment may be made. Written notice of refusal may be given in a form and method which is acceptable to the parties and public owner.

(b) If the contractor, without reasonable cause, fails to make full payment of amounts due under subsection (a) to its subcontractors and material suppliers within 10 business days or 15 calendar days, whichever occurs earlier, after receipt of payment from the State official or agency, the contractor shall pay to its subcontractors and material suppliers, in addition to the payment due them, interest in the amount of 2% per month, calculated from the expiration of the 10-business-day period or the 15-calendar-day period until fully paid. This subsection shall further apply to any payments made by subcontractors and material suppliers to their subcontractors and material suppliers and to all payments made to lower tier subcontractors and material suppliers throughout the contracting chain.

(1) If a contractor, without reasonable cause, fails to make payment in full as provided in subsection (a-5) within 10 business days or 15 calendar days, whichever occurs earlier, after receipt of payment under the public construction contract, any subcontractor or material supplier to whom payments are owed may file a written notice and request for administrative hearing with the State official or agency setting forth the amount owed by the contractor and the contractor's failure to timely pay the amount owed. The written notice and request for administrative hearing shall identify the public construction contract, the contractor, and the amount owed, and shall contain a sworn statement or attestation to verify the accuracy of the notice. The notice and request for administrative hearing shall be filed with the State official for the public construction contract, with a copy of the notice concurrently provided to the contractor. Notice to the State official may be made by certified or registered mail, messenger service, or personal service, and must include proof of delivery to the State official.

(2) The State official or agency, within 15 calendar days after receipt of a subcontractor's or material supplier's written notice and request for administrative hearing, shall hold a hearing convened by an administrative law judge to determine whether the contractor withheld payment, without reasonable cause, from the subcontractors or material suppliers and what amount, if any, is due to the subcontractors or material suppliers, and the reasonable cause or causes asserted by the contractor. The State official or agency shall provide appropriate notice to the parties of the date, time, and location of the hearing. Each contractor, subcontractor, or material supplier has the right to be represented by counsel at a hearing and to cross-examine witnesses and challenge documents. Upon the request of the subcontractor or material supplier and a showing of good cause, reasonable continuances may be granted by the administrative law judge.

(3) Upon a finding by the administrative law judge that the contractor failed to make payment in full, without reasonable cause, as provided in subsection (a-10), then the administrative law judge shall, in writing, order the contractor to pay the amount owed to the subcontractors or material suppliers plus interest within 15 calendar days after the order.

(4) If a contractor fails to make full payment as ordered under paragraph (3) of this subsection (b) within 15 days after the administrative law judge's order, then the contractor shall be barred from entering into a State public construction contract for a period of one year beginning on the date of the administrative law judge's order.

(5) If, on 2 or more occasions within a 3-calendar-year period, there is a finding by an administrative law judge that the contractor failed to make payment in full, without reasonable cause, and a written order was issued to a contractor under paragraph (3) of this subsection (b), then the contractor shall be barred from entering into a State public construction contract for a period of 6 months beginning on the date of the administrative law judge's second written order, even if the payments required under the orders were made in full.

(6) If a contractor fails to make full payment as ordered under paragraph (4) of this subsection (b), the subcontractor or material supplier may, within 30 days of the date of that order, petition the State agency for an order for reasonable attorney's fees and costs incurred in the prosecution of the action under this subsection (b). Upon that petition and taking of additional evidence, as may be required, the administrative law judge may issue a supplemental order directing the contractor to pay those reasonable attorney's fees and costs.

(7) The written order of the administrative law judge shall be final and appealable under the Administrative Review Law.

(b-5) On or before July 2021, the Department of Transportation shall publish on its website a searchable database that allows for queries for each active construction contract by the name of a subcontractor or the pay item such that each pay item is associated with either the prime contractor or a subcontractor.

(c) This Section shall not be construed to in any manner diminish, negate, or interfere with the contractor-subcontractor or contractor-material supplier relationship or commercially useful function.

(d) This Section shall not preclude, bar, or stay the rights, remedies, and defenses available to the parties by way of the operation of their contract, purchase agreement, the Mechanics Lien Act [770 ILCS 60/0.01 et seq.], or the Public Construction Bond Act [30 ILCS 550/0.01 et seq.].

(e) State officials and agencies may adopt rules as may be deemed necessary in order to establish the formal procedures required under this Section.

(f) As used in this Section:

"Payment" means the discharge of an obligation in money or other valuable consideration or thing delivered in full or partial satisfaction of an obligation to pay. "Payment" shall include interest paid pursuant to this Act.

"Reasonable cause" may include, but is not limited to, unsatisfactory workmanship or materials; failure to provide documentation required by the contract, subcontract, or material purchase agreement; claims made against the Department of Transportation or the subcontractor pursuant to subsection (c) of Section 23 of the Mechanics Lien Act [770 ILCS 60/23] or the Public Construction Bond Act; judgments, levies, garnishments, or other court-ordered assessments or offsets in favor of the Department of Transportation or other State agency entered against a subcontractor or material supplier. "Reasonable cause" does not include payments issued to the contractor that create a negative or reduced valuation pay application or pay estimate due to a reduction of contract quantities or work not performed or provided by the subcontractor or material supplier; the interception or withholding of funds for reasons not related to the subcontractor's or material supplier's work on the contract; anticipated claims or assessments of third parties not a party related to the contract or subcontract; asserted claims or assessments of third parties that are not authorized by court order, administrative tribunal, or statute. "Reasonable cause" further does not include the withholding, offset, or reduction of payment, in whole or in part, due to the assessment of liquidated damages or penalties assessed by the Department of Transportation against the contractor, unless the subcontractor's performance or supplied materials were the sole and proximate cause of the liquidated damage or penalty.

HISTORY:
P.A. 87-773; 94-672, § 5; 94-972, § 5; 2017 P.A. 100-43, § 26, effective August 9, 2017; 2017 P.A. 100-376, § 5, effective January 1, 2018; 2018 P.A. 100-863, § 160, effective August 14, 2018; 2019 P.A. 101-524, § 5, effective January 1, 2020.

PUBLIC CONTRACT FRAUD ACT

Section

30 ILCS 545/0.01 Short title.

This Act may be cited as the Public Contract Fraud Act.

HISTORY:
P.A. 86-1324.

30 ILCS 545/1 [Offense]

Whenever the General Assembly shall pass any enactment for the construction or repair or any public work or improvement, of the state, of any character or name whatsoever, and the said enactment, shall have become a law, and plans, specifications and estimates for the construction or repair of said public work or improvement have been submitted to and approved by the authorities designated in said law, and an appropriation has been made to defray the estimated expense thereof; any person or persons, commissioner or commissioners, or other officer or officers, entrusted with the execution of said public work or improvement, who shall so change, alter or modify, or permit or connive at such change, alteration or modification by any person or persons under his or their direction or control, directly or indirectly, so as to incur a greater cost and expense in the construction or repair of such public work or improvement, than was specified by the law authorizing it, and the appropriation made in pursuance thereof, shall be deemed guilty of a Class A misdemeanor.

HISTORY:
P.A. 77-2596.

30 ILCS 545/2 Spending money without obtaining title to land; approval of title by Attorney General

(a) Except as otherwise provided in Section 2 of the Superconducting Super Collider Act [20 ILCS 1135/2] or for projects constructed under the Bikeway Act [605 ILCS 30/0.01 et seq.], any person or persons, commissioner or commissioners, or other officer or officers, entrusted with the construction or repair of any public work or improvement, as set forth in Section 1 [30 ILCS 545/1], who shall expend or cause to be expended upon such public work or improvement, the whole or any part of the moneys appropriated therefor, or who shall commence work, or in any way authorize work to be commenced, thereon, without first having obtained a title, by purchase, donation, condemnation or otherwise, to all lands needed for such public work or improvement, running to the People of the State of Illinois; such title to be approved by the Attorney General, and his approval certified by the Secretary of State and placed on record in his office, shall be deemed guilty of a Class A misdemeanor.

(b) Approval of title by the Attorney General for all lands needed for a public work or improvement shall not be required as established under subsection (a) of this Section and the State Comptroller may draw warrant in payment of consideration for all such lands without requiring approval of title by the Attorney General if consideration to be paid does not exceed $10,000 and the title acquired for such lands is for:

(1) a fee simple title or easement acquired by the State for highway right-of-way; or

(2) an acquisition of rights or easements of access, crossing, light, air or view to, from or over a freeway vested in abutting property; or

(3) a fee simple title or easement used to place utility lines and connect a permanent public work or improvement owned by the State to main utility lines; or

(4) for the purpose of flood relief or other water resource projects.

(c) This Section does not apply to any otherwise lawful expenditures for the construction, completion, remodeling, maintenance and equipment of buildings and other facilities made in connection with and upon premises owned by the Illinois Building Authority, nor shall this Section apply to improvements to real estate leased by any State agency as defined in the Illinois State Auditing Act, [30 ILCS 5/1-1 et seq.] provided the leasehold improvements were contracted for by an agency with leasing authority and in compliance with the rules and regulations promulgated by such agency for that purpose.

HISTORY:
P.A. 85-226; 88-676, § 30; 89-78, § 1-90.

30 ILCS 545/3 [Prosecution]

Any person or persons, commissioner or commissioners, or other officer or officers, as aforesaid, may be prosecuted in any circuit court of this state, on complaint of 2 or more reputable citizens being filed in the office of the clerk of said court; such complaint to be verified by affidavits.

HISTORY:
Laws 1965, p. 3749.

30 ILCS 545/4 [Grand jury indictment]

It shall be the duty of the State's attorney of the county in which such complaint and affidavits are filed, to present the same to the grand jury, next constituted for such court after the filing thereof, and if said grand jury shall indict the person or persons so complained of it shall further be the duty of said State's attorney to prosecute and try the alleged offender or offenders.

HISTORY:
Laws 1933, p. 475.

PUBLIC CONSTRUCTION BOND ACT

Section

30 ILCS 550/0.01 Short title.

This Act may be cited as the Public Construction Bond Act.

HISTORY:
P.A. 86-1324.

30 ILCS 550/1 [Bond required] [Effective until January 1, 2023]

Except as otherwise provided by this Act, all officials, boards, commissions, or agents of this State, or of any political subdivision thereof, in making contracts for public work of any kind costing over $50,000 to be performed for the State, or of any political subdivision thereof, shall require every contractor for the work to furnish, supply and deliver a bond to the State, or to the political subdivision thereof entering into the contract, as the case may be, with good and sufficient sureties. The surety on the bond shall be a company that is licensed by the Department of Insurance authorizing it to execute surety bonds and the company shall have a financial strength rating of at least A- as rated by A.M. Best Company, Inc., Moody's Investors Service, Standard & Poor's Corporation, or a similar rating agency. The amount of the bond shall be fixed by the officials, boards, commissions, commissioners or agents, and the bond, among other conditions, shall be conditioned for the completion of the contract, for the payment of material, apparatus, fixtures, and machinery used in the work and for all labor performed in the work, whether by subcontractor or otherwise.

If the contract is for emergency repairs as provided in the Illinois Procurement Code [30 ILCS 500/1-1 et seq.], proof of payment for all labor, materials, apparatus, fixtures, and machinery may be furnished in lieu of the bond required by this Section.

Each such bond is deemed to contain the following provisions whether such provisions are inserted in such bond or not:

"The principal and sureties on this bond agree that all the undertakings, covenants, terms, conditions and agreements of the contract or contracts entered into between the principal and the State or any political subdivision thereof will be performed and fulfilled and to pay all persons, firms and corporations having contracts with the principal or with subcontractors, all just claims due them under the provisions of such contracts for labor performed or materials furnished in the performance of the contract on account of which this bond is given, when such claims are not satisfied out of the contract price of the contract on account of which this bond is given, after final settlement between the officer, board, commission or agent of the State or of any political subdivision thereof and the principal has been made.".

Each bond securing contracts between the Capital Development Board or any board of a public institution of higher education and a contractor shall con-

tain the following provisions, whether the provisions are inserted in the bond or not:

"Upon the default of the principal with respect to undertakings, covenants, terms, conditions, and agreements, the termination of the contractor's right to proceed with the work, and written notice of that default and termination by the State or any political subdivision to the surety (Notice"), the surety shall promptly remedy the default by taking one of the following actions:

(1) The surety shall complete the work pursuant to a written takeover agreement, using a completing contractor jointly selected by the surety and the State or any political subdivision; or

(2) The surety shall pay a sum of money to the obligee, up to the penal sum of the bond, that represents the reasonable cost to complete the work that exceeds the unpaid balance of the contract sum.

The surety shall respond to the Notice within 15 working days of receipt indicating the course of action that it intends to take or advising that it requires more time to investigate the default and select a course of action. If the surety requires more than 15 working days to investigate the default and select a course of action or if the surety elects to complete the work with a completing contractor that is not prepared to commence performance within 15 working days after receipt of Notice, and if the State or any political subdivision determines it is in the best interest of the State to maintain the progress of the work, the State or any political subdivision may continue to work until the completing contractor is prepared to commence performance. Unless otherwise agreed to by the procuring agency, in no case may the surety take longer than 30 working days to advise the State or political subdivision on the course of action it intends to take. The surety shall be liable for reasonable costs incurred by the State or any political subdivision to maintain the progress to the extent the costs exceed the unpaid balance of the contract sum, subject to the penal sum of the bond.

The surety bond required by this Section may be acquired from the company, agent or broker of the contractor's choice. The bond and sureties shall be subject to the right of reasonable approval or disapproval, including suspension, by the State or political subdivision thereof concerned. In the case of State construction contracts, a contractor shall not be required to post a cash bond or letter of credit in addition to or as a substitute for the surety bond required by this Section.

When other than motor fuel tax funds, federal-aid funds, or other funds received from the State are used, a political subdivision may allow the contractor to provide a non-diminishing irrevocable bank letter of credit, in lieu of the bond required by this Section, on contracts under $100,000 to comply with the requirements of this Section. Any such bank letter of credit shall contain all provisions required for bonds by this Section.

For the purposes of this Section, the terms "material", "labor", "apparatus", "fixtures", and "machinery" include those rented items that are on the construction site and those rented tools that are used or consumed on the construction site in the performance of the contract on account of which the bond is given.

HISTORY:

P.A. 86-333; 89-518, § 3; 91-456, § 5; 93-221, § 5; 95-1011, § 5; 96-1000, § 165; 98-216, § 5; 98-1018, § 5; 2019 P.A. 101-65, § 5, effective January 1, 2020.

30 ILCS 550/1 [Bond required] [Effective January 1, 2023]

Except as otherwise provided by this Act, all officials, boards, commissions, or agents of this State, or of any political subdivision thereof, in making contracts for public work of any kind costing over $50,000 to be performed for the State, or of any political subdivision thereof, shall require every contractor for the work to furnish, supply and deliver a bond to the State, or to the political subdivision thereof entering into the contract, as the case may be, with good and sufficient sureties. The surety on the bond shall be a company that is licensed by the Department of Insurance authorizing it to execute surety bonds and the company shall have a financial strength rating of at least A- as rated by A.M. Best Company, Inc., Moody's Investors Service, Standard & Poor's Corporation, or a similar rating agency. The amount of the bond shall be fixed by the officials, boards, commissions, commissioners or agents, and the bond, among other conditions, shall be conditioned for the completion of the contract, for the payment of material, apparatus, fixtures, and machinery used in the work and for all labor performed in the work, whether by subcontractor or otherwise.

If the contract is for emergency repairs as provided in the Illinois Procurement Code [30 ILCS 500/1-1 et seq.], proof of payment for all labor, materials, apparatus, fixtures, and machinery may be furnished in lieu of the bond required by this Section.

Each such bond is deemed to contain the following provisions whether such provisions are inserted in such bond or not:

"The principal and sureties on this bond agree that all the undertakings, covenants, terms, conditions and agreements of the contract or contracts entered into between the principal and the State or any political subdivision thereof will be performed and fulfilled and to pay all persons, firms and corporations having contracts with the principal or with subcontractors, all just claims due them under the provisions of such contracts for labor performed or materials furnished in the performance of the contract on account of which this bond is given, when such claims are not satisfied out of the contract price of the contract on account of which this bond is given, after final settlement between the officer, board, commission or agent of the State or of any political

subdivision thereof and the principal has been made.".

Each bond securing contracts between the Capital Development Board or any board of a public institution of higher education and a contractor shall contain the following provisions, whether the provisions are inserted in the bond or not:

"Upon the default of the principal with respect to undertakings, covenants, terms, conditions, and agreements, the termination of the contractor's right to proceed with the work, and written notice of that default and termination by the State or any political subdivision to the surety ("Notice"), the surety shall promptly remedy the default by taking one of the following actions:

(1) The surety shall complete the work pursuant to a written takeover agreement, using a completing contractor jointly selected by the surety and the State or any political subdivision; or

(2) The surety shall pay a sum of money to the obligee, up to the penal sum of the bond, that represents the reasonable cost to complete the work that exceeds the unpaid balance of the contract sum.

The surety shall respond to the Notice within 15 working days of receipt indicating the course of action that it intends to take or advising that it requires more time to investigate the default and select a course of action. If the surety requires more than 15 working days to investigate the default and select a course of action or if the surety elects to complete the work with a completing contractor that is not prepared to commence performance within 15 working days after receipt of Notice, and if the State or any political subdivision determines it is in the best interest of the State to maintain the progress of the work, the State or any political subdivision may continue to work until the completing contractor is prepared to commence performance. Unless otherwise agreed to by the procuring agency, in no case may the surety take longer than 30 working days to advise the State or political subdivision on the course of action it intends to take. The surety shall be liable for reasonable costs incurred by the State or any political subdivision to maintain the progress to the extent the costs exceed the unpaid balance of the contract sum, subject to the penal sum of the bond.".

The surety bond required by this Section may be acquired from the company, agent or broker of the contractor's choice. The bond and sureties shall be subject to the right of reasonable approval or disapproval, including suspension, by the State or political subdivision thereof concerned. Except as otherwise provided in this Section, in the case of State construction contracts, a contractor shall not be required to post a cash bond or letter of credit in addition to or as a substitute for the surety bond required by this Section.

When other than motor fuel tax funds, federal-aid funds, or other funds received from the State are used, a political subdivision may allow the contractor to provide a non-diminishing irrevocable bank letter of credit, in lieu of the bond required by this Section, on contracts under $100,000 to comply with the requirements of this Section. Any such bank letter of credit shall contain all provisions required for bonds by this Section.

In order to reduce barriers to entry for diverse and small businesses, the Department of Transportation may implement a 5-year pilot program to allow a contractor to provide a non-diminishing irrevocable bank letter of credit in lieu of the bond required by this Section on contracts under $500,000. Projects selected by the Department of Transportation for this pilot program must be classified by the Department as low-risk scope of work contracts. The Department shall adopt rules to define the criteria for pilot project selection and implementation of the pilot program.

For the purposes of this Section, the terms "material", "labor", "apparatus", "fixtures", and "machinery" include those rented items that are on the construction site and those rented tools that are used or consumed on the construction site in the performance of the contract on account of which the bond is given.

HISTORY:

P.A. 86-333; 89-518, § 3; 91-456, § 5; 93-221, § 5; 95-1011, § 5; 96-1000, § 165; 98-216, § 5; 98-1018, § 5; 2019 P.A. 101-65, § 5, effective January 1, 2020; 2022 P.A. 102-968, § 5, effective January 1, 2023.

30 ILCS 550/1.5 Public private agreements.

This Act applies to any public private agreement entered into under the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130/1 et seq.] or the Public-Private Agreements for the South Suburban Airport Act [620 ILCS 75/2-1 et seq.].

HISTORY:

P.A. 96-913, § 920; 98-109, § 4-30.

30 ILCS 550/1.7 Public-private agreements.

This Act applies to any public-private agreement entered into under the Public-Private Partnerships for Transportation Act [630 ILCS 5/1 et seq.].

HISTORY:

P.A. 97-502, § 920.

30 ILCS 550/2 Right to sue.

Every person furnishing material, apparatus, fixtures, machinery, or performing labor, either as an individual or as a sub-contractor, hereinafter referred to as Claimant, for any contractor, with the State, or a political subdivision thereof where bond or letter of credit shall be executed as provided in this Act, shall have the right to sue on such bond or letter of credit in the name of the State, or the political subdivision thereof entering into such contract, as the case may be, for his use and benefit, and in such suit the plaintiff shall file a copy of such bond or

letter of credit, certified by the party or parties in whose charge such bond or letter of credit shall be, which copy shall, unless execution thereof be denied under oath, be prima facie evidence of the execution and delivery of the original; provided, however, that this Act shall not be taken to in any way make the State, or the political subdivision thereof entering into such contract, as the case may be, liable to such sub-contractor, materialman or laborer to any greater extent than it was liable under the law as it stood before the adoption of this Act.

Provided, however, that any Claimant having a claim for labor, material, apparatus, fixtures, and machinery furnished to the State shall have no such right of action unless it shall have filed a verified notice of said claim with the officer, board, bureau or department awarding the contract, within 180 days after the date of the last item of work or the furnishing of the last item of materials, apparatus, fixtures, and machinery, and shall have furnished a copy of such verified notice to the contractor within 10 days of the filing of the notice with the agency awarding the contract.

When any Claimant has a claim for labor, material, apparatus, fixtures, and machinery furnished to a political subdivision, the Claimant shall have no right of action unless it shall have filed a verified notice of that claim with the Clerk or Secretary of the political subdivision within 180 days after the date of the last item of work or furnishing of the last item of materials, apparatus, fixtures, and machinery, and shall have filed a copy of that verified notice upon the contractor in a like manner as provided herein within 10 days after the filing of the notice with the Clerk or Secretary.

The Claimant may file said verified notice by using personal service or by depositing the verified notice in the United States Mail, postage prepaid, certified or restricted delivery return receipt requested limited to addressee only. The verified notice shall be deemed filed on the date personal service occurs or the date when the verified notice is mailed in the form and manner provided in this Section.

The claim shall be verified and shall contain (1) the name and address of the claimant; the business address of the Claimant within this State and if the Claimant shall be a foreign corporation having no place of business within the State, the notice shall state the principal place of business of said corporation and in the case of a partnership, the notice shall state the names and residences of each of the partners; (2) the name of the contractor for the government; (3) the name of the person, firm or corporation by whom the Claimant was employed or to whom he or it furnished materials, apparatus, fixtures, or machinery; (4) a brief description of the public improvement; (5) a description of the Claimant's contract as it pertains to the public improvement, describing the work done by the Claimant and stating the total amount due and unpaid as of the date of verified notice.

No defect in the notice herein provided for shall deprive the Claimant of his right of action under this article unless it shall affirmatively appear that such defect has prejudiced the rights of an interested party asserting the same.

Provided, further, that no action shall be brought later than one year after the date of the furnishing of the last item of work, materials, apparatus, fixtures, or machinery by the Claimant. Such action shall be brought only in the circuit court of this State in the judicial circuit in which the contract is to be performed.

The remedy provided in this Section is in addition to and independent of any other rights and remedies provided at law or in equity. A waiver of rights under the Mechanics Lien Act [770 ILCS 60/0.01 et seq.] shall not constitute a waiver of rights under this Section unless specifically stated in the waiver.

For the purposes of this Section, the terms "material", "labor", "apparatus", "fixtures", and "machinery" include those rented items that are on the construction site and those rented tools that are used or consumed on the construction site in the performance of the contract on account of which the bond is given.

HISTORY:

P.A. 86-333; 93-562, § 5; 97-487, § 5; 99-673, § 5; 2019 P.A. 101-65, § 5, effective January 1, 2020.

30 ILCS 550/3 Builder or developer cash bond or other surety.

(a) A county or municipality may not require a cash bond, irrevocable letter of credit, surety bond, or letter of commitment issued by a bank, savings and loan association, surety, or insurance company from a builder or developer to guarantee completion of a project improvement when the builder or developer has filed with the county or municipal clerk a current, irrevocable letter of credit, surety bond, or letter of commitment issued by a bank, savings and loan association, surety, or insurance company, deemed good and sufficient by the county or municipality accepting such security, in an amount equal to or greater than 110% of the amount of the bid on each project improvement. A builder or developer has the option to utilize a cash bond, irrevocable letter of credit, surety bond, or letter of commitment, issued by a bank, savings and loan association, surety, or insurance company, deemed good and sufficient by the county or municipality, to satisfy any cash bond requirement established by a county or municipality. Except for a municipality or county with a population of 1,000,000 or more, the county or municipality must approve and deem a surety or insurance company good and sufficient for the purposes set forth in this Section if the surety or insurance company is authorized by the Illinois Department of Insurance to sell and issue sureties in the State of Illinois.

(b) If a county or municipality receives a cash bond, irrevocable letter of credit, or surety bond from

a builder or developer to guarantee completion of a project improvement, the county or municipality shall (i) register the bond under the address of the project and the construction permit number and (ii) give the builder or developer a receipt for the bond. The county or municipality shall establish and maintain a separate account for all cash bonds received from builders and developers to guarantee completion of a project improvement.

(c) The county or municipality shall refund a cash bond to a builder or developer, or release the irrevocable letter of credit or surety bond, within 60 days after the builder or developer notifies the county or municipality in writing of the completion of the project improvement for which the bond was required. For these purposes, "completion" means that the county or municipality has determined that the project improvement for which the bond was required is complete or a licensed engineer or licensed architect has certified to the builder or developer and the county or municipality that the project improvement has been completed to the applicable codes and ordinances. The county or municipality shall pay interest to the builder or developer, beginning 60 days after the builder or developer notifies the county or municipality in writing of the completion of the project improvement, on any bond not refunded to a builder or developer, at the rate of 1% per month.

(d) A home rule county or municipality may not require or maintain cash bonds, irrevocable letters of credit, surety bonds, or letters of commitment issued by a bank, savings and loan association, surety, or insurance company from builders or developers in a manner inconsistent with this Section. This Section supersedes and controls over other provisions of the Counties Code or Illinois Municipal Code [55 ILCS 5/1-1001 et seq. or 65 ILCS 5/1-1-1 et seq.] as they apply to and guarantee completion of a project improvement that is required by the county or municipality, regardless of whether the project improvement is a condition of annexation agreements. This Section is a denial and limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution [Ill. Const., Art. VII, § 6] on the concurrent exercise by a home rule county or municipality of powers and functions exercised by the State.

HISTORY:
P.A. 89-518, § 3; 90-558, § 1; 92-479, § 5; 96-1000, § 165.

PUBLIC CONSTRUCTION CONTRACT ACT

Section

30 ILCS 557/1 Short title.

This Act may be cited as the Public Construction Contract Act.

HISTORY:
P.A. 91-647, § 1.

30 ILCS 557/5 Definitions.

As used in this Act:

"Contractor" means a person who contracts with a governmental entity to improve real property or to perform or manage construction. "Contractor" does not mean a person licensed under the Illinois Architecture Practice Act of 1989 [225 ILCS 305/1 et seq.], the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330/1 et seq.], or the Professional Engineering Practice Act of 1989 [225 ILCS 325/1 et seq.].

"Governmental entity" means a county, a municipality, a township, a public educational institution, a special district, or any political subdivision thereof. "Governmental entity" does not include the Metropolitan Water Reclamation District.

"Improve" means to build, alter, repair, or demolish an improvement on, connected with, or beneath the surface of any real property; to excavate, clear, grade, fill, or landscape any real property; to construct driveways or roadways; or to perform labor on improvements.

"Improvement" includes, but is not limited to, all or any part of any building, structure, erection, alteration, demolition, excavation, clearing, grading, filling, landscaping, trees, shrubbery, driveways, or roadways on real property.

"Person" means an individual, corporation, partnership, association, governmental entity, or any other legal entity.

"Real property" means the real estate that is improved, including, but not limited to, lands, leaseholds, tenements, hereditaments, and improvements placed on the real estate.

HISTORY:
P.A. 91-647, § 5.

30 ILCS 557/10 Contract requirements.

If a contract between a contractor and a governmental entity for an improvement exceeds $75,000, all of the following provisions apply to that contract:

(1) If a contractor discovers one or both of the following physical conditions at the surface or subsurface of the site, the contractor must notify the governmental entity of the condition, in writing, before disturbing the condition:

(A) A subsurface or latent physical condition at the site differing materially from conditions indicated in the contract.

(B) An unknown physical condition at the site of an unusual nature differing materially from the conditions ordinarily encountered and generally

recognized as inhering in work of the kind provided for in the contract.

(2) If the governmental entity receives notice from the contractor under subdivision (1), the governmental entity must promptly investigate the physical condition.

(3) If the governmental entity determines that the physical condition (i) does materially differ from the conditions indicated in the contract or ordinarily encountered in the work of the kind provided for in the contract and (ii) will cause an increase or decrease in the costs or time needed to perform the contract, the governmental entity must make an equitable adjustment to and modify the contract in writing.

(4) The contractor may not make a claim for additional costs or time because of a physical condition at the site, unless the contractor has provided notice to the governmental entity under subdivision (1).

(5) The contractor may not make a claim for an adjustment after the contractor has received a final payment under the contract.

HISTORY:
P.A. 91-647, § 10.

30 ILCS 557/15 Arbitration.

A contractor and governmental entity may, by mutual agreement, arbitrate the contractor's entitlement to recover the actual increase in contract time or costs incurred because of a physical condition at the site. The judgment rendered may be entered in any court having jurisdiction over the matter.

HISTORY:
P.A. 91-647, § 15.

30 ILCS 557/20 Incorporation into contract.

The provisions of Section 10 of this Act [30 ILCS 557/10] are incorporated into and considered a part of every contract for improvements between a contractor and governmental entity.

HISTORY:
P.A. 91-647, § 20.

30 ILCS 557/25 Limitation.

Nothing in this Act limits the rights or remedies otherwise available to a contractor or governmental entity under any other law or under the Constitution of the State of Illinois.

HISTORY:
P.A. 91-647, § 25.

30 ILCS 557/99 Effective date.

This Act takes effect upon becoming law.

HISTORY:
P.A. 91-647, § 99.

STEEL PRODUCTS PROCUREMENT ACT

Section

30 ILCS 565/1 [Short title]

This Act shall be known and may be cited as the "Steel Products Procurement Act".

HISTORY:
P.A. 83-1030.

30 ILCS 565/2 [Declarations]

It is hereby found and declared by the Illinois General Assembly that

(1) The production of steel products provides the jobs and family incomes of hundreds of thousands of people in this State and, in turn, the jobs and family incomes of millions of persons in the United States;

(2) The taxes paid to the State and its political subdivisions by employers and employees engaged in the production and sale of steel products are a large source of public revenues in the State;

(3) The economy and general welfare of this State and its people, as well as the economy and general welfare of the United States, are inseparably related to the preservation and development of industry in this State, as well as all the other states of this nation.

The General Assembly therefore declares it to be the policy of the State of Illinois that all public officers and agencies should aid and promote the economy of the State and the United States by specifying steel products produced in the United States in all contracts for construction, reconstruction, repair, improvement or maintenance of public works.

HISTORY:
P.A. 83-1030.

30 ILCS 565/3 [Definitions]

For the purposes of this Act, the following words have the meanings ascribed to them in this Section unless the context clearly requires otherwise.

(a) "Public agency" means the State of Illinois, its departments, agencies, boards, commissions and institutions, and all units of local government, including school districts.

(b) "United States" means the United States and any place subject to the jurisdiction thereof.

(c) "Steel products" means products rolled, formed, shaped, drawn, extruded, forged, cast, fabricated, or otherwise similarly processed, or processed by a

combination of two or more such operations, from steel made in the United States by the open hearth, basic oxygen, electric furnace, Bessemer or other steel making process.

HISTORY:
P.A. 83-1030.

30 ILCS 565/4 [Contract provisions; exceptions]

Each contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works made by a public agency shall contain a provision that steel products used or supplied in the performance of that contract or any subcontract thereto shall be manufactured or produced in the United States.

The provisions of this Section shall not apply:

(1) Where the contract involves an expenditure of less than $500.

(2) Where the executive head of the public agency certifies in writing that (a) the specified products are not manufactured or produced in the United States in sufficient quantities to meet the agency's requirements or cannot be manufactured or produced in the United States within the necessary time in sufficient quantities to meet the agency's requirements, or (b) obtaining the specified products, manufactured or produced in the United States would increase the cost of the contract by more than 10%.

(3) When its application is not in the public interest.

HISTORY:
P.A. 83-1030.

30 ILCS 565/5 [Business offense; prosecution]

No public agency may authorize, provide for or make any payment to any vendor or contractor upon any contract in violation of Section 4 [30 ILCS 565/4]. It shall be a business offense for any vendor or contractor to knowingly enter into any contract in violation of Section 4 or to knowingly violate contract provisions required by Section 4. Each such violation shall subject the violator to a fine of the greater of $5,000 or the payment price received by him as a result of such violation. The Attorney General is authorized to file and prosecute a complaint in the circuit court of any county in which the contract was in whole or in part executed or performed.

HISTORY:
P.A. 83-1030.

30 ILCS 565/6 [Effect]

This Act shall apply only to contracts and subcontracts entered into after the effective date of this Act, and shall not limit the use or supply of steel products purchased or leased prior to the effective date of this Act.

HISTORY:
P.A. 83-1030.

30 ILCS 565/7 [Federal regulations]

Nothing in this Act is intended to contravene any existing treaty, law, agreement or regulation of the United States. Contracts entered into in accordance with an existing treaty, law, agreement or regulation of the United States shall not be in violation of this Act to the extent of such accordance.

HISTORY:
P.A. 83-1030.

EMPLOYMENT OF ILLINOIS WORKERS ON PUBLIC WORKS ACT

Section

30 ILCS 570/0.01 Short title.

This Article 2 may be cited as the Employment of Illinois Workers on Public Works Act. In this Article 2, references to this Act mean this Article 2.

HISTORY:
P.A. 86-1324; 96-929, § 5.

30 ILCS 570/1 Definitions.

For the purposes of this Act, the following words have the meanings ascribed to them in this Section.

(1) "Illinois laborer" refers to any person who has resided in Illinois for at least 30 days and intends to become or remain an Illinois resident.

(2) "A period of excessive unemployment" means any month immediately following 2 consecutive calendar months during which the level of unemployment in the State of Illinois has exceeded 5% as measured by the United States Bureau of Labor Statistics in its monthly publication of employment and unemployment figures.

(3) "Hazardous waste" has the definition ascribed to it in Section 3.220 of the Illinois Environmental Protection Act [415 ILCS 5/3.220], approved June 29, 1970, as amended.

(4) "Interested party" means a person or entity with an interest in compliance with this Act.

(5) "Entity" means any sole proprietor, partnership, firm, corporation, limited liability company, association, or other business enterprise; however, the term "entity" does not include (i) the State of Illinois or its officers, agencies, or political subdivisions or (ii) the federal government.

(6) "Public works" means any fixed work construction or improvement for the State of Illinois or any political subdivision of the State if that fixed work construction or improvement is funded or financed in whole or in part with State funds or funds administered by the State of Illinois.

HISTORY:
P.A. 86-1015; 92-574, § 15; 96-929, § 5.

30 ILCS 570/1.1 Findings.

The General Assembly finds and declares that unemployment in the Illinois construction industry has traditionally tended to be higher in those counties which border upon other states. Further, the General Assembly finds and declares that the overutilization of out-of-state laborers on public works projects or improvements for the State of Illinois or any political subdivision, municipal corporation or other governmental units thereof is a contributing factor to higher levels of unemployment both in the border counties and throughout Illinois. It is the public policy of this State and the objective of this Act to promote the general welfare of the people of this State by ensuring that Illinois laborers are utilized to the greatest extent possible on public works projects or improvements for the State of Illinois or any political subdivision, municipal corporation or other governmental units thereof. To this end, this Act shall be liberally construed to effectuate its purpose.

HISTORY:
P.A. 87-377; 96-929, § 5.

30 ILCS 570/2 Applicability.

This Act applies to all labor on public works projects or improvements, including projects involving the clean-up and on-site disposal of hazardous waste, but excluding emergency response or immediate removal activities, whether skilled, semi-skilled or unskilled, whether manual or non-manual.

HISTORY:
P.A. 86-1015; 96-929, § 5.

30 ILCS 570/2.5 Public private agreements.

This Act applies to any public private agreement entered into under the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130/1 et seq.] and the Public-Private Agreements for the South Suburban Airport Act [620 ILCS 75/2-1 et seq.].

HISTORY:
P.A. 96-913, § 925; 98-109, § 4-35.

30 ILCS 570/2.7 Public-private agreements.

This Act applies to any public-private agreement entered into under the Public-Private Partnerships for Transportation Act [630 ILCS 5/1 et seq.].

HISTORY:
P.A. 97-502, § 925.

30 ILCS 570/3 Employment of Illinois laborers.

Whenever there is a period of excessive unemployment in Illinois, if a person or entity is charged with the duty, either by law or contract, of (1) constructing or building any public works, as defined in this Act, or (2) the clean-up and on-site disposal of hazardous waste for the State of Illinois or any political subdivision of the State, and that clean-up or on-site disposal is funded or financed in whole or in part with State funds or funds administered by the State of Illinois, then that person or entity shall employ at least 90% Illinois laborers on such project. Any public works project financed in whole or in part by federal funds administered by the State of Illinois is covered under the provisions of this Act, to the extent permitted by any applicable federal law or regulation. Every public works contract let by any such person shall contain a provision requiring that such labor be used: Provided, that other laborers may be used when Illinois laborers as defined in this Act are not available, or are incapable of performing the particular type of work involved, if so certified by the contractor and approved by the contracting officer.

HISTORY:
P.A. 86-1015; 96-929, § 5.

30 ILCS 570/4 Non-resident executive and technical experts.

Every contractor on a public works project or improvement or hazardous waste clean-up and on-site disposal project in this State may place on such work no more than 3, or 6 in the case of a hazardous waste clean-up and on-site disposal project, of his regularly employed non-resident executive and technical experts, even though they do not qualify as Illinois laborers as defined in Section 1 of this Act [30 ILCS 570/1].

HISTORY:
P.A. 86-1015; 96-929, § 5.

30 ILCS 570/5 Expenditure of federal funds.

(a) In all contracts involving the expenditure of federal aid funds in relation to a public works project or improvement, this Act shall not be enforced in such manner as to conflict with any federal statutes or rules and regulations.

(b) When federal expenditures are used in combination with State expenditures for clean-up and on-site disposal of hazardous waste, it shall be the responsibility of the Illinois Environmental Protection Agency to notify, with respect to such project, any Illinois hazardous waste cleanup contractor who has requested such notification of the date when bids will be accepted for such projects and the requirements necessary to successfully compete for such projects.

HISTORY:
P.A. 86-1015; 96-929, § 5.

30 ILCS 570/6 Penalties.

Any person or entity that violates the provisions of this Act is subject to a civil penalty in an amount not to exceed $1,000 for each violation found in the first investigation by the Department, not to exceed $5,000 for each violation found in the second investigation by the Department, and not to exceed $15,000 for a third or subsequent violation found in any subsequent investigation by the Department. Each violation of this Act for each worker and for each day the violation continues constitutes a separate and distinct violation. In determining the amount of the penalty, the Department shall consider the appropriateness of the penalty to the person or entity charged, upon determination of the gravity of the violations. The collection of these penalties shall be enforced in a civil action brought by the Attorney General on behalf of the Department.

HISTORY:
P.A. 86-1015; 96-929, § 5.

30 ILCS 570/7 Enforcement.

It is the duty of the Department of Labor to enforce the provisions of this Act. The Department has the power to conduct investigations in connection with the administration and enforcement of this Act, and any investigator with the Department is authorized to visit and inspect, at all reasonable times, any places covered by this Act and is authorized to inspect, at all reasonable times, documents related to the determination of whether a violation of the Act exists. The Department may compel, by subpoena, the attendance and testimony of witnesses and the production of books, payrolls, records, papers, and other evidence in any investigation and may administer oaths to witnesses. The Department of Labor, as represented by the Attorney General, is empowered to: (i) issue and cause to be served on any person or entity an order to cease and desist from further violation of this Act, (ii) take affirmative or other action as deemed reasonable to eliminate the effect of the violation, (iii) collect any civil penalties assessed by the Department pursuant to Section 6 of this Act [30 ILCS 570/6], and (iv) sue for injunctive relief against the awarding of any contract or the continuation of any work under any contract for public works or improvements or for the clean-up and on-site disposal of hazardous waste at a time when the provisions of this Act are not being met.

HISTORY:
P.A. 86-1015; 96-929, § 5.

30 ILCS 570/7.05 Review.

Any party seeking review of the Department's determination may file a written request for an informal conference. The request must be received by the Department within 15 calendar days after the date of issuance of the Department's determination. During the conference, the party seeking review may present written or oral information and arguments as to why the Department's determination should be amended or vacated. The Department shall consider the information and arguments presented and issue a written decision advising all parties of the outcome of the conference.

HISTORY:
P.A. 96-929, § 5.

30 ILCS 570/7.10 Employment of Illinois Workers on Public Works Projects Fund.

All moneys received by the Department as civil penalties under this Act shall be deposited into the Employment of Illinois Workers on Public Works Projects Fund and shall be used, subject to appropriation by the General Assembly, by the Department for administration, investigation, and other expenses incurred in carrying out its powers and duties under this Act. The Department shall hire as many investigators and other personnel as may be necessary to carry out the purposes of this Act. Any moneys in the Fund at the end of a fiscal year in excess of those moneys necessary for the Department to carry out its powers and duties under this Act shall be available for appropriation to the Department for the next fiscal year for any of the Department's duties.

HISTORY:
P.A. 96-929, § 5.

30 ILCS 570/7.15 Private right of action.

(a) Any interested party or person aggrieved by a violation of this Act or any rule adopted under this Act may file suit in circuit court, in the county where the alleged offense occurred or where any party to the action resides, without regard to exhaustion of any alternative administrative remedies provided in this Act. Actions may only be brought (i) 30 days or more after a complaint has been filed with the Department of Labor by any interested party or person aggrieved by a violation of this Act or (ii) any time after the filing of a complaint if the Department of Labor notifies any interested party or person aggrieved by a violation of this Act that the Department will not proceed with the complaint. Actions may be brought by one or more persons or entities for and on behalf of

themselves and other persons or entities similarly situated. A person or entity whose rights have been violated under this Act is entitled to collect:

(1) attorney's fees and costs; and

(2) compensatory damages in an amount not to exceed $500 for each violation of this Act or any rule adopted under this Act. Each violation of this Act for each worker and for each day the violation continues constitutes a separate and distinct violation.

(b) The right of an interested party or aggrieved person to bring an action under this Section terminates upon the passing of 3 years from the date of completion and acceptance of the public works project in question.

HISTORY:
P.A. 96-929, § 5.

30 ILCS 570/7.20 Rulemaking.

The Department may adopt reasonable rules to implement and administer this Act. For purposes of this Act, the General Assembly finds that the adoption of rules to implement this Act is deemed an emergency and necessary for the public interest and welfare.

HISTORY:
P.A. 96-929, § 5.

GRANTS AND AID

Illinois Grant Funds Recovery Act
Grant Accountability and Transparency Act
Downstate Public Transportation Act

ILLINOIS GRANT FUNDS RECOVERY ACT

Section

30 ILCS 705/1 Short title.

This Act may be cited as the "Illinois Grant Funds Recovery Act".

HISTORY:
P.A. 83-640.

30 ILCS 705/2 Definitions.

The following terms when used in this Act shall have the meanings ascribed to them in this Section:

(a) "Grantor agency" is any agency of State government which dispenses grant funds.

(b) "Grant funds" are any public funds dispensed by a grantor agency to any person or entity for obligation, expenditure, or use by that person or entity for a specific purpose or purposes. Funds disbursed by the State Comptroller pursuant to an appropriation made by the General Assembly to a named entity or person are not grant funds for purposes of this Act. Funds disbursed in accordance with a fee for service purchase of care contract are not grant funds for purposes of this Act.

Neither the method by which funds are dispensed whether by contract, agreement, grant subsidy, letter of credit, or any other method nor the purpose for which the funds are used can change the character of funds which otherwise would be considered grant funds as defined in this Section.

(c) "Grantee" means the person or entity which may use grant funds.

(d) "Institution of higher education" means any institution which is authorized to grant degrees within the State of Illinois.

HISTORY:
P.A. 86-602.

30 ILCS 705/3 Application.

Except as otherwise provided by this Section, all grant funds are subject to the provisions of this Act. This Act does not empower any grantor agency to make grants.

This Act does not apply to grant funds that are granted without limitation or condition imposed by law, other than the general limitation that such funds be used for public purposes.

This Act does not apply to funds disbursed pursuant to a statutory formula for distribution.

This Act does not apply to grants made pursuant to Sections 1.25 and 3.31 of "An Act making appropriations to various agencies", Public Act 84-110, approved July 25, 1985.

This Act does not apply to funds disbursed pursuant to a contract between the Department of Transportation and any other highway authority for the purposes set forth in Section 4-409 of the Illinois Highway Code [605 ILCS 5/4-409] or any airport owner, operator, or controller as set forth in Section 34 of the Illinois Aeronautics Act [620 ILCS 5/34].

HISTORY:
P.A. 84-1440; 96-1487, § 5.

30 ILCS 705/4 Grant Application and Agreement Requirements.

(a) Any person or organization, public or private, desiring to receive grant funds must submit a grant application to the appropriate grantor agency. Applications for grant funds shall be made on prescribed forms developed by the grantor agency, and shall include, without being limited to, the following provisions:

(1) the name, address, chief officers, and general description of the applicant;

(2) a general description of the program, project, or use for which grant funding is requested;

(3) such plans, equipment lists, and other documents as may be required to show the type, structure, and general character of the program, project, or use for which grant funding is requested;

(4) cost estimates of developing, constructing, operating, or completing the program, project, or use for which grant funding is requested; and

(5) a program of proposed expenditures for the grant funds.

(b) Grant funds may not be used except pursuant to a written grant agreement, and any disbursement of grant funds without a grant agreement is void. At a minimum, a grant agreement must:

(1) describe the purpose of the grant and be signed by the grantor agency making the grant and all grantees of the grant;

(2) specify how payments shall be made, what constitutes permissible expenditure of the grant funds, and the financial controls applicable to the grant, including, for those grants in excess of $25,000, the filing of quarterly reports describing the progress of the program, project, or use and the expenditure of the grant funds related thereto;

(3) specify the period of time for which the grant is valid and, subject to the limitation of Section 5 [30 ILCS 705/5], the period of time during which grant funds may be expended by the grantee;

(4) contain a provision that any grantees receiving grant funds are required to permit the grantor agency, the Auditor General, or the Attorney General to inspect and audit any books, records, or papers related to the program, project, or use for which grant funds were provided;

(5) contain a provision that all funds remaining at the end of the grant agreement or at the expiration of the period of time grant funds are available for expenditure or obligation by the grantee shall be returned to the State within 45 days; and

(6) contain a provision in which the grantee certifies under oath that all information in the grant agreement is true and correct to the best of the grantee's knowledge, information, and belief; that the funds shall be used only for the purposes described in the grant agreement; and that the award of grant funds is conditioned upon such certification.

HISTORY:
P.A. 83-640; 96-795, § 95-40.

30 ILCS 705/4.1 Grant Fund Distribution Suspension.

Grantor agencies may withhold or suspend the distribution of grant funds for failure to file required reports.

HISTORY:
P.A. 96-795, § 95-40.

30 ILCS 705/4.2 Suspension of grant making authority. [Repealed]

HISTORY:
P.A. 96-1529, § 15; 97-732, § 20-5; 97-1144, § 5; 98-24, § 15-5; 98-674, § 20-30; repealed by P.A. 98-706, § 510, effective July 16, 2014.

30 ILCS 705/4.3 Prohibition on use of grant funds for prohibited political activities.

(a) For the purposes of this Section, "prohibited political activity" has the meaning established in Section 1-5 of the State Officials and Employees Ethics Act [5 ILCS 430/1-5].

(b) Grantees and employees of grantees shall not knowingly use grant funds, or goods or services purchased with grant funds, to engage, either directly or indirectly, in a prohibited political activity.

(c) Grantees and employees of grantees shall not be knowingly compensated from grant funds for time spent engaging in a prohibited political activity.

(d) Nothing in this Section shall prohibit any 501(c)(3) or 501(c)(4) organization receiving a grant from the State from engaging in any federally permissible activity regarding advocacy, indirect and direct lobbying, and political activity, provided that the specific funds acquired by a grant from the State shall not be knowingly used for those activities that are permitted by federal law but prohibited by this Section.

(e) A grantee who knowingly violates this Section is guilty of a business offense and is subject to a fine of up to $5,000.

HISTORY:
P.A. 98-588, § 5.

30 ILCS 705/5 Time Limit on Expenditure of Grant Funds.

Subject to the restriction of Section 35 of the State Finance Act [30 ILCS 105/35], no grant funds may be made available for expenditure by a grantee for a period longer than 2 years, except where such grant funds are disbursed in reimbursement of costs previously incurred by the grantee and except as other-

wise provided in subsection (d) of Section 5-200 of the School Construction Law [105 ILCS 230/5-200]. Any grant funds not expended or legally obligated by the end of the grant agreement, or during the time limitation to grant fund expenditures set forth in this Section, must be returned to the grantor agency within 45 days, if the funds are not already on deposit with the grantor agency or the State Treasurer. Such returned funds shall be deposited into the fund from which the original grant disbursement to the grantee was made.

HISTORY:
P.A. 83-640; 99-606, § 5.

30 ILCS 705/5.1 Restoration of grant award. [Effective until July 31, 2024]

(a) A grantee who received an award pursuant to the Open Space Lands Acquisition and Development Act who was unable to complete the project within the 2 years required by Section 5 due to the COVID-19 public health emergency, and whose grant agreement expired between January 1, 2021 and July 29, 2021, shall be eligible for an award under the same terms as the expired grant agreement, subject to the availability of appropriated moneys in the fund from which the original disbursement to the grantee was made. The grantee must demonstrate prior compliance with the terms and conditions of the expired award to be eligible for funding under this Section.

(b) Any grant funds not expended or legally obligated by the expiration of the newly executed agreement must be returned to the grantor agency within 45 days, if the funds are not already on deposit with the grantor agency or the State Treasurer. Such returned funds shall be deposited into the fund from which the original grant disbursement to the grantee was made.

(c) This Section is repealed on July 31, 2024.

History.
2022 P.A. 102-699, § 5-55, effective April 19, 2022.

30 ILCS 705/6 Recovery of Grant Funds.

Any grant funds which have been misspent or are being improperly held are subject to recovery by the grantor agency which made the grant or alternatively by the Attorney General. The grantor agency making the grant shall take affirmative and timely action to recover all misspent or improperly held grant funds. In order to effectuate the recovery of such grant funds, the grantor agency making the grant is authorized to use any one or a combination of the following:

(a) offset against existing grants of, or future grants to be made by, the grantor agency making the recovery;

(b) authorize the offset from existing grants or grants to be made by other grantor agencies;

(c) authorize the Comptroller to offset any payment from any funds administered by the Comptroller for payment to the grantee, including, but not limited to, distributions of appropriated funds and payment of refunds;

(d) initiate any debt collection method authorized by law to any private person; or

(e) remove the grantee from any of the grantor agency's programs and forbid the grantee's participation in any such future grant programs for a period not to exceed 2 years.

The provisions of this Section are subject to Section 14 [30 ILCS 705/14].

HISTORY:
P.A. 83-640; 87-1262, § 2.

30 ILCS 705/7 Informal Hearing.

Whenever a grantor agency believes that grant funds are subject to recovery, the grantor agency shall provide the grantee the opportunity for at least one informal hearing to determine the facts and issues and to resolve any conflicts as amicably as possible before taking any formal recovery actions.

HISTORY:
P.A. 83-640.

30 ILCS 705/8 Formal Procedures for Recovery.

(a) If a grantor agency determines that certain grant funds are to be recovered, then, prior to taking any action to recover the grant funds, the grantor agency shall provide the grantee of the funds a written notice of the intended recovery. This notice shall identify the funds and the amount to be recovered and the specific facts which permit recovery.

(b) A grantee shall have 35 days from the receipt of the notice required in paragraph (a) of this Section to request a hearing to show why recovery is not justified or proper.

(c) If a grantee requests a hearing pursuant to paragraph (b) of this Section, then:

(1) the grantor agency shall hold a hearing at which the grantee (or his representative) may present evidence and witnesses to show why recovery should not be permitted; and

(2) after the conclusion of the hearing, the grantor agency shall issue a written final recovery order and send a copy of the order to the grantee.

(d) A grantee may seek judicial review of any final recovery order, pursuant to the provisions of the Administrative Review Law [735 ILCS 5/3-101 et seq.].

(e) If a grantee requests a hearing pursuant to paragraph (b) of this Section then the grantor agency may not take any action of recovery until at least 35 days after the grantor agency has issued a final recovery order pursuant to the requirements of paragraph (c) of this Section.

If a grantee does not request a hearing as permitted in paragraph (b) of this Section, then the grantor

agency may proceed with recovery of the grant funds identified in the notice issued pursuant to the requirements of paragraph (a) of this Section, at any time after the expiration of the 35-day request period established in paragraph (b) of this Section.

(f) Any notice or mailing required or permitted by this Section shall be deemed received 5 days after the notice or mailing is deposited in the United States mail, properly addressed with the grantee's current business address and with sufficient U.S. postage affixed.

HISTORY:
P.A. 83-640.

30 ILCS 705/9 Recovery of Grant Funds by Attorney General.

Except as otherwise provided by Section 14 [30 ILCS 705/14], the Attorney General, on his own volition, may act to recover any grant funds which have been misapplied or are being improperly held and, when doing so, has all the powers of collection established in this Act in addition to any other powers authorized by law or the Constitution.

HISTORY:
P.A. 83-640; 87-1262, § 2.

30 ILCS 705/10 Interest on Grant Funds.

All interest earned on grant funds held by a grantee shall become part of the grant principal when earned and be treated accordingly for all purposes, unless the grant agreement provides otherwise.

The grantor agency may provide in the grant agreement that interest earned on grant funds may be retained by the grantee when the cost of accounting for the interest or allocating the interest to principal is significant in terms of the amount of interest to be received.

When the grantor agency is granting funds made available from the federal government or other third party sources, and such funds require or permit different treatment of interest which the grantee may earn on the grant funds, the grantor agency may provide in the grant agreement that such earned interest may be treated as required or permitted by the source of the funds.

However, any interest earned on grant funds subject to the grant agreement held after the expiration of the period of time specified in Section 4 [30 ILCS 705/4] shall become a part of the grant principal and shall be so treated for all purposes.

HISTORY:
P.A. 85-1214.

30 ILCS 705/11 Accounting Requirements.

Each grantee is under an affirmative duty to keep proper, complete and accurate accounting records of all grant funds the grantee administers.

HISTORY:
P.A. 83-640.

30 ILCS 705/12 Subgrant of Grant Funds.

If any person or entity that obtains grant funds dispenses any part or all of those funds to another person or entity for obligation, expenditure or use by that other person or entity for a specific purpose or purposes, then those funds so dispensed shall be treated as grant funds.

HISTORY:
P.A. 83-640.

30 ILCS 705/13 [Audits]

Notwithstanding the requirements of any other State law or regulation, an institution of higher education which conducts annual audits of its own operations may elect to fulfill any audit requirements with respect to any or all State grants which it receives by having such audit conducted at the time of its own annual audit at its own cost.

The institution of higher education shall make such election at the time that it receives each grant. The institution of higher education shall not be required to elect that all State grants be included in its annual audit. Such election may be for either financial or compliance audits, or both. In the event of such election, such audits shall fulfill the audit requirements of the applicable State law or regulation authorizing such grants except for the reporting dates required for such audits. Such audits shall be conducted in accordance with generally accepted auditing standards by licensed Certified Public Accountants permitted to perform audits under the Illinois Public Accounting Act [225 ILCS 450/0.01 et seq.].

The provisions of this Section do not limit the authority of any State agency to conduct, or enter into contracts for the conduct of, audits and evaluations of State grant programs, nor limit the authority of the Auditor General. Such State agency shall fund the cost of any such additional audits.

HISTORY:
P.A. 86-602; 94-465, § 5.

30 ILCS 705/14 Nonrecovery of Grant Funds.

Notwithstanding any other provisions of this Act, the State Board of Education is authorized to forgo any action to recover from the Regional Office of Education of Champaign-Ford Counties and from any school district situated in that educational service region any State grant funds, not exceeding $18,000 in the aggregate, that were dispensed during the 1990-1991 and 1991-1992 school years by the State Board of Education as the grantor agency to that educational service region or any school district therein as a grantee or subgrantee and that were used for any purpose or purposes other than the

purpose or purposes for which the grants were made. If the State Board of Education determines to forgo any action to recover State grant funds under the authority of this Section, the Attorney General shall not act to recover those grant funds from the grantee or subgrantee, and all liability or other obligation of the Regional Office of Education of Champaign-Ford Counties and any school district therein as the grantee or subgrantee of those State grant funds to repay the same shall be deemed unenforceable by operation of law.

HISTORY:
P.A. 87-1262, § 2.

30 ILCS 705/15 Illinois Single Audit Commission. [Repealed]

HISTORY:
P.A. 98-47, § 5; repealed internally effective April 1, 2014.

30 ILCS 705/15.1 Illinois Single Audit Commission. [Repealed]

HISTORY:
2014 P.A. 98-706, § 515, effective July 16, 2014; repealed internally effective July 1, 2019.

30 ILCS 705/15.5 Recommendations of the Illinois Single Audit Commission regarding the elimination and recovery of improper payments. [Repealed January 1, 2021]

The Illinois Single Audit Commission, in conjunction with the Governor's Office of Management and Budget, shall research and provide recommendations to the General Assembly regarding the adoption of legislation in accordance with the federal Improper Payments Elimination and Recovery Improvement Act of 2012. The recommendations shall be included in the Annual Report of the Commission to be submitted to the General Assembly on January 1, 2020. The report to the General Assembly shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate in electronic form only, in the manner that the Clerk and the Secretary shall direct. This Section is repealed January 1, 2021.

HISTORY:
2018 P.A. 100-997, § 15, effective August 20, 2018.

30 ILCS 705/16 Supersession.

On and after July 1, 2015, in the event of a conflict with the Grant Accountability and Transparency Act [30 ILCS 708/1 et seq.], the Grant Accountability and Transparency Act shall control.

HISTORY:
2014 P.A. 98-706, § 515, effective July 16, 2014.

GRANT ACCOUNTABILITY AND TRANSPARENCY ACT

Section

30 ILCS 708/1 Short title.

This Act may be cited as the Grant Accountability and Transparency Act.

HISTORY:
2014 P.A. 98-706, § 1, effective July 16, 2014.

30 ILCS 708/5 Legislative intent.

(a) This Act, which is the product of the work of the Illinois Single Audit Commission, created by Public Act 98-47, is intended to comply with the General Assembly's directives to (1) develop a coordinated, non-redundant process for the provision of effective and efficient oversight of the selection and monitoring of grant recipients, thereby ensuring quality programs and limiting fraud, waste, and abuse, and (2) define the purpose, scope, applicability, and responsibilities in the life cycle of a grant.

(b) This Act is intended to increase the accountability and transparency in the use of grant funds from whatever source and to reduce administrative burdens on both State agencies and grantees by adopting federal guidance and regulations applicable to such grant funds; specifically, the Uniform Admin-

istrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance"), codified at 2 CFR 200.

(c) This Act is consistent with the State's focus on improving performance and outcomes while ensuring transparency and the financial integrity of taxpayer dollars through such initiatives as the Management Improvement Initiative Committee created by Section 1-37a of the Department of Human Services Act [20 ILCS 1305/1-37a], the State prioritized goals created under Section 50-25 of the State Budget Law [15 ILCS 20/50-25] (also known as "Budgeting for Results"), and the Grant Information Collection Act [30 ILCS 707/1 et seq.].

(d) This Act is not intended to affect the provisions of the Illinois State Auditing Act [30 ILCS 5/1-1 et seq.] and does not address the external audit function of the Auditor General.

HISTORY:
2014 P.A. 98-706, § 5, effective July 16, 2014.

30 ILCS 708/10 Purpose.

The purpose of this Act is to establish uniform administrative requirements, cost principles, and audit requirements for State and federal pass-through awards to non-federal entities. State awarding agencies shall not impose additional or inconsistent requirements, except as provided in 2 CFR 200.102, unless specifically required by State or federal statute. This Act and the rules adopted under this Act do not apply to private awards.

This Act and the rules adopted under this Act provide the basis for a systematic and periodic collection and uniform submission to the Governor's Office of Management and Budget of information of all State and federal financial assistance programs by State grant-making agencies. This Act also establishes policies related to the delivery of this information to the public, including through the use of electronic media.

HISTORY:
2014 P.A. 98-706, § 10, effective July 16, 2014.

30 ILCS 708/15 Definitions.

As used in this Act:

"Allowable cost" means a cost allowable to a project if:

(1) the costs are reasonable and necessary for the performance of the award;

(2) the costs are allocable to the specific project;

(3) the costs are treated consistently in like circumstances to both federally-financed and other activities of the non-federal entity;

(4) the costs conform to any limitations of the cost principles or the sponsored agreement;

(5) the costs are accorded consistent treatment; a cost may not be assigned to a State or federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the award as an indirect cost;

(6) the costs are determined to be in accordance with generally accepted accounting principles;

(7) the costs are not included as a cost or used to meet federal cost-sharing or matching requirements of any other program in either the current or prior period;

(8) the costs of one State or federal grant are not used to meet the match requirements of another State or federal grant; and

(9) the costs are adequately documented.

"Auditee" means any non-federal entity that expends State or federal awards that must be audited.

"Auditor" means an auditor who is a public accountant or a federal, State, or local government audit organization that meets the general standards specified in generally-accepted government auditing standards. "Auditor" does not include internal auditors of nonprofit organizations.

"Auditor General" means the Auditor General of the State of Illinois.

"Award" means financial assistance that provides support or stimulation to accomplish a public purpose. "Awards" include grants and other agreements in the form of money, or property in lieu of money, by the State or federal government to an eligible recipient. "Award" does not include: technical assistance that provides services instead of money; other assistance in the form of loans, loan guarantees, interest subsidies, or insurance; direct payments of any kind to individuals; or contracts that must be entered into and administered under State or federal procurement laws and regulations.

"Budget" means the financial plan for the project or program that the awarding agency or pass-through entity approves during the award process or in subsequent amendments to the award. It may include the State or federal and non-federal share or only the State or federal share, as determined by the awarding agency or pass-through entity.

"Catalog of Federal Domestic Assistance" or "CFDA" means a database that helps the federal government track all programs it has domestically funded.

"Catalog of Federal Domestic Assistance number" or "CFDA number" means the number assigned to a federal program in the CFDA.

"Catalog of State Financial Assistance" means the single, authoritative, statewide, comprehensive source document of State financial assistance program information maintained by the Governor's Office of Management and Budget.

"Catalog of State Financial Assistance Number" means the number assigned to a State program in the Catalog of State Financial Assistance. The first 3 digits represent the State agency number and the last 4 digits represent the program.

"Cluster of programs" means a grouping of closely related programs that share common compliance requirements. The types of clusters of programs are

research and development, student financial aid, and other clusters. A "cluster of programs" shall be considered as one program for determining major programs and, with the exception of research and development, whether a program-specific audit may be elected.

"Cognizant agency for audit" means the federal agency designated to carry out the responsibilities described in 2 CFR 200.513(a).

"Contract" means a legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under an award. "Contract" does not include a legal instrument, even if the non-federal entity considers it a contract, when the substance of the transaction meets the definition of an award or subaward.

"Contractor" means an entity that receives a contract.

"Cooperative agreement" means a legal instrument of financial assistance between an awarding agency or pass-through entity and a non-federal entity that:

(1) is used to enter into a relationship with the principal purpose of transferring anything of value from the awarding agency or pass-through entity to the non-federal entity to carry out a public purpose authorized by law, but is not used to acquire property or services for the awarding agency's or pass-through entity's direct benefit or use; and

(2) is distinguished from a grant in that it provides for substantial involvement between the awarding agency or pass-through entity and the non-federal entity in carrying out the activity contemplated by the award.

"Cooperative agreement" does not include a cooperative research and development agreement, nor an agreement that provides only direct cash assistance to an individual, a subsidy, a loan, a loan guarantee, or insurance.

"Corrective action" means action taken by the auditee that (i) corrects identified deficiencies, (ii) produces recommended improvements, or (iii) demonstrates that audit findings are either invalid or do not warrant auditee action.

"Cost objective" means a program, function, activity, award, organizational subdivision, contract, or work unit for which cost data is desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, and capital projects. A "cost objective" may be a major function of the non-federal entity, a particular service or project, an award, or an indirect cost activity.

"Cost sharing" means the portion of project costs not paid by State or federal funds, unless otherwise authorized by statute.

"Development" is the systematic use of knowledge and understanding gained from research directed toward the production of useful materials, devices, systems, or methods, including design and development of prototypes and processes.

"Data Universal Numbering System number" means the 9-digit number established and assigned by Dun and Bradstreet, Inc. to uniquely identify entities and, under federal law, is required for non-federal entities to apply for, receive, and report on a federal award.

"Direct costs" means costs that can be identified specifically with a particular final cost objective, such as a State or federal or federal pass-through award or a particular sponsored project, an instructional activity, or any other institutional activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

"Equipment" means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the non-federal entity for financial statement purposes, or $5,000.

"Executive branch" means that branch of State government that is under the jurisdiction of the Governor.

"Federal agency" has the meaning provided for "agency" under 5 U.S.C. 551(1) together with the meaning provided for "agency" by 5 U.S.C. 552(f).

"Federal award" means:

(1) the federal financial assistance that a non-federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity;

(2) the cost-reimbursement contract under the Federal Acquisition Regulations that a non-federal entity receives directly from a federal awarding agency or indirectly from a pass-through entity; or

(3) the instrument setting forth the terms and conditions when the instrument is the grant agreement, cooperative agreement, other agreement for assistance covered in paragraph (b) of 20 CFR 200.40, or the cost-reimbursement contract awarded under the Federal Acquisition Regulations.

"Federal award" does not include other contracts that a federal agency uses to buy goods or services from a contractor or a contract to operate federal government owned, contractor-operated facilities.

"Federal awarding agency" means the federal agency that provides a federal award directly to a non-federal entity.

"Federal interest" means, for purposes of 2 CFR 200.329 or when used in connection with the acquisition or improvement of real property, equipment, or supplies under a federal award, the dollar amount that is the product of the federal share of total project costs and current fair market value of the property, improvements, or both, to the extent the costs of acquiring or improving the property were included as project costs.

"Federal program" means any of the following:

(1) All federal awards which are assigned a single number in the CFDA.

(2) When no CFDA number is assigned, all federal awards to non-federal entities from the same agency made for the same purpose should be combined and considered one program.

(3) Notwithstanding paragraphs (1) and (2) of this definition, a cluster of programs. The types of clusters of programs are:

(A) research and development;

(B) student financial aid; and

(C) "other clusters", as described in the definition of "cluster of programs".

"Federal share" means the portion of the total project costs that are paid by federal funds.

"Final cost objective" means a cost objective which has allocated to it both direct and indirect costs and, in the non-federal entity's accumulation system, is one of the final accumulation points, such as a particular award, internal project, or other direct activity of a non-federal entity.

"Financial assistance" means the following:

(1) For grants and cooperative agreements, "financial assistance" means assistance that non-federal entities receive or administer in the form of:

(A) grants;

(B) cooperative agreements;

(C) non-cash contributions or donations of property, including donated surplus property;

(D) direct appropriations;

(E) food commodities; and

(F) other financial assistance, except assistance listed in paragraph (2) of this definition.

(2) "Financial assistance" includes assistance that non-federal entities receive or administer in the form of loans, loan guarantees, interest subsidies, and insurance.

(3) "Financial assistance" does not include amounts received as reimbursement for services rendered to individuals.

"Fixed amount awards" means a type of grant agreement under which the awarding agency or pass-through entity provides a specific level of support without regard to actual costs incurred under the award. "Fixed amount awards" reduce some of the administrative burden and record-keeping requirements for both the non-federal entity and awarding agency or pass-through entity. Accountability is based primarily on performance and results.

"Foreign public entity" means:

(1) a foreign government or foreign governmental entity;

(2) a public international organization that is entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (22 U.S.C. 288-288f);

(3) an entity owned, in whole or in part, or controlled by a foreign government; or

(4) any other entity consisting wholly or partially of one or more foreign governments or foreign governmental entities.

"Foreign organization" means an entity that is:

(1) a public or private organization located in a country other than the United States and its territories that are subject to the laws of the country in which it is located, irrespective of the citizenship of project staff or place of performance;

(2) a private nongovernmental organization located in a country other than the United States that solicits and receives cash contributions from the general public;

(3) a charitable organization located in a country other than the United States that is nonprofit and tax exempt under the laws of its country of domicile and operation, but is not a university, college, accredited degree-granting institution of education, private foundation, hospital, organization engaged exclusively in research or scientific activities, church, synagogue, mosque, or other similar entity organized primarily for religious purposes; or

(4) an organization located in a country other than the United States not recognized as a Foreign Public Entity.

"Generally Accepted Accounting Principles" has the meaning provided in accounting standards issued by the Government Accounting Standards Board and the Financial Accounting Standards Board.

"Generally Accepted Government Auditing Standards" means generally accepted government auditing standards issued by the Comptroller General of the United States that are applicable to financial audits.

"Grant agreement" means a legal instrument of financial assistance between an awarding agency or pass-through entity and a non-federal entity that:

(1) is used to enter into a relationship, the principal purpose of which is to transfer anything of value from the awarding agency or pass-through entity to the non-federal entity to carry out a public purpose authorized by law and not to acquire property or services for the awarding agency or pass-through entity's direct benefit or use; and

(2) is distinguished from a cooperative agreement in that it does not provide for substantial involvement between the awarding agency or pass-through entity and the non-federal entity in carrying out the activity contemplated by the award.

"Grant agreement" does not include an agreement that provides only direct cash assistance to an individual, a subsidy, a loan, a loan guarantee, or insurance.

"Grant application" means a specified form that is completed by a non-federal entity in connection with a request for a specific funding opportunity or a request for financial support of a project or activity.

"Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

"Illinois Debarred and Suspended List" means the list maintained by the Governor's Office of Manage-

ment and Budget that contains the names of those individuals and entities that are ineligible, either temporarily or permanently, from receiving an award of grant funds from the State.

"Indirect cost" means those costs incurred for a common or joint purpose benefitting more than one cost objective and not readily assignable to the cost objectives specifically benefitted without effort disproportionate to the results achieved.

"Inspector General" means the Office of the Executive Inspector General for Executive branch agencies.

"Loan" means a State or federal loan or loan guarantee received or administered by a non-federal entity. "Loan" does not include a "program income" as defined in 2 CFR 200.80.

"Loan guarantee" means any State or federal government guarantee, insurance, or other pledge with respect to the payment of all or a part of the principal or interest on any debt obligation of a non-federal borrower to a non-federal lender, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions.

"Local government" has the meaning provided for the term "units of local government" under Section 1 of Article VII of the Illinois Constitution [Ill. Const. (1970) Art. VII, § 1] and includes school districts.

"Major program" means a federal program determined by the auditor to be a major program in accordance with 2 CFR 200.518 or a program identified as a major program by a federal awarding agency or pass-through entity in accordance with 2 CFR 200.503(e).

"Non-federal entity" means a state, local government, Indian tribe, institution of higher education, or organization, whether nonprofit or for-profit, that carries out a State or federal award as a recipient or subrecipient.

"Nonprofit organization" means any corporation, trust, association, cooperative, or other organization, not including institutions of higher education, that:

(1) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;

(2) is not organized primarily for profit; and

(3) uses net proceeds to maintain, improve, or expand the operations of the organization.

"Obligations", when used in connection with a non-federal entity's utilization of funds under an award, means orders placed for property and services, contracts and subawards made, and similar transactions during a given period that require payment by the non-federal entity during the same or a future period.

"Office of Management and Budget" means the Office of Management and Budget of the Executive Office of the President.

"Other clusters" has the meaning provided by the federal Office of Management and Budget in the compliance supplement or has the meaning as it is designated by a state for federal awards the state provides to its subrecipients that meet the definition of a cluster of programs. When designating an "other cluster", a state must identify the federal awards included in the cluster and advise the subrecipients of compliance requirements applicable to the cluster.

"Oversight agency for audit" means the federal awarding agency that provides the predominant amount of funding directly to a non-federal entity not assigned a cognizant agency for audit. When there is no direct funding, the awarding agency that is the predominant source of pass-through funding must assume the oversight responsibilities. The duties of the oversight agency for audit and the process for any reassignments are described in 2 CFR 200.513(b).

"Pass-through entity" means a non-federal entity that provides a subaward to a subrecipient to carry out part of a program.

"Private award" means an award from a person or entity other than a State or federal entity. Private awards are not subject to the provisions of this Act.

"Property" means real property or personal property.

"Project cost" means total allowable costs incurred under an award and all required cost sharing and voluntary committed cost sharing, including third-party contributions.

"Public institutions of higher education" has the meaning provided in Section 1 of the Board of Higher Education Act.

"Recipient" means a non-federal entity that receives an award directly from an awarding agency to carry out an activity under a program. "Recipient" does not include subrecipients.

"Research and Development" means all research activities, both basic and applied, and all development activities that are performed by non-federal entities.

"Single Audit Act" means the federal Single Audit Act Amendments of 1996 (31 U.S.C. 7501-7507).

"State agency" means an Executive branch agency. For purposes of this Act, "State agency" does not include public institutions of higher education.

"State award" means the financial assistance that a non-federal entity receives from the State and that is funded with either State funds or federal funds; in the latter case, the State is acting as a pass-through entity.

"State awarding agency" means a State agency that provides an award to a non-federal entity.

"State grant-making agency" has the same meaning as "State awarding agency".

"State interest" means the acquisition or improvement of real property, equipment, or supplies under a State award, the dollar amount that is the product of the State share of the total project costs and current fair market value of the property, improvements, or both, to the extent the costs of acquiring or improving the property were included as project costs.

"State program" means any of the following:

(1) All State awards which are assigned a single number in the Catalog of State Financial Assistance.

(2) When no Catalog of State Financial Assistance number is assigned, all State awards to non-federal entities from the same agency made for the same purpose are considered one program.

(3) A cluster of programs as defined in this Section.

"State share" means the portion of the total project costs that are paid by State funds.

"Stop payment order" means a communication from a State grant-making agency to the Office of the Comptroller, following procedures set out by the Office of the Comptroller, causing the cessation of payments to a recipient or subrecipient as a result of the recipient's or subrecipient's failure to comply with one or more terms of the grant or subaward.

"Stop payment procedure" means the procedure created by the Office of the Comptroller which effects a stop payment order and the lifting of a stop payment order upon the request of the State grant-making agency.

"Student Financial Aid" means federal awards under those programs of general student assistance, such as those authorized by Title IV of the Higher Education Act of 1965, as amended (20 U.S.C. 1070-1099d), that are administered by the United States Department of Education and similar programs provided by other federal agencies. "Student Financial Aid" does not include federal awards under programs that provide fellowships or similar federal awards to students on a competitive basis or for specified studies or research.

"Subaward" means a State or federal award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal award received by the pass-through entity. "Subaward" does not include payments to a contractor or payments to an individual that is a beneficiary of a federal program. A "subaward" may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

"Subrecipient" means a non-federal entity that receives a State or federal subaward from a pass-through entity to carry out part of a federal program. "Subrecipient" does not include an individual that is a beneficiary of such program. A "subrecipient" may also be a recipient of other State or federal awards directly from a State or federal awarding agency.

"Suspension" means a post-award action by the State or federal agency or pass-through entity that temporarily withdraws the State or federal agency's or pass-through entity's financial assistance sponsorship under an award, pending corrective action by the recipient or subrecipient or pending a decision to terminate the award.

"Uniform Administrative Requirements, Costs Principles, and Audit Requirements for Federal Awards" means those rules applicable to grants contained in 2 CFR 200.

"Voluntary committed cost sharing" means cost sharing specifically pledged on a voluntary basis in the proposal's budget or the award on the part of the non-federal entity and that becomes a binding requirement of the award.

HISTORY:

2014 P.A. 98-706, § 15, effective July 16, 2014; 2018 P.A. 100-997, § 20, effective August 20, 2018.

30 ILCS 708/20 Adoption of federal rules applicable to grants.

(a) On or before July 1, 2016, the Governor's Office of Management and Budget, with the advice and technical assistance of the Illinois Single Audit Commission, shall adopt rules which adopt the Uniform Guidance at 2 CFR 200. The rules, which shall apply to all State and federal pass-through awards effective on and after July 1, 2016, shall include the following:

(1) Administrative requirements. In accordance with Subparts B through D of 2 CFR 200, the rules shall set forth the uniform administrative requirements for grant and cooperative agreements, including the requirements for the management by State awarding agencies of federal grant programs before State and federal pass-through awards have been made and requirements that State awarding agencies may impose on non-federal entities in State and federal pass-through awards.

(2) Cost principles. In accordance with Subpart E of 2 CFR 200, the rules shall establish principles for determining the allowable costs incurred by non-federal entities under State and federal pass-through awards. The principles are intended for cost determination, but are not intended to identify the circumstances or dictate the extent of State or federal pass-through participation in financing a particular program or project. The principles shall provide that State and federal awards bear their fair share of cost recognized under these principles, except where restricted or prohibited by State or federal law.

(3) Audit and single audit requirements and audit follow-up. In accordance with Subpart F of 2 CFR 200 and the federal Single Audit Act Amendments of 1996, the rules shall set forth standards to obtain consistency and uniformity among State and federal pass-through awarding agencies for the audit of non-federal entities expending State and federal awards. These provisions shall also set forth the policies and procedures for State and federal pass-through entities when using the results of these audits.

The provisions of this item (3) do not apply to for-profit subrecipients because for-profit subrecipients are not subject to the requirements of 2 CFR 200, Subpart F, Audits of States, Local and Non-Profit Organizations. Audits of for-profit subrecipients must be conducted pursuant to a Program Audit Guide issued by the Federal awarding agency. If a Program Audit Guide is not available, the State awarding agency must prepare a Program Audit Guide in accordance with the 2 CFR 200, Subpart F - Audit Requirements - Compliance

Supplement. For-profit entities are subject to all other general administrative requirements and cost principles applicable to grants.

(b) This Act addresses only State and federal pass-through auditing functions and does not address the external audit function of the Auditor General.

(c) For public institutions of higher education, the provisions of this Section apply only to awards funded by federal pass-through awards from a State agency to public institutions of higher education. Federal pass-through awards from a State agency to public institutions of higher education are governed by and must comply with federal guidelines under 2 CFR 200.

(d) The State grant-making agency is responsible for establishing requirements, as necessary, to ensure compliance by for-profit subrecipients. The agreement with the for-profit subrecipient shall describe the applicable compliance requirements and the for-profit subrecipient's compliance responsibility. Methods to ensure compliance for State and federal pass-through awards made to for-profit subrecipients shall include pre-award audits, monitoring during the agreement, and post-award audits. The Governor's Office of Management and Budget shall provide such advice and technical assistance to the State grant-making agency as is necessary or indicated.

HISTORY:
2014 P.A. 98-706, § 20, effective July 16, 2014; 99-523, § 20-10; 2018 P.A. 100-676, § 5, effective January 1, 2019; 2021 P.A. 102-626, § 5, effective August 27, 2021; 2022 P.A. 102-813, § 230, effective May 13, 2022.

30 ILCS 708/25 Supplemental rules.

On or before July 1, 2017, the Governor's Office of Management and Budget, with the advice and technical assistance of the Illinois Single Audit Commission, shall adopt supplemental rules pertaining to the following:

(1) Criteria to define mandatory formula-based grants and discretionary grants.

(2) The award of one-year grants for new applicants.

(3) The award of competitive grants in 3-year terms (one-year initial terms with the option to renew for up to 2 additional years) to coincide with the federal award.

(4) The issuance of grants, including:

(A) public notice of announcements of funding opportunities;

(B) the development of uniform grant applications;

(C) State agency review of merit of proposals and risk posed by applicants;

(D) specific conditions for individual recipients (including the use of a fiscal agent and additional corrective conditions);

(E) certifications and representations;

(F) pre-award costs;

(G) performance measures and statewide prioritized goals under Section 50-25 of the State Budget Law of the Civil Administrative Code of Illinois [15 ILCS 20/50-25], commonly referred to as "Budgeting for Results"; and

(H) for mandatory formula grants, the merit of the proposal and the risk posed should result in additional reporting, monitoring, or measures such as reimbursement-basis only.

(5) The development of uniform budget requirements, which shall include:

(A) mandatory submission of budgets as part of the grant application process;

(B) mandatory requirements regarding contents of the budget including, at a minimum, common detail line items specified under guidelines issued by the Governor's Office of Management and Budget;

(C) a requirement that the budget allow flexibility to add lines describing costs that are common for the services provided as outlined in the grant application;

(D) a requirement that the budget include information necessary for analyzing cost and performance for use in Budgeting for Results; and

(E) caps on the amount of salaries that may be charged to grants based on the limitations imposed by federal agencies.

(6) The development of pre-qualification requirements for applicants, including the fiscal condition of the organization and the provision of the following information:

(A) organization name;

(B) Federal Employee Identification Number;

(C) Data Universal Numbering System (DUNS) number;

(D) fiscal condition;

(E) whether the applicant is in good standing with the Secretary of State;

(F) past performance in administering grants;

(G) whether the applicant is on the Debarred and Suspended List maintained by the Governor's Office of Management and Budget;

(H) whether the applicant is on the federal Excluded Parties List; and

(I) whether the applicant is on the Sanctioned Party List maintained by the Illinois Department of Healthcare and Family Services.

Nothing in this Act affects the provisions of the Fiscal Control and Internal Auditing Act nor the requirement that the management of each State agency is responsible for maintaining effective internal controls under that Act.

For public institutions of higher education, the provisions of this Section apply only to awards funded by federal pass-through awards from a State agency to public institutions of higher education.

HISTORY:
2014 P.A. 98-706, § 25, effective July 16, 2014; 99-523, § 20-10;

2018 P.A. 100-997, § 20, effective August 20, 2018; 2018 P.A. 100-676, § 5, effective January 1, 2019; 2019 P.A. 101-81, § 255, effective July 12, 2019; 2021 P.A. 102-626, § 5, effective August 27, 2021.

30 ILCS 708/30 Catalog of State Financial Assistance.

The Catalog of State Financial Assistance is a single, authoritative, statewide, comprehensive source document of State financial assistance program information. The Catalog shall contain, at a minimum, the following information:

(1) An introductory section that contains Catalog highlights, an explanation of how to use the Catalog, an explanation of the Catalog and its contents, and suggested grant proposal writing methods and grant application procedures.

(2) A comprehensive indexing system that categorizes programs by issuing agency, eligible applicant, application deadlines, function, popular name, and subject area.

(3) Comprehensive appendices showing State assistance programs that require coordination through this Act and regulatory, legislative, and Executive Order authority for each program, commonly used abbreviations and acronyms, agency regional and local office addresses, and sources of additional information.

(4) A list of programs that have been added to or deleted from the Catalog and the various program numbers and title changes.

(5) Program number, title, and popular name, if applicable.

(6) The name of the State department or agency or independent agency and primary organization sub-unit administering the program.

(7) The enabling legislation, including popular name of the Act, titles and Sections, Public Act number, and citation to the Illinois Compiled Statutes.

(8) The type or types of financial and nonfinancial assistance offered by the program.

(9) Uses and restrictions placed upon the program.

(10) Eligibility requirements, including applicant eligibility criteria, beneficiary eligibility criteria, and required credentials and documentation.

(11) Objectives and goals of the program.

(12) Information regarding application and award processing; application deadlines; range of approval or disapproval time; appeal procedure; and availability of a renewal or extension of assistance.

(13) Assistance considerations, including an explanation of the award formula, matching requirements, and the length and time phasing of the assistance.

(14) Post-assistance requirements, including any reports, audits, and records that may be required.

(15) Program accomplishments (where available) describing quantitative measures of program performance.

(16) Regulations, guidelines, and literature containing citations to the Illinois Administrative Code, the Code of Federal Regulations, and other pertinent informational materials.

(17) The names, telephone numbers, and e-mail addresses of persons to be contacted for detailed program information at the headquarters, regional, and local levels.

HISTORY:
2014 P.A. 98-706, § 30, effective July 16, 2014.

30 ILCS 708/35 Conflicts of interest.

The Governor's Office of Management and Budget shall adopt rules regarding conflict of interest policies for awards. A non-federal entity must disclose in writing any potential conflict of interest to the pass-through entity in accordance with applicable awarding agency policy.

HISTORY:
2014 P.A. 98-706, § 35, effective July 16, 2014.

30 ILCS 708/40 Mandatory disclosures.

The Governor's Office of Management and Budget, with the advice and technical assistance of the Illinois Single Audit Commission, shall adopt rules requiring that the applicant for an award disclose, in a timely manner and in writing to the pass-through entity, all violations of State or federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the award. Failure to make the required disclosures may result in any of the following remedial actions:

(1) The temporary withholding of cash payments pending correction of the deficiency by the awarding agency or non-federal entity or more severe enforcement action by the pass-through entity.

(2) Disallowance of (that is, denial of both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.

(3) Whole or partial suspension or termination of the award.

(4) Initiation of suspension or debarment proceedings as authorized under rules adopted under subsection (a) of Section 20 of this Act [30 ILCS 708/20] and awarding agency regulations (or, in the case of a pass-through entity, recommendation that such a proceeding be initiated by the awarding agency).

(5) Withholding further awards for the project or program.

(6) Taking any other remedial action that may be legally available.

HISTORY:
2014 P.A. 98-706, § 40, effective July 16, 2014.

30 ILCS 708/45 Applicability.

(a) Except as otherwise provided in this Section,

the requirements established under this Act apply to State grant-making agencies that make State and federal pass-through awards to non-federal entities. These requirements apply to all costs related to State and federal pass-through awards. The requirements established under this Act do not apply to private awards, to allocations of State revenues paid over by the Comptroller to units of local government and other taxing districts pursuant to the State Revenue Sharing Act [30 ILCS 115/0.1 et seq.] from the Local Government Distributive Fund or the Personal Property Tax Replacement Fund, to allotments of State motor fuel tax revenues distributed by the Department of Transportation to units of local government pursuant to the Motor Fuel Tax Law [35 ILCS 505/1 et seq.] from the Motor Fuel Tax Fund or the Transportation Renewal Fund, or to awards, including capital appropriated funds, made by the Department of Transportation to units of local government for the purposes of transportation projects utilizing State funds, federal funds, or both State and federal funds. This Act shall recognize that federal and federal pass-through awards from the Department of Transportation to units of local government are governed by and must comply with federal guidelines under 2 CFR Part 200.

The changes made by this amendatory Act of the 102nd General Assembly apply to pending actions as well as actions commenced on or after the effective date of this amendatory Act of the 102nd General Assembly.

(a-5) Nothing in this Act shall prohibit the use of State funds for purposes of federal match or maintenance of effort.

(b) The terms and conditions of State, federal, and pass-through awards apply to subawards and subrecipients unless a particular Section of this Act or the terms and conditions of the State or federal award specifically indicate otherwise. Non-federal entities shall comply with requirements of this Act regardless of whether the non-federal entity is a recipient or subrecipient of a State or federal pass-through award. Pass-through entities shall comply with the requirements set forth under the rules adopted under subsection (a) of Section 20 of this Act [30 ILCS 708/20], but not to any requirements in this Act directed towards State or federal awarding agencies, unless the requirements of the State or federal awards indicate otherwise.

When a non-federal entity is awarded a cost-reimbursement contract, only 2 CFR 200.330 through 200.332 are incorporated by reference into the contract. However, when the Cost Accounting Standards are applicable to the contract, they take precedence over the requirements of this Act unless they are in conflict with Subpart F of 2 CFR 200. In addition, costs that are made unallowable under 10 U.S.C. 2324(e) and 41 U.S.C. 4304(a), as described in the Federal Acquisition Regulations, subpart 31.2 and subpart 31.603, are always unallowable. For requirements other than those covered in Subpart D of 2 CFR 200.330 through 200.332, the terms of the contract and the Federal Acquisition Regulations apply.

With the exception of Subpart F of 2 CFR 200, which is required by the Single Audit Act, in any circumstances where the provisions of federal statutes or regulations differ from the provisions of this Act, the provision of the federal statutes or regulations govern. This includes, for agreements with Indian tribes, the provisions of the Indian Self-Determination and Education and Assistance Act, as amended, 25 U.S.C. 450-458ddd-2.

(c) State grant-making agencies may apply subparts A through E of 2 CFR 200 to for-profit entities, foreign public entities, or foreign organizations, except where the awarding agency determines that the application of these subparts would be inconsistent with the international obligations of the United States or the statute or regulations of a foreign government.

(d) 2 CFR 200.101 specifies how 2 CFR 200 is applicable to different types of awards. The same applicability applies to this Act.

(e) (Blank).

(f) For public institutions of higher education, the provisions of this Act apply only to awards funded by federal pass-through awards from a State agency to public institutions of higher education. This Act shall recognize provisions in 2 CFR 200 as applicable to public institutions of higher education, including Appendix III of Part 200 and the cost principles under Subpart E.

(g) Each grant-making agency shall enhance its processes to monitor and address noncompliance with reporting requirements and with program performance standards. Where applicable, the process may include a corrective action plan. The monitoring process shall include a plan for tracking and documenting performance-based contracting decisions.

(h) Notwithstanding any provision of law to the contrary, grants awarded from federal funds received from the federal Coronavirus State Fiscal Recovery Fund in accordance with Section 9901 of the American Rescue Plan Act of 2021 are subject to the provisions of this Act, but only to the extent required by Section 9901 of the American Rescue Plan Act of 2021 and other applicable federal law or regulation.

HISTORY:

2014 P.A. 98-706, § 45, effective July 16, 2014; 2018 P.A. 100-863, § 170, effective August 14, 2018; 2018 P.A. 100-676, § 5, effective January 1, 2019; 2019 P.A. 101-81, § 255, effective July 12, 2019; 2021 P.A. 102-16, § 20-25, effective June 17, 2021; 2021 P.A. 102-626, § 5, effective August 27, 2021; 2022 P.A. 102-813, § 230, effective May 13, 2022; 2022 P.A. 102-1092, § 5, effective June 10, 2022.

30 ILCS 708/50 State grant-making agency responsibilities.

(a) The specific requirements and responsibilities of State grant-making agencies and non-federal entities are set forth in this Act. State agencies making State awards to non-federal entities must adopt by

rule the language in 2 CFR 200, Subpart C through Subpart F unless different provisions are required by law.

(b) Each State grant-making agency shall appoint a Chief Accountability Officer who shall serve as a liaison to the Grant Accountability and Transparency Unit and who shall be responsible for the State agency's implementation of and compliance with the rules.

(c) In order to effectively measure the performance of its recipients and subrecipients, each State grant-making agency shall:

(1) require its recipients and subrecipients to relate financial data to performance accomplishments of the award and, when applicable, must require recipients and subrecipients to provide cost information to demonstrate cost-effective practices. The recipient's and subrecipient's performance should be measured in a way that will help the State agency to improve program outcomes, share lessons learned, and spread the adoption of promising practices; and

(2) provide recipients and subrecipients with clear performance goals, indicators, and milestones and must establish performance reporting frequency and content to not only allow the State agency to understand the recipient's progress, but also to facilitate identification of promising practices among recipients and subrecipients and build the evidence upon which the State agency's program and performance decisions are made.

(c-5) Each State grant-making agency shall, when it is in the best interests of the State, request that the Office of the Comptroller issue a stop payment order in accordance with Section 105 of this Act [30 ILCS 708/105].

(c-6) Upon notification by the Grant Transparency and Accountability Unit that a stop payment order has been requested by a State grant-making agency, each State grant-making agency who has issued a grant to that recipient or subrecipient shall determine if it remains in the best interests of the State to continue to issue payments to the recipient or subrecipient.

(d) The Governor's Office of Management and Budget shall provide such advice and technical assistance to the State grant-making agencies as is necessary or indicated in order to ensure compliance with this Act.

(e) In accordance with this Act and the Illinois State Collection Act of 1986 [30 ILCS 210/1 et seq.], refunds required under the Grant Funds Recovery Act may be referred to the Comptroller's offset system.

HISTORY:

2014 P.A. 98-706, § 50, effective July 16, 2014; 2018 P.A. 100-997, § 20, effective August 20, 2018.

30 ILCS 708/55 The Governor's Office of Management and Budget responsibilities.

(a) The Governor's Office of Management and Budget shall:

(1) provide technical assistance and interpretations of policy requirements in order to ensure effective and efficient implementation of this Act by State grant-making agencies; and

(2) have authority to approve any exceptions to the requirements of this Act and shall adopt rules governing the criteria to be considered when an exception is requested; exceptions shall only be made in particular cases where adequate justification is presented.

(b) The Governor's Office of Management and Budget shall, on or before July 1, 2016, establish a centralized unit within the Governor's Office of Management and Budget. The centralized unit shall be known as the Grant Accountability and Transparency Unit and shall be funded with a portion of the administrative funds provided under existing and future State and federal pass-through grants. The amounts charged will be allocated based on the actual cost of the services provided to State grant-making agencies and public institutions of higher education in accordance with the applicable federal cost principles contained in 2 CFR 200 and this Act will not cause the reduction in the amount of any State or federal grant awards that have been or will be directed towards State agencies or public institutions of higher education.

(c) The Governor's Office of Management and Budget, in conjunction with the Illinois Single Audit Commission, shall research and provide recommendations to the General Assembly regarding the adoption of legislation in accordance with the federal Improper Payments Elimination and Recovery Improvement Act of 2012. The recommendations shall be included in the Annual Report of the Commission to be submitted to the General Assembly on January 1, 2020. The report to the General Assembly shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate in electronic form only, in the manner that the Clerk and the Secretary shall direct. This subsection (c) is inoperative on and after January 1, 2021.

HISTORY:

2014 P.A. 98-706, § 55, effective July 16, 2014; 99-523, § 20-10; 2018 P.A. 100-997, § 20, effective August 20, 2018.

30 ILCS 708/60 Grant Accountability and Transparency Unit responsibilities.

(a) The Grant Accountability and Transparency Unit within the Governor's Office of Management and Budget shall be responsible for:

(1) The development of minimum requirements applicable to the staff of grant applicants to manage and execute grant awards for programmatic and administrative purposes, including grant management specialists with:

(A) general and technical competencies;

(B) programmatic expertise;

(C) fiscal expertise and systems necessary to adequately account for the source and application of grant funds for each program; and

(D) knowledge of compliance requirements.

(2) The development of minimum training requirements, including annual training requirements.

(3) Accurate, current, and complete disclosure of the financial results of each funded award, as set forth in the financial monitoring and reporting Section of 2 CFR 200.

(4) Development of criteria for requiring the retention of a fiscal agent and for becoming a fiscal agent.

(5) Development of disclosure requirements in the grant application pertaining to:

(A) related-party status between grantees and grant-making agencies;

(B) past employment of applicant officers and grant managers;

(C) disclosure of current or past employment of members of immediate family; and

(D) disclosure of senior management of grantee organization and their relationships with contracted vendors.

(6) Implementation of rules prohibiting a grantee from charging any cost allocable to a particular award or cost objective to other State or federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the federal awards, or for other reasons.

(7) Implementation of rules prohibiting a non-federal entity from earning or keeping any profit resulting from State or federal financial assistance, unless prior approval has been obtained from the Governor's Office of Management and Budget and is expressly authorized by the terms and conditions of the award.

(8) Maintenance of an Illinois Debarred and Suspended List that contains the names of those individuals and entities that are ineligible, either temporarily or permanently, to receive an award of grant funds from the State.

(9) Ensuring the adoption of standardized rules for the implementation of this Act by State grant-making agencies. The Grant Accountability and Transparency Unit shall provide such advice and technical assistance to the State grant-making agencies as is necessary or indicated in order to ensure compliance with this Act.

(10) Coordination of financial and Single Audit reviews.

(11) Coordination of on-site reviews of grantees and subrecipients.

(12) Maintenance of the Catalog of State Financial Assistance, which shall be posted on an Internet website maintained by the Governor's Office of Management and Budget that is available to the public.

(b) The Grant Accountability and Transparency Unit shall have no power or authority regarding the approval, disapproval, management, or oversight of grants entered into or awarded by a State agency or by a public institution of higher education. The power or authority existing under law to grant or award grants by a State agency or by a public institution of higher education shall remain with that State agency or public institution of higher education. The Unit shall be responsible for providing technical assistance to guide the Administrative Code amendments proposed by State grant-making agencies to comply with this Act and shall be responsible for establishing standardized policies and procedures for State grant-making agencies in order to ensure compliance with the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards set forth in 2 CFR Part 200, all of which must be adhered to by the State grant-making agencies throughout the life cycle of the grant.

(c) The powers and functions of grant making by State agencies or public institutions of higher education may not be transferred to, nor may prior grant approval be transferred to, any other person, office, or entity within the executive branch of State government.

HISTORY:

2014 P.A. 98-706, § 60, effective July 16, 2014; 2018 P.A. 100-676, § 5, effective January 1, 2019.

30 ILCS 708/65 Audit requirements.

(a) The standards set forth in Subpart F of 2 CFR 200 and any other standards that apply directly to State or federal agencies shall apply to audits of fiscal years beginning on or after December 26, 2014.

(b) Books and records must be available for review or audit by appropriate officials of the pass-through entity, and the agency, the Auditor General, the Inspector General, appropriate officials of the agency, and the federal Government Accountability Office.

(c) The Governor's Office of Management and Budget, with the advice and technical assistance of the Illinois Single Audit Commission, shall adopt rules for audits of grants from a State or federal pass-through entity that are not subject to the Single Audit Act because the amount of the federal award is less than $750,000 or the subrecipient is an exempt entity and that are reasonably consistent with 2 CFR 200.

(d) This Act does not affect the provisions of the Illinois State Auditing Act [30 ILCS 5/1-1 et seq.]and does not address the external audit function of the Auditor General.

HISTORY:

2014 P.A. 98-706, § 65, effective July 16, 2014.

30 ILCS 708/70 Review date.

The Governor's Office of Management and Budget shall review this Act at least once every 5 years after December 26, 2014 in conjunction with the federal review of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards as required by 2 CFR 200.109 in order to determine whether any existing rules need to be revised or new rules adopted.

HISTORY:
2014 P.A. 98-706, § 70, effective July 16, 2014.

30 ILCS 708/75 State program exceptions.

(a) With the exception of the audit requirements set forth in 2 CFR 200.102, exceptions may be allowed for classes of State or federal pass-through awards or non-federal entities subject to the requirements of this Act when such exceptions are not prohibited by State or federal law. However, in the interest of maximum uniformity, exceptions from the requirements of this Act shall be permitted only in unusual or exceptional circumstances.

(b) The Governor's Office of Management and Budget, with the advice and technical assistance of the Illinois Single Audit Commission, shall adopt rules governing the criteria that shall be used to determine when an exception may be issued. The Governor's Office of Management and Budget shall publish any allowed exceptions in the Catalog of State Financial Assistance within 30 days of the exception being allowed.

HISTORY:
2014 P.A. 98-706, § 75, effective July 16, 2014; 2017 P.A. 100-201, § 210, effective August 18, 2017.

30 ILCS 708/80 Supersession.

On and after July 1, 2015, in the event of a conflict with the Grant Funds Recovery Act [30 ILCS 705/1 et seq.], the provisions of this Act shall control.

HISTORY:
2014 P.A. 98-706, § 80, effective July 16, 2014.

30 ILCS 708/85 Implementation date.

The Governor's Office of Management and Budget shall adopt all rules required under this Act on or before July 1, 2017.

HISTORY:
2014 P.A. 98-706, § 85, effective July 16, 2014; 99-523, § 20-20.

30 ILCS 708/90 Agency implementation.

All State grant-making agencies shall implement the rules issued by the Governor's Office of Management and Budget on or before July 1, 2017. The standards set forth in this Act, which affect administration of State and federal pass-through awards issued by State grant-making agencies, become effective once implemented by State grant-making agencies. State grant-making agencies shall implement the policies and procedures applicable to State and federal pass-through awards by adopting rules for non-federal entities by December 31, 2017 that shall take effect for fiscal years on and after December 26, 2014, unless different provisions are required by State or federal statute or federal rule.

HISTORY:
2014 P.A. 98-706, § 90, effective July 16, 2014; 99-523, § 20-20.

30 ILCS 708/95 Annual report.

Effective January 1, 2016 and each January 1 thereafter, the Governor's Office of Management and Budget, in conjunction with the Illinois Single Audit Commission, shall submit to the Governor and the General Assembly a report that demonstrates the efficiencies, cost savings, and reductions in fraud, waste, and abuse as a result of the implementation of this Act and the rules adopted by the Governor's Office of Management and Budget in accordance with the provisions of this Act. The report shall include, but not be limited to:

(1) the number of entities placed on the Illinois Debarred and Suspended List;

(2) any savings realized as a result of the implementation of this Act;

(3) any reduction in the number of duplicative audit report reviews;

(4) the number of persons trained to assist grantees and subrecipients; and

(5) the number of grantees and subrecipients to whom a fiscal agent was assigned.

HISTORY:
2014 P.A. 98-706, § 95, effective July 16, 2014; 2018 P.A. 100-997, § 20, effective August 20, 2018.

30 ILCS 708/97 Separate accounts for State grant funds.

Notwithstanding any provision of law to the contrary, all grants made and any grant agreement entered into, renewed, or extended on or after August 20, 2018 (the effective date of Public Act 100-997), between a State grant-making agency and a nonprofit organization, shall require the nonprofit organization receiving grant funds to maintain those funds in an account which is separate and distinct from any account holding non-grant funds. Except as otherwise provided in an agreement between a State grant-making agency and a nonprofit organization, the grant funds held in a separate account by a nonprofit organization shall not be used for non-grant-related activities, and any unused grant funds shall be returned to the State grant-making agency.

HISTORY:
2018 P.A. 100-997, § 20, effective August 20, 2018; renumbered from § 30 ILCS 708/520 by 2019 P.A. 101-81, § 255, effective July 12, 2019.

30 ILCS 708/100 Repeal. [Repealed]

HISTORY:
2014 P.A. 98-706, § 100, effective July 16, 2014; 99-523, § 20-10; repealed by 2018 P.A. 100-676, § 10, effective January 1, 2019.

30 ILCS 708/105 Stop payment procedures.

(a) On or before July 1, 2019, the Governor's Office of Management and Budget shall adopt rules pertaining to the following:

(1) factors to be considered in determining whether to issue a stop payment order shall include whether or not a stop payment order is in the best interests of the State;

(2) factors to be considered in determining whether a stop payment order should be lifted; and

(3) procedures for notification to the recipient or subrecipient of the issuance of a stop payment order, the lifting of a stop payment order, and any other related information.

(b) On or before December 31, 2019, the Governor's Office of Management and Budget shall, in conjunction with State grant-making agencies, adopt rules pertaining to the following:

(1) policies regarding the issuance of stop payment orders;

(2) policies regarding the lifting of stop payment orders;

(3) policies regarding corrective actions required of recipients and subrecipients in the event a stop payment order is issued; and

(4) policies regarding the coordination of communications between the Office of the Comptroller and State grant-making agencies regarding the issuance of stop payment orders and the lifting of such orders.

(c) On or before July 1, 2020, the Office of the Comptroller shall establish stop payment procedures that shall cause the cessation of payments to a recipient or subrecipient. Such a temporary or permanent cessation of payments will occur pursuant to a stop payment order requested by a State grant-making agency and implemented by the Office of the Comptroller.

(d) The State grant-making agency shall maintain a file pertaining to all stop payment orders which shall include, at a minimum:

(1) The notice to the recipient or subrecipient that a stop payment order has been issued. The notice shall include:

(A) The name of the grant.

(B) The grant number.

(C) The name of the State agency that issued the grant.

(D) The reasons for the stop payment order.

(E) Any other relevant information.

(2) The order lifting the stop payment order, if applicable.

(e) The Grant Accountability and Transparency Unit shall determine and disseminate factors that State agencies shall consider when determining whether it is in the best interests of the State to permanently or temporarily cease payments to a recipient or subrecipient who has had a stop payment order requested by another State agency.

(f) The Office of the Comptroller and the Governor's Office of Management and Budget grant systems shall determine if the recipient or subrecipient has received grants from other State grant-making agencies.

(g) Upon notice from the Office of the Comptroller, the Grant Accountability and Transparency Unit shall notify all State grant-making agencies who have issued grants to a recipient or subrecipient whose payments have been subject to a stop payment order that a stop payment order has been requested by another State grant-making agency.

(h) Upon notice from the Grant Accountability and Transparency Unit, each State grant-making agency who has issued a grant to a recipient or subrecipient whose payments have been subject to a stop payment order shall review and assess all grants issued to that recipient or subrecipient. State agencies shall use factors provided by the Governor's Office of Management and Budget or the Grant Accountability and Transparency Unit to determine whether it is the best interests of the State to request a stop payment order.

HISTORY:
2018 P.A. 100-997, § 20, effective August 20, 2018.

30 ILCS 708/110 Documentation of award decisions.

Each award that is granted pursuant to an application process must include documentation to support the award.

(a) For each State or federal pass-through award that is granted following an application process, the State grant-making agency shall create a grant award file. The grant award file shall contain, at a minimum:

(1) A description of the grant.

(2) The Notice of Opportunity, if applicable.

(3) All applications received in response to the Notice of Opportunity, if applicable.

(4) Copies of any written communications between an applicant and the State grant-making agency, if applicable.

(5) The criteria used to evaluate the applications, if applicable.

(6) The scores assigned to each applicant according to the criteria, if applicable.

(7) A written determination, signed by an authorized representative of the State grant-making agency, setting forth the reason for the grant award decision, if applicable.

(8) The Notice of Award.

(9) Any other pre-award documents.

(10) The grant agreement and any renewals, if applicable;

(11) All post-award, administration, and close-out documents relating to the grant.

(12) Any other information relevant to the grant award.

(b) The grant file shall not include trade secrets or other competitively sensitive, confidential, or proprietary information.

(c) Each grant file shall be maintained by the State grant-making agency and, subject to the provisions of the Freedom of Information Act, shall be available for public inspection and copying within 7 calendar days following award of the grant.

HISTORY:
2018 P.A. 100-997, § 20, effective August 20, 2018.

30 ILCS 708/115 Certifications and representations.

Unless prohibited by State or federal statute, regulation, or administrative rule, each State awarding agency or pass-through entity is authorized to require the recipient or subrecipient to submit certifications and representations required by State or federal statute, regulation, or administrative rule.

HISTORY:
2018 P.A. 100-997, § 20, effective August 20, 2018.

30 ILCS 708/120 Required certifications.

To assure that expenditures are proper and in accordance with the terms and conditions of the grant award and approved project budgets, all periodic and final financial reports, and all payment requests under the grant agreement, must include a certification, signed by an official who is authorized to legally bind the grantee or subrecipient, that reads as follows:

"By signing this report and/or payment request, I certify to the best of my knowledge and belief that this report is true, complete, and accurate; that the expenditures, disbursements, and cash receipts are for the purposes and objectives set forth in the terms and conditions of the State or federal pass-through award; and that supporting documentation has been submitted as required by the grant agreement. I acknowledge that approval for any item or expenditure described herein shall be considered conditional subject to further review and verification in accordance with the monitoring and records retention provisions of the grant agreement. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (18 U.S.C. §1001; 31 U.S.C. §§3729-3730 and §§3801-3812; 30 ILCS 708/ 120.)"

HISTORY:
2018 P.A. 100-997, § 20, effective August 20, 2018.

30 ILCS 708/125 Expenditures prior to grant execution; reporting requirements.

(a) In the event that a recipient or subrecipient incurs expenses related to the grant award prior to the execution of the grant agreement but within the term of the grant, and the grant agreement is executed more than 30 days after the effective date of the grant, the recipient or subrecipient must submit to the State grant-making agency a report that accounts for eligible grant expenditures and project activities from the effective date of the grant up to and including the date of execution of the grant agreement.

(b) The recipient or subrecipient must submit the report to the State grant-making agency within 30 days of execution of the grant agreement.

(c) Only those expenses that are reasonable, allowable, and in furtherance of the purpose of the grant award shall be reimbursed.

(d) The State grant-making agency must approve the report prior to issuing any payment to the recipient or subrecipient.

HISTORY:
2018 P.A. 100-997, § 20, effective August 20, 2018.

30 ILCS 708/130 Travel costs.

(a) General. Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by the employees of the recipient or subrecipient who are in travel status on official business of the recipient or subrecipient. Such costs may only be charged to a State or federal pass-through grant based on an adopted policy by the recipient's or subrecipient's governing board. Absent a policy, the recipient or subrecipient must follow the rules of the Governor's Travel Control Board or the Higher Education Travel Control Board, whichever the granting agency follows. No policy can exceed federal travel regulations.

(b) Lodging and subsistence. Costs incurred for travel, including costs of lodging, other subsistence, and incidental expenses, must be considered reasonable and otherwise allowable only to the extent such costs do not exceed charges normally allowed by the Governor's Travel Control Board or the Higher Education Travel Control Board, whichever is the appropriate travel board. If the recipient or subrecipient does not have an adopted travel policy, the recipient or subrecipient must follow the rules of the Governor's Travel Control Board or the Higher Education Travel Control Board, whichever the granting agency follows. No policy can exceed federal travel regulations.

HISTORY:
2018 P.A. 100-997, § 20, effective August 20, 2018.

30 ILCS 708/505 [Not Set Out]

HISTORY:
2014 P.A. 98-706, § 1, effective July 16, 2014.

30 ILCS 708/510 [Not Set Out]

HISTORY:
2014 P.A. 98-706, § 1, effective July 16, 2014.

30 ILCS 708/515 [Not Set Out]

HISTORY:
2014 P.A. 98-706, § 1, effective July 16, 2014.

30 ILCS 708/520 Separate accounts for State grant funds. [Renumbered]

HISTORY:
2018 P.A. 100-997, § 20, effective August 20, 2018; renumbered to § 30 ILCS 708/97 by 2019 P.A. 101-81, § 255, effective July 12, 2019.

30 ILCS 708/997 Severability.

The provisions of this Act are severable under Section 1.31 of the Statute on Statutes [5 ILCS 70/1.31].

HISTORY:
2014 P.A. 98-706, § 997, effective July 16, 2014.

30 ILCS 708/999 Effective date.

This Act takes effect upon becoming law.

HISTORY:
2014 P.A. 98-706, § 999, effective July 16, 2014.

DOWNSTATE PUBLIC TRANSPORTATION ACT

Article II. Downstate Public Transportation Assistance

Section

ARTICLE II.

DOWNSTATE PUBLIC TRANSPORTATION ASSISTANCE

30 ILCS 740/2-3 [Transfers; downstate public transportation fund]

(a) As soon as possible after the first day of each month, beginning July 1, 1984, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, from the General Revenue Fund to a special fund in the State Treasury which is hereby created, to be known as the Downstate Public Transportation Fund, an amount equal to 2/32 (beginning July 1, 2005, 3/32) of the net revenue realized from the Retailers' Occupation Tax Act [35 ILCS 120/1 et seq.], the Service Occupation Tax Act [35 ILCS 115/1 et seq.], the Use Tax Act [35 ILCS 105/1], and the Service Use Tax Act [35 ILCS 110/1] from persons incurring municipal or county retailers' or service occupation tax liability for the benefit of any municipality or county located wholly within the boundaries of each participant, other than any Metro-East Transit District participant certified pursuant to subsection (c) of this Section during the preceding month, except that the Department shall pay into the Downstate Public Transportation Fund 2/32 (beginning July 1, 2005, 3/32) of 80% of the net revenue realized under the State tax Acts named above within any municipality or county located wholly within the boundaries of each participant, other than any Metro-East participant, for tax periods beginning on or after January 1, 1990. Net revenue realized for a month shall be the revenue collected by the State pursuant to such Acts during the previous month from persons incurring municipal or county retailers' or service occupation tax liability for the benefit of any municipality or county located wholly within the boundaries of a participant, less the amount paid out during that same month as refunds or credit memoranda to taxpayers for overpayment of liability under such Acts for the benefit of any municipality or county located wholly within the boundaries of a participant.

Notwithstanding any provision of law to the contrary, beginning on July 6, 2017 (the effective date of Public Act 100-23), those amounts required under this subsection (a) to be transferred by the Treasurer into the Downstate Public Transportation Fund from the General Revenue Fund shall be directly deposited into the Downstate Public Transportation Fund as the revenues are realized from the taxes indicated.

(b) As soon as possible after the first day of each month, beginning July 1, 1989, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, from the General Revenue Fund to a special fund in the State Treasury which is hereby created, to be known as the Metro-East Public Transportation Fund, an amount equal to 2/32 of the net revenue realized, as above, from within the boundaries of Madison, Monroe, and St. Clair Counties, except that the Department shall pay into the Metro-East Public Transportation Fund 2/32 of 80% of the net revenue realized under the State tax Acts specified in subsection (a) of this Section within the boundaries of Madison, Monroe and St. Clair Counties for tax periods beginning on or after January 1, 1990. A local match equivalent to an amount which could be raised

by a tax levy at the rate of .05% on the assessed value of property within the boundaries of Madison County is required annually to cause a total of 2/32 of the net revenue to be deposited in the Metro-East Public Transportation Fund. Failure to raise the required local match annually shall result in only 1/32 being deposited into the Metro-East Public Transportation Fund after July 1, 1989, or 1/32 of 80% of the net revenue realized for tax periods beginning on or after January 1, 1990.

(b-5) As soon as possible after the first day of each month, beginning July 1, 2005, upon certification of the Department of Revenue, the Comptroller shall order transferred, and the Treasurer shall transfer, from the General Revenue Fund to the Downstate Public Transportation Fund, an amount equal to 3/32 of 80% of the net revenue realized from within the boundaries of Monroe and St. Clair Counties under the State Tax Acts specified in subsection (a) of this Section and provided further that, beginning July 1, 2005, the provisions of subsection (b) shall no longer apply with respect to such tax receipts from Monroe and St. Clair Counties.

Notwithstanding any provision of law to the contrary, beginning on July 6, 2017 (the effective date of Public Act 100-23), those amounts required under this subsection (b-5) to be transferred by the Treasurer into the Downstate Public Transportation Fund from the General Revenue Fund shall be directly deposited into the Downstate Public Transportation Fund as the revenues are realized from the taxes indicated.

(b-6) As soon as possible after the first day of each month, beginning July 1, 2008, upon certification by the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer, from the General Revenue Fund to the Downstate Public Transportation Fund, an amount equal to 3/32 of 80% of the net revenue realized from within the boundaries of Madison County under the State Tax Acts specified in subsection (a) of this Section and provided further that, beginning July 1, 2008, the provisions of subsection (b) shall no longer apply with respect to such tax receipts from Madison County.

Notwithstanding any provision of law to the contrary, beginning on July 6, 2017 (the effective date of Public Act 100-23), those amounts required under this subsection (b-6) to be transferred by the Treasurer into the Downstate Public Transportation Fund from the General Revenue Fund shall be directly deposited into the Downstate Public Transportation Fund as the revenues are realized from the taxes indicated.

(b-7) Beginning July 1, 2018, notwithstanding the other provisions of this Section, instead of the Comptroller making monthly transfers from the General Revenue Fund to the Downstate Public Transportation Fund, the Department of Revenue shall deposit the designated fraction of the net revenue realized from collections under the Retailers' Occupation Tax Act, the Service Occupation Tax Act, the Use Tax Act, and the Service Use Tax Act directly into the Downstate Public Transportation Fund.

(c) The Department shall certify to the Department of Revenue the eligible participants under this Article and the territorial boundaries of such participants for the purposes of the Department of Revenue in subsections (a) and (b) of this Section.

(d) For the purposes of this Article, beginning in fiscal year 2009 the General Assembly shall appropriate an amount from the Downstate Public Transportation Fund equal to the sum total of funds projected to be paid to the participants pursuant to Section 2-7 [30 ILCS 740/2-7]. If the General Assembly fails to make appropriations sufficient to cover the amounts projected to be paid pursuant to Section 2-7, this Act shall constitute an irrevocable and continuing appropriation from the Downstate Public Transportation Fund of all amounts necessary for those purposes.

(e) (Blank).

(f) (Blank).

(g) (Blank).

(h) For State fiscal year 2020 only, notwithstanding any provision of law to the contrary, the total amount of revenue and deposits under this Section attributable to revenues realized during State fiscal year 2020 shall be reduced by 5%.

(i) For State fiscal year 2021 only, notwithstanding any provision of law to the contrary, the total amount of revenue and deposits under this Section attributable to revenues realized during State fiscal year 2021 shall be reduced by 5%.

(j) Commencing with State fiscal year 2022 programs, and for each fiscal year thereafter, all appropriations made under the provisions of this Act shall not constitute a grant program subject to the requirements of the Grant Accountability and Transparency Act [30 ILCS 708/1]. The Department shall approve programs of proposed expenditures and services submitted by participants under the requirements of Sections 2-5 and 2-11 [30 ILCS 740/2-5 and 30 ILCS 740/2-11].

HISTORY:

P.A. 86-590; 86-953; 87-838; 94-70, § 5; 95-708, § 7; 97-641, § 15; 2017 P.A. 100-23, § 5-36, effective July 6, 2017; 2017 P.A. 100-363, § 5, effective July 1, 2018; 2018 P.A. 100-587, § 5-30, effective June 4, 2018; 2018 P.A. 100-863, § 175, effective August 14, 2018; 2019 P.A. 101-10, § 5-55, effective June 5, 2019; 2020 P.A. 101-636, § 5-35, effective June 10, 2020; 2021 P.A. 102-626, § 10, effective August 27, 2021.

30 ILCS 740/2-4 [Forms established]

The Department shall establish forms for the reporting of projected and actual operating deficits and expenses and other required information by the participants, and has the power to promulgate rules and regulations for the filing of such reports within the limitations set out in Sections 2-5, 2-6 and 2-7 [30 ILCS 740/2-5, 30 ILCS 740/2-6 and 30 ILCS 740/2-7]. Each participant shall be governed by the rules and regulations established under this Section.

HISTORY:
P.A. 82-783; 2021 P.A. 102-626, § 10, effective August 27, 2021.

30 ILCS 740/2-5 Applications.

(a) Through State fiscal year 2021, each participant making application for grants pursuant to this Article shall submit to the Department at the time of making such application, on forms provided by the Department: (1) an estimate of projected operating deficits and a separate statement of eligible operating expenses and an estimate of all projected operating income or revenues; and (2) a program of proposed expenditures; all such submittals to be for the period of such grant. The program of proposed expenditures shall be directly related to the operation, maintenance or improvement of an existing system of public transportation serving the residents of the participant, and shall include the proposed expenditures for eligible operating expenses.

For Fiscal Year 1980 grant applications shall be submitted to the Department within 60 days of the effective date of this amendatory Act of 1979. Beginning with Fiscal Year 1981 and thereafter, grant applications shall be submitted to the Department by April 1 of the preceding fiscal year.

(b) For Fiscal Year 2022 applications for funding, and for each fiscal year thereafter, each participant making application for funding shall submit to the Department by April 1 of the preceding fiscal year, a program of proposed expenditures and services on forms provided by the Department, consisting of the following information: (1) an estimate of projected operating deficits and a separate statement of eligible operating expenses and an estimate of all projected operating income or revenues; and (2) a program of proposed expenditures and services; all such submittals to be for the period of such project. The program of proposed expenditures and services shall be directly related to the operation, maintenance, or improvement of an existing system of public transportation serving the residents of the participant, and shall include the proposed expenditures and services for eligible operating expenses.

HISTORY:
P.A. 82-783; 2021 P.A. 102-626, § 10, effective August 27, 2021.

30 ILCS 740/2-5.1 Additional requirements.

(a) Through State fiscal year 2021, any unit of local government that becomes a participant on or after the effective date of this amendatory Act of the 94th General Assembly [P.A. 94-70] shall, in addition to any other requirements under this Article, meet all of the following requirements when applying for grants under this Article:

(1) The grant application must demonstrate the participant's plan to provide general public transportation with an emphasis on persons with disabilities and elderly and economically disadvantaged populations.

(2) The grant application must demonstrate the participant's plan for interagency coordination that, at a minimum, allows the participation of all State-funded and federally-funded agencies and programs with transportation needs in the proposed service area in the development of the applicant's public transportation program.

(3) Any participant serving a nonurbanized area that is not receiving Federal Section 5311 funding must meet the operating and safety compliance requirements as set forth in that federal program.

(4) The participant is required to hold public hearings to allow comment on the proposed service plan in all municipalities with populations of 1,500 inhabitants or more within the proposed service area.

(a-5) Any unit of local government that becomes a participant on or after the effective date of this amendatory Act of the 102nd General Assembly shall, in addition to any other requirements under this Article, meet all of the following requirements when applying for the approval of the program of proposed expenditures and services under this Article:

(1) The program of proposed expenditures and services must demonstrate the participant's plan to provide general public transportation with an emphasis on persons with disabilities and elderly and economically disadvantaged populations.

(2) The program of proposed expenditures and services must demonstrate the participant's plan for interagency coordination that, at a minimum, allows the participation of all State-funded and federally-funded agencies and programs with transportation needs in the proposed service area in the development of the applicant's public transportation program.

(3) Any participant serving a non-urbanized area that is not receiving Federal Section 5311 Program funding must meet the operating and safety compliance requirements as set forth in that federal program.

(4) The participant is required to hold public hearings to allow comment on the proposed service plan in all municipalities with populations of 1,500 inhabitants or more within the proposed service area.

(b) Service extensions by any participant after July 1, 2005 by either annexation or intergovernmental agreement must meet the 4 requirements of subsection (a).

(c) In order to receive funding, the Department shall certify that the participant has met the requirements of this Section. Funding priority shall be given to service extension, multi-county, and multi-jurisdictional projects.

(d) The Department shall develop an annual application process for existing or potential participants to request an initial appropriation or an appropriation exceeding the formula amount found in subsection (b-10) of Section 2-7 [30 ILCS 740/2-7] for

funding service in new areas in the next fiscal year. The application shall include, but not be limited to, a description of the new service area, proposed service in the new area, and a budget for providing existing and new service. The Department shall review the application for reasonableness and compliance with the requirements of this Section, and, if it approves the application, shall recommend to the Governor an appropriation for the next fiscal year in an amount sufficient to provide 65% of projected eligible operating expenses associated with a new participant's service area or the portion of an existing participant's service area that has been expanded by annexation or intergovernmental agreement. The recommended appropriation for the next fiscal year may exceed the formula amount found in subsection (b-10) of Section 2-7.

HISTORY:

P.A. 94-70, § 5; 96-1458, § 5; 99-143, § 285; 2021 P.A. 102-626, § 10, effective August 27, 2021.

30 ILCS 740/2-7 Quarterly reports; annual audit. [Effective until January 1, 2023]

(a) Any Metro-East Transit District participant shall, no later than 60 days following the end of each quarter of any fiscal year, file with the Department on forms provided by the Department for that purpose, a report of the actual operating deficit experienced during that quarter. The Department shall, upon receipt of the quarterly report, determine whether the operating deficits were incurred in conformity with the program of proposed expenditures and services approved by the Department pursuant to Section 2-11 [30 ILCS 740/2-11]. Any Metro-East District may either monthly or quarterly for any fiscal year file a request for the participant's eligible share, as allocated in accordance with Section 2-6 [30 ILCS 740/2-6], of the amounts transferred into the Metro-East Public Transportation Fund.

(b) Each participant other than any Metro-East Transit District participant shall, 30 days before the end of each quarter, file with the Department on forms provided by the Department for such purposes a report of the projected eligible operating expenses to be incurred in the next quarter and 30 days before the third and fourth quarters of any fiscal year a statement of actual eligible operating expenses incurred in the preceding quarters. Except as otherwise provided in subsection (b-5), within 45 days of receipt by the Department of such quarterly report, the Comptroller shall order paid and the Treasurer shall pay from the Downstate Public Transportation Fund to each participant an amount equal to one-third of such participant's eligible operating expenses; provided, however, that in Fiscal Year 1997, the amount paid to each participant from the Downstate Public Transportation Fund shall be an amount equal to 47% of such participant's eligible operating expenses and shall be increased to 49% in Fiscal Year 1998, 51% in Fiscal Year 1999, 53% in Fiscal Year 2000, 55% in Fiscal Years 2001 through 2007, and 65% in Fiscal Year 2008 and thereafter; however, in any year that a participant receives funding under subsection (i) of Section 2705-305 of the Department of Transportation Law (20 ILCS 2705/2705-305), that participant shall be eligible only for assistance equal to the following percentage of its eligible operating expenses: 42% in Fiscal Year 1997, 44% in Fiscal Year 1998, 46% in Fiscal Year 1999, 48% in Fiscal Year 2000, and 50% in Fiscal Year 2001 and thereafter. Any such payment for the third and fourth quarters of any fiscal year shall be adjusted to reflect actual eligible operating expenses for preceding quarters of such fiscal year. However, no participant shall receive an amount less than that which was received in the immediate prior year, provided in the event of a shortfall in the fund those participants receiving less than their full allocation pursuant to Section 2-6 of this Article shall be the first participants to receive an amount not less than that received in the immediate prior year.

(b-5) (Blank.)

(b-10) On July 1, 2008, each participant shall receive an appropriation in an amount equal to 65% of its fiscal year 2008 eligible operating expenses adjusted by the annual 10% increase required by Section 2-2.04 of this Act [30 ILCS 740/2-2.04]. In no case shall any participant receive an appropriation that is less than its fiscal year 2008 appropriation. Every fiscal year thereafter, each participant's appropriation shall increase by 10% over the appropriation established for the preceding fiscal year as required by Section 2-2.04 of this Act.

(b-15) Beginning on July 1, 2007, and for each fiscal year thereafter, each participant shall maintain a minimum local share contribution (from farebox and all other local revenues) equal to the actual amount provided in Fiscal Year 2006 or, for new recipients, an amount equivalent to the local share provided in the first year of participation. The local share contribution shall be reduced by an amount equal to the total amount of lost revenue for services provided under Section 2-15.2 and Section 2-15.3 of this Act [30 ILCS 740/2-15.2 and 30 ILCS 740/2-15.3].

(b-20) Any participant in the Downstate Public Transportation Fund may use State operating assistance funding pursuant to this Section to provide transportation services within any county that is contiguous to its territorial boundaries as defined by the Department and subject to Departmental approval. Any such contiguous-area service provided by a participant after July 1, 2007 must meet the requirements of subsection (a) of Section 2-5.1 [30 ILCS 740/2-5.1].

(c) No later than 180 days following the last day of the Fiscal Year each participant shall provide the Department with an audit prepared by a Certified Public Accountant covering that Fiscal Year. For those participants other than a Metro-East Transit District, any discrepancy between the funds paid and

the percentage of the eligible operating expenses provided for by paragraph (b) of this Section shall be reconciled by appropriate payment or credit. In the case of any Metro-East Transit District, any amount of payments from the Metro-East Public Transportation Fund which exceed the eligible deficit of the participant shall be reconciled by appropriate payment or credit.

HISTORY:

P.A. 86-590; 86-1005; 86-1028; 89-598, § 5; 91-239, § 5-215; 91-357, § 56; 92-16, § 30; 92-258, § 5; 92-464, § 5; 94-70, § 5; 95-708, § 7; 95-906, § 3; 2021 P.A. 102-626, § 10, effective August 27, 2021.

30 ILCS 740/2-7 Quarterly reports; annual audit. [Effective January 1, 2023]

(a) Any Metro-East Transit District participant shall, no later than 60 days following the end of each quarter of any fiscal year, file with the Department on forms provided by the Department for that purpose, a report of the actual operating deficit experienced during that quarter. The Department shall, upon receipt of the quarterly report, determine whether the operating deficits were incurred in conformity with the program of proposed expenditures and services approved by the Department pursuant to Section 2-11. Any Metro-East District may either monthly or quarterly for any fiscal year file a request for the participant's eligible share, as allocated in accordance with Section 2-6, of the amounts transferred into the Metro-East Public Transportation Fund.

(b) Each participant other than any Metro-East Transit District participant shall, 30 days before the end of each quarter, file with the Department on forms provided by the Department for such purposes a report of the projected eligible operating expenses to be incurred in the next quarter and 30 days before the third and fourth quarters of any fiscal year a statement of actual eligible operating expenses incurred in the preceding quarters. Except as otherwise provided in subsection (b-5), within 45 days of receipt by the Department of such quarterly report, the Comptroller shall order paid and the Treasurer shall pay from the Downstate Public Transportation Fund to each participant an amount equal to one-third of such participant's eligible operating expenses; provided, however, that in Fiscal Year 1997, the amount paid to each participant from the Downstate Public Transportation Fund shall be an amount equal to 47% of such participant's eligible operating expenses and shall be increased to 49% in Fiscal Year 1998, 51% in Fiscal Year 1999, 53% in Fiscal Year 2000, 55% in Fiscal Years 2001 through 2007, and 65% in Fiscal Year 2008 and thereafter; however, in any year that a participant receives funding under subsection (i) of Section 2705-305 of the Department of Transportation Law (20 ILCS 2705/2705-305), that participant shall be eligible only for assistance equal to the following percentage of its eligible operating expenses: 42% in Fiscal Year 1997, 44% in Fiscal Year 1998, 46% in Fiscal Year 1999, 48% in Fiscal Year 2000, and 50% in Fiscal Year 2001 and thereafter. Any such payment for the third and fourth quarters of any fiscal year shall be adjusted to reflect actual eligible operating expenses for preceding quarters of such fiscal year. However, no participant shall receive an amount less than that which was received in the immediate prior year, provided in the event of a shortfall in the fund those participants receiving less than their full allocation pursuant to Section 2-6 of this Article shall be the first participants to receive an amount not less than that received in the immediate prior year.

(b-5) (Blank.)

(b-10) On July 1, 2008, each participant shall receive an appropriation in an amount equal to 65% of its fiscal year 2008 eligible operating expenses adjusted by the annual 10% increase required by Section 2-2.04 of this Act. In no case shall any participant receive an appropriation that is less than its fiscal year 2008 appropriation. Every fiscal year thereafter, each participant's appropriation shall increase by 10% over the appropriation established for the preceding fiscal year as required by Section 2-2.04 of this Act.

(b-15) Beginning on July 1, 2007, and for each fiscal year thereafter, each participant shall maintain a minimum local share contribution (from farebox and all other local revenues) equal to the actual amount provided in Fiscal Year 2006 or, for new recipients, an amount equivalent to the local share provided in the first year of participation. The local share contribution shall be reduced by an amount equal to the total amount of lost revenue for services provided under Section 2-15.2 and Section 2-15.3 of this Act.

(b-20) Any participant in the Downstate Public Transportation Fund may use State operating assistance funding pursuant to this Section to provide transportation services within any county that is contiguous to its territorial boundaries as defined by the Department and subject to Departmental approval. Any such contiguous-area service provided by a participant after July 1, 2007 must meet the requirements of subsection (a) of Section 2-5.1.

(c) No later than 180 days following the last day of the participant's Fiscal Year each participant shall provide the Department with an audit prepared by a Certified Public Accountant covering that Fiscal Year. For those participants other than a Metro-East Transit District, any discrepancy between the funds paid and the percentage of the eligible operating expenses provided for by paragraph (b) of this Section shall be reconciled by appropriate payment or credit. In the case of any Metro-East Transit District, any amount of payments from the Metro-East Public Transportation Fund which exceed the eligible deficit of the participant shall be reconciled by appropriate payment or credit.

(d) Upon the Department's final reconciliation determination that identifies a discrepancy between

the Downstate Operating Assistance Program funds paid and the percentage of the eligible operating expenses which results in a reimbursement payment due to the Department, the participant shall remit the reimbursement payment to the Department no later than 90 days after written notification.

(e) Funds received by the Department from participants for reimbursement as a result of an over payment from a prior State fiscal year shall be deposited into the Downstate Public Transportation Fund in the fiscal year in which they are received and all unspent funds shall roll to following fiscal years.

(f) Upon the Department's final reconciliation determination that identifies a discrepancy between the Downstate Operating Assistance Program funds paid and the percentage of the eligible operating expenses which results in a reimbursement payment due to the participant, the Department shall remit the reimbursement payment to the participant no later than 90 days after written notifications.

HISTORY:
P.A. 86-590; 86-1005; 86-1028; 89-598, § 5; 91-239, § 5-215; 91-357, § 56; 92-16, § 30; 92-258, § 5; 92-464, § 5; 94-70, § 5; 95-708, § 7; 95-906, § 3; 2021 P.A. 102-626, § 10, effective August 27, 2021; 2022 P.A. 102-790, § 5, effective January 1, 2023.

30 ILCS 740/2-9 [Grants]

Each program of proposed expenditures and services shall, in the case of a system of public transportation owned and operated by a participant, undertake to meet operating deficits directly. The purchase of service agreements with a provider of public transportation services shall constitute an eligible expense.

HISTORY:
P.A. 82-783; 2021 P.A. 102-626, § 10, effective August 27, 2021.

30 ILCS 740/2-10 Cooperative projects.

Nothing in this Act shall prohibit any participant from including in a program of proposed expenditures and services funding for a portion of a cooperative public transportation project or purpose, the total cost of which is shared among one or more other participants or other financial contributors, as long as the residents of the participant are served by any such project or purpose.

HISTORY:
P.A. 82-783; 2021 P.A. 102-626, § 10, effective August 27, 2021.

30 ILCS 740/2-11 [Approval of program]

The Department shall review and approve or disapprove within 45 days of receipt each program of proposed expenditures and services submitted by any participant. Notwithstanding the above, in the event the Department is prevented from processing applications or certifying that a participant meets the requirements of this Section due to extraordinary circumstances beyond its control, the certification deadline for that application shall be stayed until the Department is able to process and certify the same. Notice from the Department, as well as an explanation of the extraordinary circumstances, shall be provided to each participant affected by such delay. The Department may disapprove a program of proposed expenditures and services or portions thereof only for the following reasons:

(a) A finding that expenditures are proposed for projects or purposes which are not in compliance with Section 2-5 [30 ILCS 740/2-5]; or

(b) A finding that expenditures are proposed for projects or purposes which are in conflict with established comprehensive transportation plans for a participant or a region of which it is a part; or

(c) In Fiscal Year 1980, with regard to the participants which have not received State operating assistance prior to the effective date of this amendatory Act of 1979, a finding by the Department that a proposed program submitted by such participant or any portion thereof is not in the public interest in that levels or kinds of service proposed exceeds the reasonable needs of the community served by such participant as demonstrated in the transportation development plan for such community or other studies and information available to the Department.

HISTORY:
P.A. 82-783; 2021 P.A. 102-626, § 10, effective August 27, 2021.

30 ILCS 740/2-12 Disapproval of program.

Upon disapproval of any program of proposed expenditures and services, the Department shall so notify the chief official of the participant having submitted such program, setting forth in detail the reasons for such disapproval. Thereupon, any such participant shall have 45 days from the date of receipt of such notice of disapproval by the Department to submit to the Department one or more amended programs of proposed expenditures and services.

HISTORY:
P.A. 82-783; 2021 P.A. 102-626, § 10, effective August 27, 2021.

30 ILCS 740/2-14 Grants.

(a) Upon a determination by the Department that any initial or amended program of proposed expenditures is in compliance with the provisions of this Act, and upon approval thereof, the Department shall enter into one or more grant agreements with and shall make grants to that participant as necessary to implement the adopted program of expenditures.

(b) All grants by the Department pursuant to this Act shall be administered upon such conditions as the Secretary of Transportation shall determine, consistent with the provisions and purpose of this Act.

(c) For State fiscal year 2022 or any fiscal year thereafter, upon a determination by the Department

that any initial or amended program of proposed expenditure is in compliance with the provisions of this Act, and upon approval thereof, the Department shall enter into one or more agreements with the participant and shall obligate for payment to that participant as necessary to implement the adopted program of expenditure.

HISTORY:
P.A. 82-783; 2021 P.A. 102-626, § 10, effective August 27, 2021.

30 ILCS 740/2-15.2 Free services; eligibility.

(a) Notwithstanding any law to the contrary, no later than 60 days following the effective date of this amendatory Act of the 95th General Assembly [P.A. 95-708] and until subsection (b) is implemented, any fixed route public transportation services provided by, or under grant or purchase of service contracts of, every participant, as defined in Section 2-2.02 (1)(a) [30 ILCS 740/2-2.02], shall be provided without charge to all senior citizen residents of the participant aged 65 and older, under such conditions as shall be prescribed by the participant.

(b) Notwithstanding any law to the contrary, no later than 180 days following the effective date of this amendatory Act of the 96th General Assembly, but only through State fiscal year 2021, any fixed route public transportation services provided by, or under grant or purchase of service contracts of, every participant, as defined in Section 2-2.02 (1)(a), shall be provided without charge to senior citizens aged 65 and older who meet the income eligibility limitation set forth in subsection (a-5) of Section 4 of the Senior Citizens and Persons with Disabilities Property Tax Relief Act [320 ILCS 25/4], under such conditions as shall be prescribed by the participant. The Department on Aging shall furnish all information reasonably necessary to determine eligibility, including updated lists of individuals who are eligible for services without charge under this Section. Nothing in this Section shall relieve the participant from providing reduced fares as may be required by federal law.

HISTORY:
P.A. 95-708, § 7; 96-1527, § 5; 97-689, § 915; 99-143, § 285; 2021 P.A. 102-626, § 10, effective August 27, 2021.

30 ILCS 740/2-15.3 Transit services for individuals with disabilities.

Notwithstanding any law to the contrary, no later than 60 days following the effective date of this amendatory Act of the 95th General Assembly [P.A. 95-906], but only through State fiscal year 2021, all fixed route public transportation services provided by, or under grant or purchase of service contract of, any participant shall be provided without charge to all persons with disabilities who meet the income eligibility limitation set forth in subsection (a-5) of Section 4 of the Senior Citizens and Persons with Disabilities Property Tax Relief Act [320 ILCS 25/4], under such procedures as shall be prescribed by the participant. The Department on Aging shall furnish all information reasonably necessary to determine eligibility, including updated lists of individuals who are eligible for services without charge under this Section.

HISTORY:
P.A. 95-906, § 3; 97-689, § 915; 99-143, § 285; 2021 P.A. 102-626, § 10, effective August 27, 2021.

30 ILCS 740/2-17 County authorization to provide public transportation and to receive funds from appropriations to apply for funding in connection therewith.

(a) Any county or counties may, by ordinance, operate or otherwise provide for public transportation within such county or counties. In order to so provide for such public transportation, any county or counties may enter into agreements with any individual, corporation or other person or private or public entity to operate or otherwise assist in the provision of such public transportation services. Upon the execution of an agreement for the operation of such public transportation, the operator shall file 3 copies of such agreement certified by the clerk of the county executing the same with the Illinois Commerce Commission. Thereafter the Illinois Commerce Commission shall enter an order directing compliance by the operator with the provisions of Sections 55a and 55b of "An Act concerning public utilities", approved June 28, 1921, as amended.

(b) Any county may apply for, accept and expend moneys, loans or other funds from the State of Illinois or any department or agency thereof, from any unit of local government, from the federal government or any department or agency thereof, or from any other person or entity, for use in connection with any public transportation provided pursuant to this Section.

HISTORY:
P.A. 82-783; 2021 P.A. 102-626, § 10, effective August 27, 2021.

MANDATES

State Mandates Act

Section
30 ILCS 805/8.30 Exempt mandate.

STATE MANDATES ACT

30 ILCS 805/8.30 Exempt mandate.

(a) Notwithstanding Sections 6 and 8 of this Act [30 ILCS 805/6 and 30 ILCS 805/8], no reimbursement by the State is required for the implementation of any mandate created by Public Act 94-750, 94-792, 94-794, 94-806, 94-823, 94-834, 94-856, 94-875, 94-933, 94-1055, 94-1074, or 94-1111.

(b) Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by the Volunteer Emergency Worker Higher Education Protection Act [110 ILCS 122/1 et seq.].

HISTORY:

P.A. 94-750, § 915; 94-792, § 90; 94-794, § 90; 94-806, § 90; 94-823, § 90; 94-834, § 90; 94-856, § 90; 94-875, § 90; 94-933, § 90; 94-957, § 90; 94-1055, § 95-1-10; 94-1074, § 90; 94-1111, § 90; 95-331, § 375; 95-876, § 110.

CHAPTER 35

REVENUE

USE AND OCCUPATION TAXES

USE TAX ACT

35 ILCS 105/9 [Payment to Department] [Effective until January 1, 2023]

Except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, each retailer required or authorized to collect the tax imposed by this Act shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. The discount under this Section is not allowed for the 1.25% portion of taxes paid on aviation fuel that is subject to the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. When determining the discount allowed under this Section, retailers shall include the amount of tax that would have been due at the 1% rate but for the 0% rate imposed under this amendatory Act of the 102nd General Assembly. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. The discount allowed under this Section is allowed only for returns that are filed in the manner required by this Act. The Department may disallow the discount for retailers whose certificate of registration is revoked at the time the return is filed, but only if the Department's decision to revoke the certificate of registration has become final. A retailer need not remit that part of any tax collected by him to the extent that he is required to remit and does remit the tax imposed by the Retailers' Occupation Tax Act [35 ILCS 120/1et seq.], with respect to the sale of the same property.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the retailer, in collecting the tax (except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State), may collect for each tax return period, only the tax applicable to that part of the selling price actually received during such tax return period.

Except as provided in this Section, on or before the twentieth day of each calendar month, such retailer shall file a return for the preceding calendar month. Such return shall be filed on forms prescribed by the Department and shall furnish such information as the Department may reasonably require. The return shall include the gross receipts on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption) which were received during the preceding calendar month, quarter, or year, as appropriate, and upon which tax would have been due but for the 0% rate imposed under this amendatory Act of the 102nd General Assembly. The return shall also include the amount of tax that would have been due on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption) but for the 0% rate imposed under this amendatory Act of the 102nd General Assembly.

On and after January 1, 2018, except for returns for motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, with respect to retailers whose annual gross receipts average $20,000 or more, all returns required to be filed pursuant to this Act shall be filed electronically. Retailers who demonstrate that they do not have access to the Internet or demonstrate

hardship in filing electronically may petition the Department to waive the electronic filing requirement.

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

1. The name of the seller;

2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;

3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;

4. The amount of credit provided in Section 2d of this Act [35 ILCS 105/2d];

5. The amount of tax due;

5-5. The signature of the taxpayer; and

6. Such other reasonable information as the Department may require.

Each retailer required or authorized to collect the tax imposed by this Act on aviation fuel sold at retail in this State during the preceding calendar month shall, instead of reporting and paying tax on aviation fuel as otherwise required by this Section, report and pay such tax on a separate aviation fuel tax return. The requirements related to the return shall be as otherwise provided in this Section. Notwithstanding any other provisions of this Act to the contrary, retailers collecting tax on aviation fuel shall file all aviation fuel tax returns and shall make all aviation fuel tax payments by electronic means in the manner and form required by the Department. For purposes of this Section, "aviation fuel" means jet fuel and aviation gasoline.

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

Notwithstanding any other provision of this Act to the contrary, retailers subject to tax on cannabis shall file all cannabis tax returns and shall make all cannabis tax payments by electronic means in the manner and form required by the Department.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

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

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

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

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act [35 ILCS 115/1 et seq.], the Service Use Tax Act [35 ILCS 110/1 et seq.] was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment

to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985, and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987, and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. Quarter monthly payment status shall be determined under this paragraph as if the rate reduction to 0% in this amendatory Act of the 102nd General Assembly on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption) had not occurred. For quarter monthly payments due under this paragraph on or after July 1, 2023 and through June 30, 2024, "25% of the taxpayer's liability for the same calendar month of the preceding year" shall be determined as if the rate reduction to 0% in this amendatory Act of the 102nd General Assembly had not occurred. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

If any such payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown by an original monthly return, the Department shall issue to the taxpayer a credit memorandum no later than 30 days after the date of payment, which memorandum may be submitted by the taxpayer to the Department in payment of tax liability subsequently to be remitted by the taxpayer to the Department or be assigned by the taxpayer to a similar taxpayer under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Depart-

ment, except that if such excess payment is shown on an original monthly return and is made after December 31, 1986, no credit memorandum shall be issued, unless requested by the taxpayer. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted by the taxpayer to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and the taxpayer shall be liable for penalties and interest on such difference.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February, and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, except as otherwise provided in this Section, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 3-55 of this Act [35 ILCS 105/3-55], then that seller may report the transfer of all the aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act [625 ILCS 45/3-2], a personal watercraft, or any boat equipped with an inboard motor.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every person who is engaged in the business of leasing or renting such items and who, in connection with such business, sells any such item to a retailer for the purpose of resale is, notwithstanding any other provision of this Section to the contrary, authorized to meet the return-filing requirement of this Act by reporting the transfer of all the aircraft, watercraft, motor vehicles, or trailers transferred for resale during a month to the Department on the same uniform invoice-transaction reporting return form on or before the 20th of the month following the month in which the transfer takes place. Notwithstanding any other provision of this Act to the contrary, all returns filed under this paragraph must be filed by electronic means in the manner and form as required by the Department.

The transaction reporting return in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of the Illinois Vehicle Code [625 ILCS 5/5-402] and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of the Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft and aircraft must show the name and

address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the date of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the tax that is imposed by this Act may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer, and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Where a retailer collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the retailer refunds the selling price thereof to the purchaser, such retailer shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the retailer may deduct the amount of the tax so refunded by him to the purchaser from any other use tax which such retailer may be required to pay or remit to the Department, as shown by such return, if the amount of the tax to be deducted was previously remitted to the Department by such retailer. If the retailer has not previously remitted the amount of such tax to the Department, he is entitled to no deduction under this Act upon refunding such tax to the purchaser.

Any retailer filing a return under this Section shall also include (for the purpose of paying tax thereon) the total tax covered by such return upon the selling price of tangible personal property purchased by him at retail from a retailer, but as to which the tax imposed by this Act was not collected from the retailer filing such return, and such retailer shall remit the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable retailers, who are required to file returns hereunder and also under the Retailers' Occupation Tax Act, to furnish all the return information required by both Acts on the one form.

Where the retailer has more than one business registered with the Department under separate registration under this Act, such retailer may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax imposed under this Act.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury, 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property, other than (i) tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government and (ii) aviation fuel sold on or after December 1, 2019. This exception for aviation fuel only applies for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

For aviation fuel sold on or after December 1, 2019, each month the Department shall pay into the State Aviation Program Fund 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of aviation fuel, less an amount estimated by the Department to be required for refunds of the 20% portion of the tax on aviation fuel under this Act, which amount shall be deposited into the Aviation Fuel Sales Tax Refund Fund. The Department shall only pay moneys into the State Aviation Program Fund and the Aviation Fuels Sales Tax Refund Fund under this Act for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol. Beginning September 1, 2010, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of sales tax holiday items.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning October 1, 2009, each month the Department shall pay into the Capital Projects Fund an amount that is equal to an amount estimated by the Department to represent 80% of the net revenue realized for the preceding month from the sale of candy, grooming and hygiene products, and soft drinks that had been taxed at a rate of 1% prior to September 1, 2009 but that are now taxed at 6.25%.

Beginning July 1, 2011, each month the Department shall pay into the Clean Air Act Permit Fund 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of sorbents used in Illinois in the process of sorbent injection as used to comply with the Environmental Protection Act [415 ILCS 5/1 et seq.] or the federal Clean Air Act, but the total payment into the Clean Air Act Permit Fund under this Act and the Retailers' Occupation Tax Act shall not exceed $2,000,000 in any fiscal year.

Beginning July 1, 2013, each month the Department shall pay into the Underground Storage Tank Fund from the proceeds collected under this Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act an amount equal to the average monthly deficit in the Underground Storage Tank Fund during the prior year, as certified annually by the Illinois Environmental Protection Agency, but the total payment into the Underground Storage Tank Fund under this Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act shall not exceed $18,000,000 in any State fiscal year. As used in this paragraph, the "average monthly deficit" shall be equal to the difference between the average monthly claims for payment by the fund and the average monthly revenues deposited into the fund, excluding payments made pursuant to this paragraph.

Beginning July 1, 2015, of the remainder of the moneys received by the Department under this Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, each month the Department shall deposit $500,000 into the State Crime Laboratory Fund.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act [35 ILCS 120/3], Section 9 of the Use Tax Act [5 ILCS 105/9], Section 9 of the Service Use Tax Act [35 ILCS 110/9], and Section 9 of the Service Occupation Tax Act [35 ILCS 115/9], such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys

received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act [30 ILCS 425/1 et seq.] is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act [30 ILCS 425/13], an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act [30 ILCS 425/12].

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act [30 ILCS 105/8.25f], but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

Fiscal Year	Total Deposit
1993	$0
1994	53,000,000
1995	58,000,000
1996	61,000,000
1997	64,000,000
1998	68,000,000
1999	71,000,000
2000	75,000,000
2001	80,000,000
2002	93,000,000
2003	99,000,000
2004	103,000,000
2005	108,000,000
2006	113,000,000
2007	119,000,000
2008	126,000,000
2009	132,000,000
2010	139,000,000
2011	146,000,000
2012	153,000,000
2013	161,000,000
2014	170,000,000
2015	179,000,000
2016	189,000,000
2017	199,000,000
2018	210,000,000
2019	221,000,000
2020	233,000,000
2021	300,000,000
2022	300,000,000
2023	300,000,000
2024	300,000,000
2025	300,000,000
2026	300,000,000
2027	375,000,000
2028	375,000,000
2029	375,000,000
2030	375,000,000
2031	375,000,000
2032	375,000,000
2033	375,000,000
2034	375,000,000
2035	375,000,000

Fiscal Year 2036 and each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2060.	Total Deposit 450,000,000

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act [70 ILCS 210/13], plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Capital Projects Fund, the Clean Air Act Permit Fund, the Build Illinois Fund, and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, for aviation fuel sold on or after December 1, 2019, the Department shall each month deposit into the Aviation Fuel Sales Tax Refund Fund an amount estimated by the Department to be required for refunds of the 80% portion of the tax on aviation fuel under this Act. The Department shall only deposit moneys into the Aviation Fuel Sales Tax Refund Fund under this paragraph for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993 and ending on September 30, 2013, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois [20 ILCS 605/605-332].

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, and the Energy Infrastructure Fund pursuant to the preceding paragraphs or in any amendments to this Section hereafter enacted, beginning on the first day of the first calendar month to occur on or after August 26, 2014 (the effective date of Public Act 98-1098), each month, from the collections made under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act, the Department shall pay into the Tax Compliance and Administration Fund, to be used, subject to appropriation, to fund additional auditors and compliance personnel at the Department of Revenue, an amount equal to 1/12 of 5% of 80% of the cash receipts collected during the preceding fiscal year by the Audit Bureau of the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, and associated local occupation and use taxes administered by the Department.

Subject to payments of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, beginning on July 1, 2018 the Department shall pay each month into the Downstate Public Transportation Fund the moneys required to be so paid under Section 2-3 of the Downstate Public Transportation Act [30 ILCS 740/2-3].

Subject to successful execution and delivery of a public-private agreement between the public agency and private entity and completion of the civic build, beginning on July 1, 2023, of the remainder of the moneys received by the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and this Act, the Department shall deposit the following specified deposits in the aggregate from collections under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, as required under Section 8.25g of the State Finance Act [30 ILCS 105/8.25g] for distribution consistent with the Public-Private Partnership for Civic and Transit Infrastructure Project Act. The moneys received by the Department pursuant to this Act and required to be deposited into the Civic and Transit Infrastructure Fund are subject to the pledge, claim, and charge set forth in Section 25-55 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act [30 ILCS 558/25-55]. As used in this paragraph, "civic build", "private entity", "public-private agreement", and "public agency" have the meanings provided in

Section 25-10 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act [30 ILCS 558/25-10].

Fiscal Year	Total Deposit
2024	$200,000,000
2025	$206,000,000
2026	$212,200,000
2027	$218,500,000
2028	$225,100,000
2029	$288,700,000
2030	$298,900,000
2031	$309,300,000
2032	$320,100,000
2033	$331,200,000
2034	$341,200,000
2035	$351,400,000
2036	$361,900,000
2037	$372,800,000
2038	$384,000,000
2039	$395,500,000
2040	$407,400,000
2041	$419,600,000
2042	$432,200,000
2043	$445,100,000

Beginning July 1, 2021 and until July 1, 2022, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 16% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2022 and until July 1, 2023, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 32% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2023 and until July 1, 2024, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 48% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2024 and until July 1, 2025, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 64% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning on July 1, 2025, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 80% of the net revenue realized from the taxes imposed on motor fuel and gasohol. As used in this paragraph "motor fuel" has the meaning given to that term in Section 1.1 of the Motor Fuel Tax Law [35 ILCS 505/1.1], and "gasohol" has the meaning given to that term in Section 3-40 of this Act [35 ILCS 105/3-40].

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act [30 ILCS 105/8a].

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

HISTORY:

P.A. 86-16; 86-17; 86-44; 86-820; 86-928; 86-953; 87-14; 87-733; 87-838; 87-876; 87-895; 87-1246, § 2; 87-1258, § 2; 88-45, § 2-20; 88-116, § 2-5; 88-194, § 5; 88-660, § 25; 88-669, § 90-1.7; 88-670, § 2-20; 89-379, § 5; 89-626, § 3-13; 90-491, § 20; 90-612, § 10; 91-37, § 10; 91-51, § 115; 91-101, § 10; 91-541, § 10; 91-872, § 5; 91-901, § 10; 92-12, § 920; 92-16, § 33; 92-208, § 15; 92-492, § 15; 92-600, § 5-21; 92-651, § 25; 94-793, § 475; 94-1074, § 10; 96-34, § 910; 96-38, § 5; 96-898, § 10; 96-1012, § 10; 97-95, § 10; 97-333, § 125; 98-24, § 5-40; 98-109, § 5-33; 98-496, § 25; 98-1098, § 20; 98-756, § 175; 99-352, § 20-126; 99-858, § 5; 2016 P.A. 99-933, § 5-95, effective January 27, 2017; 2017 P.A. 100-303, § 5, effective August 24, 2017; 2017 P.A. 100-363, § 10, effective July 1, 2018; 2018 P.A. 100-1171, § 30, effective January 4, 2019; 2018 P.A. 100-863, § 200,

effective August 14, 2018; 2019 P.A. 101-10, § 15-10, effective June 5, 2019 P.A. 101-10, § 25-105, effective June 5, 2019; 2019 P.A. 101-27, § 900-16, effective June 25, 2019; 2019 P.A. 101-32, § 15-10, effective June 28, 2019; revised July 29, 2019; 2019 P.A. 101-604, § 10-25, effective December 13, 2019; 2020 P.A. 101-636, § 15-10, effective June 10, 2020; 2022 P.A. 102-700, § 60-15, effective April 19, 2022 P.A. 102-700, § 65-5, effective April 19, 2022.

35 ILCS 105/9 [Payment to Department] [Effective January 1, 2023]

Except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, each retailer required or authorized to collect the tax imposed by this Act shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. The discount under this Section is not allowed for the 1.25% portion of taxes paid on aviation fuel that is subject to the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. When determining the discount allowed under this Section, retailers shall include the amount of tax that would have been due at the 1% rate but for the 0% rate imposed under this amendatory Act of the 102nd General Assembly. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. The discount allowed under this Section is allowed only for returns that are filed in the manner required by this Act. The Department may disallow the discount for retailers whose certificate of registration is revoked at the time the return is filed, but only if the Department's decision to revoke the certificate of registration has become final. A retailer need not remit that part of any tax collected by him to the extent that he is required to remit and does remit the tax imposed by the Retailers' Occupation Tax Act [35 ILCS 120/1et seq.], with respect to the sale of the same property.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the retailer, in collecting the tax (except as to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State), may collect for each tax return period, only the tax applicable to that part of the selling price actually received during such tax return period.

Except as provided in this Section, on or before the twentieth day of each calendar month, such retailer shall file a return for the preceding calendar month. Such return shall be filed on forms prescribed by the Department and shall furnish such information as the Department may reasonably require. On and after January 1, 2018, except for returns required to be filed prior to January 1, 2023 for motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, with respect to retailers whose annual gross receipts average $20,000 or more, all returns required to be filed pursuant to this Act shall be filed electronically. On and after January 1, 2023, with respect to retailers whose annual gross receipts average $20,000 or more, all returns required to be filed pursuant to this Act, including, but not limited to, returns for motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, shall be filed electronically. Retailers who demonstrate that they do not have access to the Internet or demonstrate hardship in filing electronically may petition the Department to waive the electronic filing requirement.

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

1. The name of the seller;

2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;

3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;

4. The amount of credit provided in Section 2d of this Act [35 ILCS 105/2d];

5. The amount of tax due;

5-5. The signature of the taxpayer; and

6. Such other reasonable information as the Department may require.

Each retailer required or authorized to collect the tax imposed by this Act on aviation fuel sold at retail in this State during the preceding calendar month shall, instead of reporting and paying tax on aviation fuel as otherwise required by this Section, report and pay such tax on a separate aviation fuel tax return. The requirements related to the return shall be as otherwise provided in this Section. Notwithstanding any other provisions of this Act to the contrary, retailers collecting tax on aviation fuel shall file all aviation fuel tax returns and shall make all aviation fuel tax payments by electronic means in the manner and form required by the Department. For purposes of this Section, "aviation fuel" means jet fuel and aviation gasoline.

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

Notwithstanding any other provision of this Act to the contrary, retailers subject to tax on cannabis shall file all cannabis tax returns and shall make all cannabis tax payments by electronic means in the manner and form required by the Department.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

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

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

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

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act [35 ILCS 115/1 et seq.], the Service Use Tax Act [35 ILCS 110/1 et seq.] was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985, and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987, and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such

taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. Quarter monthly payment status shall be determined under this paragraph as if the rate reduction to 0% in this amendatory Act of the 102nd General Assembly on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption) had not occurred. For quarter monthly payments due under this paragraph on or after July 1, 2023 and through June 30, 2024, "25% of the taxpayer's liability for the same calendar month of the preceding year" shall be determined as if the rate reduction to 0% in this amendatory Act of the 102nd General Assembly had not occurred. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

If any such payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown by an original monthly return, the Department shall issue to the taxpayer a credit memorandum no later than 30 days after the date of payment, which memorandum may be submitted by the taxpayer to the Department in payment of tax liability subsequently to be remitted by the taxpayer to the Department or be assigned by the taxpayer to a similar taxpayer under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department, except that if such excess payment is shown on an original monthly return and is made after December 31, 1986, no credit memorandum shall be issued, unless requested by the taxpayer. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted by the taxpayer to the Department under this Act, the Retailers' Occupation Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and the taxpayer shall be liable for penalties and interest on such difference.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February, and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file

his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, except as otherwise provided in this Section, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 3-55 of this Act [35 ILCS 105/3-55], then that seller may report the transfer of all the aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act [625 ILCS 45/3-2], a personal watercraft, or any boat equipped with an inboard motor.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every person who is engaged in the business of leasing or renting such items and who, in connection with such business, sells any such item to a retailer for the purpose of resale is, notwithstanding any other provision of this Section to the contrary, authorized to meet the return-filing requirement of this Act by reporting the transfer of all the aircraft, watercraft, motor vehicles, or trailers transferred for resale during a month to the Department on the same uniform invoice-transaction reporting return form on or before the 20th of the month following the month in which the transfer takes place. Notwithstanding any other provision of this Act to the contrary, all returns filed under this paragraph must be filed by electronic means in the manner and form as required by the Department.

The transaction reporting return in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of the Illinois Vehicle Code [625 ILCS 5/5-402] and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of the Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft and aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 2 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the date of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the tax that is imposed by this Act may be transmitted to the Department by way of the State agency with which, or State officer with whom, the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's

application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer, and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Where a retailer collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the retailer refunds the selling price thereof to the purchaser, such retailer shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the retailer may deduct the amount of the tax so refunded by him to the purchaser from any other use tax which such retailer may be required to pay or remit to the Department, as shown by such return, if the amount of the tax to be deducted was previously remitted to the Department by such retailer. If the retailer has not previously remitted the amount of such tax to the Department, he is entitled to no deduction under this Act upon refunding such tax to the purchaser.

Any retailer filing a return under this Section shall also include (for the purpose of paying tax thereon) the total tax covered by such return upon the selling price of tangible personal property purchased by him at retail from a retailer, but as to which the tax imposed by this Act was not collected from the retailer filing such return, and such retailer shall remit the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable retailers, who are required to file returns hereunder and also under the Retailers' Occupation Tax Act, to furnish all the return information required by both Acts on the one form.

Where the retailer has more than one business registered with the Department under separate registration under this Act, such retailer may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax imposed under this Act.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund, a special fund in the State Treasury, 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property, other than (i) tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government and (ii) aviation fuel sold on or after December 1, 2019. This exception for aviation fuel only applies for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

For aviation fuel sold on or after December 1, 2019, each month the Department shall pay into the State Aviation Program Fund 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of aviation fuel, less an amount estimated by the Department to be required for refunds of the 20% portion of the tax on aviation fuel under this Act, which amount shall be deposited into the Aviation Fuel Sales Tax Refund Fund. The Department shall only pay moneys into the State Aviation Program Fund and the Aviation Fuels Sales Tax Refund Fund under this Act for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol. Beginning Septem-

ber 1, 2010, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of sales tax holiday items.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government.

Beginning October 1, 2009, each month the Department shall pay into the Capital Projects Fund an amount that is equal to an amount estimated by the Department to represent 80% of the net revenue realized for the preceding month from the sale of candy, grooming and hygiene products, and soft drinks that had been taxed at a rate of 1% prior to September 1, 2009 but that are now taxed at 6.25%.

Beginning July 1, 2011, each month the Department shall pay into the Clean Air Act Permit Fund 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of sorbents used in Illinois in the process of sorbent injection as used to comply with the Environmental Protection Act [415 ILCS 5/1 et seq.] or the federal Clean Air Act, but the total payment into the Clean Air Act Permit Fund under this Act and the Retailers' Occupation Tax Act shall not exceed $2,000,000 in any fiscal year.

Beginning July 1, 2013, each month the Department shall pay into the Underground Storage Tank Fund from the proceeds collected under this Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act an amount equal to the average monthly deficit in the Underground Storage Tank Fund during the prior year, as certified annually by the Illinois Environmental Protection Agency, but the total payment into the Underground Storage Tank Fund under this Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act shall not exceed $18,000,000 in any State fiscal year. As used in this paragraph, the "average monthly deficit" shall be equal to the difference between the average monthly claims for payment by the fund and the average monthly revenues deposited into the fund, excluding payments made pursuant to this paragraph.

Beginning July 1, 2015, of the remainder of the moneys received by the Department under this Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, each month the Department shall deposit $500,000 into the State Crime Laboratory Fund.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act [35 ILCS 120/3], Section 9 of the Use Tax Act [5 ILCS 105/9], Section 9 of the Service Use Tax Act [35 ILCS 110/9], and Section 9 of the Service Occupation Tax Act [35 ILCS 115/9], such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act [30 ILCS 425/1 et seq.] is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act [30 ILCS 425/13], an

amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act [30 ILCS 425/12].

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act [30 ILCS 105/8.25f], but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

Fiscal Year	Total Deposit
1993	$0
1994	53,000,000
1995	58,000,000
1996	61,000,000
1997	64,000,000
1998	68,000,000
1999	71,000,000
2000	75,000,000
2001	80,000,000
2002	93,000,000
2003	99,000,000
2004	103,000,000
2005	108,000,000
2006	113,000,000
2007	119,000,000
2008	126,000,000
2009	132,000,000
2010	139,000,000
2011	146,000,000
2012	153,000,000
2013	161,000,000
2014	170,000,000
2015	179,000,000
2016	189,000,000
2017	199,000,000
2018	210,000,000
2019	221,000,000
2020	233,000,000
2021	300,000,000
2022	300,000,000
2023	300,000,000
2024	300,000,000
2025	300,000,000
2026	300,000,000
2027	375,000,000
2028	375,000,000
2029	375,000,000
2030	375,000,000
2031	375,000,000
2032	375,000,000
2033	375,000,000
2034	375,000,000
2035	375,000,000
2036 and each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2060.	450,000,000

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act [70 ILCS 210/13], plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Capital Projects Fund, the Clean Air Act Permit Fund, the Build Illinois Fund, and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, for aviation fuel sold on or after December 1, 2019, the Department shall each month deposit into the Aviation Fuel Sales Tax Refund Fund an amount estimated by the Department to be required for refunds of the 80% portion of the tax on aviation fuel under this Act. The Department shall only deposit moneys into the Aviation Fuel Sales Tax Refund Fund under this paragraph for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993 and ending on September 30, 2013, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the

6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois [20 ILCS 605/605-332].

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, and the Energy Infrastructure Fund pursuant to the preceding paragraphs or in any amendments to this Section hereafter enacted, beginning on the first day of the first calendar month to occur on or after August 26, 2014 (the effective date of Public Act 98-1098), each month, from the collections made under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act, the Department shall pay into the Tax Compliance and Administration Fund, to be used, subject to appropriation, to fund additional auditors and compliance personnel at the Department of Revenue, an amount equal to 1/12 of 5% of 80% of the cash receipts collected during the preceding fiscal year by the Audit Bureau of the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, and associated local occupation and use taxes administered by the Department.

Subject to payments of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, beginning on July 1, 2018 the Department shall pay each month into the Downstate Public Transportation Fund the moneys required to be so paid under Section 2-3 of the Downstate Public Transportation Act [30 ILCS 740/2-3].

Subject to successful execution and delivery of a public-private agreement between the public agency and private entity and completion of the civic build, beginning on July 1, 2023, of the remainder of the moneys received by the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and this Act, the Department shall deposit the following specified deposits in the aggregate from collections under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, as required under Section 8.25g of the State Finance Act [30 ILCS 105/8.25g] for distribution consistent with the Public-Private Partnership for Civic and Transit Infrastructure Project Act. The moneys received by the Department pursuant to this Act and required to be deposited into the Civic and Transit Infrastructure Fund are subject to the pledge, claim, and charge set forth in Section 25-55 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act [30 ILCS 558/25-55]. As used in this paragraph, "civic build", "private entity", "public-private agreement", and "public agency" have the meanings provided in Section 25-10 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act [30 ILCS 558/25-10].

Fiscal Year	Total Deposit
2024	$200,000,000
2025	$206,000,000
2026	$212,200,000
2027	$218,500,000
2028	$225,100,000
2029	$288,700,000
2030	$298,900,000
2031	$309,300,000
2032	$320,100,000
2033	$331,200,000
2034	$341,200,000
2035	$351,400,000
2036	$361,900,000
2037	$372,800,000
2038	$384,000,000
2039	$395,500,000
2040	$407,400,000
2041	$419,600,000
2042	$432,200,000
2043	$445,100,000

Beginning July 1, 2021 and until July 1, 2022, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 16% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2022 and until July 1, 2023, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 32% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2023 and until July 1, 2024, subject to the payment of amounts into the State and Local Sales Tax Reform

Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 48% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2024 and until July 1, 2025, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 64% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning on July 1, 2025, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 80% of the net revenue realized from the taxes imposed on motor fuel and gasohol. As used in this paragraph "motor fuel" has the meaning given to that term in Section 1.1 of the Motor Fuel Tax Law[35 ILCS 505/1.1], and "gasohol" has the meaning given to that term in Section 3-40 of this Act [35 ILCS 105/3-40].

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act [30 ILCS 105/8a].

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

HISTORY:

P.A. 86-16; 86-17; 86-44; 86-820; 86-928; 86-953; 87-14; 87-733; 87-838; 87-876; 87-895; 87-1246, § 2; 87-1258, § 2; 88-45, § 2-20; 88-116, § 2-5; 88-194, § 5; 88-660, § 25; 88-669, § 90-1.7; 88-670, § 2-20; 89-379, § 5; 89-626, § 3-13; 90-491, § 20; 90-612, § 10; 91-37, § 10; 91-51, § 115; 91-101, § 10; 91-541, § 10; 91-872, § 5; 91-901, § 10; 92-12, § 920; 92-16, § 33; 92-208, § 15; 92-492, § 15; 92-600, § 5-21; 92-651, § 25; 94-793, § 475; 94-1074, § 10; 96-34, § 910; 96-38, § 5; 96-898, § 10; 96-1012, § 10; 97-95, § 10; 97-333, § 125; 98-24, § 5-40; 98-109, § 5-33; 98-496, § 25; 98-1098, § 20; 98-756, § 175; 99-352, § 20-126; 99-858, § 5; 2016 P.A. 99-933, § 5-95, effective January 27, 2017; 2017 P.A. 100-303, § 5, effective August 24, 2017; 2017 P.A. 100-363, § 10, effective July 1, 2018; 2018 P.A. 100-1171, § 30, effective January 4, 2019; 2018 P.A. 100-863, § 200, effective August 14, 2018; 2019 P.A. 101-10, § 15-10, effective June 5, 2019 P.A. 101-10, § 25-105, effective June 5, 2019; 2019 P.A. 101-27, § 900-16, effective June 25, 2019; 2019 P.A. 101-32, § 15-10, effective June 28, 2019; revised July 29, 2019; 2019 P.A. 101-604, § 10-25, effective December 13, 2019; 2020 P.A. 101-636, § 15-10, effective June 10, 2020; 2022 P.A. 102-700, § 60-15, effective April 19, 2022 P.A. 102-700, § 65-5, effective April 19, 2022; 2022 P.A. 102-1019, § 5, effective January 1, 2023.

SERVICE USE TAX ACT

35 ILCS 110/9 [Expenses in collecting; return]

Each serviceman required or authorized to collect the tax herein imposed shall pay to the Department the amount of such tax (except as otherwise provided) at the time when he is required to file his return for the period during which such tax was collected, less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the serviceman for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. When determining the discount allowed under this Section, servicemen shall include the amount of tax that would have been due at the 1% rate but for the 0% rate imposed under this amendatory Act of the 102nd General Assembly. The discount under this Section is not allowed for the 1.25% portion of taxes paid on aviation fuel that is subject to the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. The discount allowed under this Section is allowed only for returns that are filed in the manner required by this Act. The Department may disallow the discount for servicemen whose certificate of registration is revoked at the time the return is filed, but only if the Department's decision to revoke the certificate of registration has become final. A serviceman need not remit that part of any tax collected by him to the extent that he is required to pay and does pay the tax imposed by the Service Occupation Tax Act [35 ILCS 115/1 et seq.] with respect to his sale of service involving the incidental transfer by him of the same property.

Except as provided hereinafter in this Section, on or before the twentieth day of each calendar month, such serviceman shall file a return for the preceding calendar month in accordance with reasonable Rules and Regulations to be promulgated by the Depart-

ment. Such return shall be filed on a form prescribed by the Department and shall contain such information as the Department may reasonably require. The return shall include the gross receipts which were received during the preceding calendar month or quarter on the following items upon which tax would have been due but for the 0% rate imposed under this amendatory Act of the 102nd General Assembly: (i) food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption); and (ii) food prepared for immediate consumption and transferred incident to a sale of service subject to this Act or the Service Occupation Tax Act [35 ILCS 115/1 et seq.] by an entity licensed under the Hospital Licensing Act [210 ILCS 85/1 et seq.], the Nursing Home Care Act [210 ILCS 45/1-101 et seq.], the Assisted Living and Shared Housing Act [210 ILCS 9/1 et seq.], the ID/DD Community Care Act [210 ILCS 47/1-101 et seq.], the MC/DD Act [210 ILCS 46/1-101 et seq.], the Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49/1-101 et seq.], or the Child Care Act of 1969 [225 ILCS 10/1 et seq.], or an entity that holds a permit issued pursuant to the Life Care Facilities Act [210 ILCS 40/1 et seq.]. The return shall also include the amount of tax that would have been due on the items listed in the previous sentence but for the 0% rate imposed under this amendatory Act of the 102nd General Assembly.

On and after January 1, 2018, with respect to servicemen whose annual gross receipts average $20,000 or more, all returns required to be filed pursuant to this Act shall be filed electronically. Servicemen who demonstrate that they do not have access to the Internet or demonstrate hardship in filing electronically may petition the Department to waive the electronic filing requirement.

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

1. The name of the seller;

2. The address of the principal place of business from which he engages in business as a serviceman in this State;

3. The total amount of taxable receipts received by him during the preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;

4. The amount of credit provided in Section 2d of this Act [35 ILCS 110/2d];

5. The amount of tax due;

5-5. The signature of the taxpayer; and

6. Such other reasonable information as the Department may require.

Each serviceman required or authorized to collect the tax imposed by this Act on aviation fuel transferred as an incident of a sale of service in this State during the preceding calendar month shall, instead of reporting and paying tax on aviation fuel as otherwise required by this Section, report and pay such tax on a separate aviation fuel tax return. The requirements related to the return shall be as otherwise provided in this Section. Notwithstanding any other provisions of this Act to the contrary, servicemen collecting tax on aviation fuel shall file all aviation fuel tax returns and shall make all aviation fuel tax payments by electronic means in the manner and form required by the Department. For purposes of this Section, "aviation fuel" means jet fuel and aviation gasoline.

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

Notwithstanding any other provision of this Act to the contrary, servicemen subject to tax on cannabis shall file all cannabis tax returns and shall make all cannabis tax payments by electronic means in the manner and form required by the Department.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law [20 ILCS 2505/2505-210] shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

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

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

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

If the serviceman is otherwise required to file a monthly return and if the serviceman's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the serviceman is otherwise required to file a monthly or quarterly return and if the serviceman's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a serviceman may file his return, in the case of any serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such serviceman shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Where a serviceman collects the tax with respect to the selling price of property which he sells and the purchaser thereafter returns such property and the serviceman refunds the selling price thereof to the purchaser, such serviceman shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the serviceman may deduct the amount of the tax so refunded by him to the purchaser from any other Service Use Tax, Service Occupation Tax, retailers' occupation tax or use tax which such serviceman may be required to pay or remit to the Department, as shown by such return, provided that the amount of the tax to be deducted shall previously have been remitted to the Department by such serviceman. If the serviceman shall not previously have remitted the amount of such tax to the Department, he shall be entitled to no deduction hereunder upon refunding such tax to the purchaser.

Any serviceman filing a return hereunder shall also include the total tax upon the selling price of tangible personal property purchased for use by him as an incident to a sale of service, and such serviceman shall remit the amount of such tax to the Department when filing such return.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable servicemen, who are required to file returns hereunder and also under the Service Occupation Tax Act, to furnish all the return information required by both Acts on the one form.

Where the serviceman has more than one business registered with the Department under separate registration hereunder, such serviceman shall not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Tax Reform Fund, a special fund in the State Treasury, the net revenue realized for the preceding month from the 1% tax imposed under this Act.

Beginning January 1, 1990, each month the Department shall pay into the State and Local Sales Tax Reform Fund 20% of the net revenue realized for the preceding month from the 6.25% general rate on transfers of tangible personal property, other than (i) tangible personal property which is purchased outside Illinois at retail from a retailer and which is titled or registered by an agency of this State's government and (ii) aviation fuel sold on or after December 1, 2019. This exception for aviation fuel only applies for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

For aviation fuel sold on or after December 1, 2019, each month the Department shall pay into the State Aviation Program Fund 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of aviation fuel, less an amount estimated by the Department to be required for refunds of the 20% portion of the tax on aviation fuel under this Act, which amount shall be deposited into the Aviation Fuel Sales Tax Refund Fund. The Department shall only pay moneys into the State Aviation Program Fund and the Aviation Fuel Sales Tax Refund Fund under this Act for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Beginning August 1, 2000, each month the Department shall pay into the State and Local Sales Tax Reform Fund 100% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning October 1, 2009, each month the Department shall pay into the Capital Projects Fund an

amount that is equal to an amount estimated by the Department to represent 80% of the net revenue realized for the preceding month from the sale of candy, grooming and hygiene products, and soft drinks that had been taxed at a rate of 1% prior to September 1, 2009 but that are now taxed at 6.25%.

Beginning July 1, 2013, each month the Department shall pay into the Underground Storage Tank Fund from the proceeds collected under this Act, the Use Tax Act [35 ILCS 105/1 et seq.], the Service Occupation Tax Act [35 ILCS 115/1 et seq.], and the Retailers' Occupation Tax Act [35 ILCS 120/1 et seq.] an amount equal to the average monthly deficit in the Underground Storage Tank Fund during the prior year, as certified annually by the Illinois Environmental Protection Agency, but the total payment into the Underground Storage Tank Fund under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act shall not exceed $18,000,000 in any State fiscal year. As used in this paragraph, the "average monthly deficit" shall be equal to the difference between the average monthly claims for payment by the fund and the average monthly revenues deposited into the fund, excluding payments made pursuant to this paragraph.

Beginning July 1, 2015, of the remainder of the moneys received by the Department under the Use Tax Act, this Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, each month the Department shall deposit $500,000 into the State Crime Laboratory Fund.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act [35 ILCS 120/3], Section 9 of the Use Tax Act [35 ILCS 105/9], Section 9 of the Service Use Tax Act [35 ILCS 110/9], and Section 9 of the Service Occupation Tax Act [35 ILCS 115/9], such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act [30 ILCS 425/1 et seq.], the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act [30 ILCS 425/13], an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act [30 ILCS 425/12].

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f [30 ILCS 105/8.25f] of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act,

Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

Fiscal Year	Total Deposit
1993	$0
1994	53,000,000
1995	58,000,000
1996	61,000,000
1997	64,000,000
1998	68,000,000
1999	71,000,000
2000	75,000,000
2001	80,000,000
2002	93,000,000
2003	99,000,000
2004	103,000,000
2005	108,000,000
2006	113,000,000
2007	119,000,000
2008	126,000,000
2009	132,000,000
2010	139,000,000
2011	146,000,000
2012	153,000,000
2013	161,000,000
2014	170,000,000
2015	179,000,000
2016	189,000,000
2017	199,000,000
2018	210,000,000
2019	221,000,000
2020	233,000,000
2021	300,000,000
2022	300,000,000
2023	300,000,000
2024	300,000,000
2025	300,000,000
2026	300,000,000
2027	375,000,000
2028	375,000,000
2029	375,000,000
2030	375,000,000
2031	375,000,000
2032	375,000,000
2033	375,000,000
2034	375,000,000
2035	375,000,000
2036 and each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2060.	450,000,000

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act [70 ILCS 210/13], plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Capital Projects Fund, the Clean Air Act Permit Fund, the Build Illinois Fund, and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, for aviation fuel sold on or after December 1, 2019, the Department shall each month deposit into the Aviation Fuel Sales Tax Refund Fund an amount estimated by the Department to be required for refunds of the 80% portion of the tax on aviation fuel under this Act. The Department shall only deposit moneys into the Aviation Fuel Sales Tax Refund Fund under this paragraph for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993 and ending on September 30, 2013, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois.

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, and the Energy Infrastructure Fund pursuant to the preceding paragraphs or in any amendments to this Section hereafter enacted, beginning on the first day of the first calendar month to occur on or after August 26, 2014 (the effective date of Public Act 98-1098), each month, from the collections made under Section 9 of

the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act, the Department shall pay into the Tax Compliance and Administration Fund, to be used, subject to appropriation, to fund additional auditors and compliance personnel at the Department of Revenue, an amount equal to 1/12 of 5% of 80% of the cash receipts collected during the preceding fiscal year by the Audit Bureau of the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, and associated local occupation and use taxes administered by the Department.

Subject to payments of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, beginning on July 1, 2018 the Department shall pay each month into the Downstate Public Transportation Fund the moneys required to be so paid under Section 2-3 of the Downstate Public Transportation Act [30 ILCS 740/2-3].

Subject to successful execution and delivery of a public-private agreement between the public agency and private entity and completion of the civic build, beginning on July 1, 2023, of the remainder of the moneys received by the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and this Act, the Department shall deposit the following specified deposits in the aggregate from collections under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, as required under Section 8.25g of the State Finance Act [30 ILCS 105/8.25g] for distribution consistent with the Public-Private Partnership for Civic and Transit Infrastructure Project Act. The moneys received by the Department pursuant to this Act and required to be deposited into the Civic and Transit Infrastructure Fund are subject to the pledge, claim, and charge set forth in Section 25-55 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act [30 ILCS 558/25-55]. As used in this paragraph, "civic build", "private entity", "public-private agreement", and "public agency" have the meanings provided in Section 25-10 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act [30 ILCS 558/25-10].

Fiscal Year	Total Deposit
2024	$200,000,000
2025	$206,000,000
2026	$212,200,000
2027	$218,500,000
2028	$225,100,000
2029	$288,700,000
2030	$298,900,000
2031	$309,300,000
2032	$320,100,000
2033	$331,200,000
2034	$341,200,000
2035	$351,400,000
2036	$361,900,000
2037	$372,800,000
2038	$384,000,000
2039	$395,500,000
2040	$407,400,000
2041	$419,600,000
2042	$432,200,000
2043	$445,100,000

Beginning July 1, 2021 and until July 1, 2022, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 16% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2022 and until July 1, 2023, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 32% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2023 and until July 1, 2024, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 48% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2024 and until July 1, 2025, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 64% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning on July 1, 2025, subject to the payment of amounts into the State and Local Sales Tax Reform Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into

the Road Fund the amount estimated to represent 80% of the net revenue realized from the taxes imposed on motor fuel and gasohol. As used in this paragraph "motor fuel" has the meaning given to that term in Section 1.1 of the Motor Fuel Tax Law, and "gasohol" has the meaning given to that term in Section 3-40 of the Use Tax Act [35 ILCS 105/3-40].

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the General Revenue Fund of the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act [30 ILCS 105/8a].

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

HISTORY:

P.A. 86-16; 86-17; 86-44; 86-820; 86-928; 86-953; 87-14; 87-733; 87-838; 87-1246, § 3; 87-1258, § 3; 88-45, § 2-21; 88-116, § 2-10; 88-669, § 90-2; 89-379, § 10; 90-612, § 15; 91-37, § 15; 91-51, § 120; 91-101, § 15; 91-541, § 15; 91-872, § 10; 92-12, § 925; 92-208, § 20; 92-492, § 20; 92-600, § 5-22; 92-651, § 26; 94-793, § 480; 94-1074, § 15; 96-34, § 915; 96-38, § 10; 96-898, § 15; 98-24, § 5-45; 98-109, § 5-35; 98-298, § 5; 98-496, § 26; 98-756, § 180; 98-1098, § 25; 99-352, § 20-127; 99-858, § 10; 2017 P.A. 100-303, § 10, effective August 24, 2017; 2017 P.A. 100-363, § 15, effective July 1, 2018; 2018 P.A. 100-1171, § 35, effective January 4, 2019; 2018 P.A. 100-863, § 205, effective August 14, 2018; 2019 P.A. 101-10, § 15-15, effective June 5, 2019 P.A. 101-10, § 25-110, effective June 5, 2019; 2019 P.A. 101-27, § 900-17, effective June 25, 2019; 2019 P.A. 101-32, § 15-15, effective June 28, 2019; revised Aug. 20, 2019; 2019 P.A. 101-604, § 10-30, effective December 13, 2019; 2020 P.A. 101-636, § 15-15, effective June 10, 2020; 2022 P.A. 102-700, § 60-20, effective April 19, 2022.

SERVICE OCCUPATION TAX ACT

35 ILCS 115/9 [Payment; returns; refunds]

Each serviceman required or authorized to collect the tax herein imposed shall pay to the Department the amount of such tax at the time when he is required to file his return for the period during which such tax was collectible, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the serviceman for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. When determining the discount allowed under this Section, servicemen shall include the amount of tax that would have been due at the 1% rate but for the 0% rate imposed under this amendatory Act of the 102nd General Assembly. The discount under this Section is not allowed for the 1.25% portion of taxes paid on aviation fuel that is subject to the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. The discount allowed under this Section is allowed only for returns that are filed in the manner required by this Act. The Department may disallow the discount for servicemen whose certificate of registration is revoked at the time the return is filed, but only if the Department's decision to revoke the certificate of registration has become final.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the serviceman, in collecting the tax may collect, for each tax return period, only the tax applicable to the part of the selling price actually received during such tax return period.

Except as provided hereinafter in this Section, on or before the twentieth day of each calendar month, such serviceman shall file a return for the preceding calendar month in accordance with reasonable rules and regulations to be promulgated by the Department of Revenue. Such return shall be filed on a form prescribed by the Department and shall contain such information as the Department may reasonably require. The return shall include the gross receipts which were received during the preceding calendar month or quarter on the following items upon which tax would have been due but for the 0% rate imposed under this amendatory Act of the 102nd General Assembly: (i) food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption); and (ii) food prepared for immediate consumption and transferred incident to a sale of service subject to this Act or the Service Use Tax Act [35 ILCS 110/1 et seq.] by an entity licensed under the Hospital Licensing Act [210 ILCS 85/1 et seq.], the Nursing Home Care Act [210 ILCS 45/1-101 et seq.], the Assisted Living and Shared Housing Act [210 ILCS 9/1 et seq.], the ID/DD Community Care Act [210 ILCS 47/1-101 et seq.], the MC/DD Act [210 ILCS 46/1-101 et seq.], the Specialized Mental Health Rehabilitation Act of 2013 [210 ILCS 49/1-101 et seq.], or the Child Care Act of 1969 [225 ILCS 10/1 et seq.], or an entity that holds a permit issued pursuant to the Life Care Facilities Act [210 ILCS 40/1 et seq.]. The return shall also include the amount of tax that would have been due on the items listed in the previous sentence but for the 0% rate imposed under this amendatory Act of the 102nd General Assembly.

On and after January 1, 2018, with respect to servicemen whose annual gross receipts average

$20,000 or more, all returns required to be filed pursuant to this Act shall be filed electronically. Servicemen who demonstrate that they do not have access to the Internet or demonstrate hardship in filing electronically may petition the Department to waive the electronic filing requirement.

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

1. The name of the seller;

2. The address of the principal place of business from which he engages in business as a serviceman in this State;

3. The total amount of taxable receipts received by him during the preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;

4. The amount of credit provided in Section 2d of this Act [35 ILCS 115/2d];

5. The amount of tax due;

5-5. The signature of the taxpayer; and

6. Such other reasonable information as the Department may require.

Each serviceman required or authorized to collect the tax herein imposed on aviation fuel acquired as an incident to the purchase of a service in this State during the preceding calendar month shall, instead of reporting and paying tax as otherwise required by this Section, report and pay such tax on a separate aviation fuel tax return. The requirements related to the return shall be as otherwise provided in this Section. Notwithstanding any other provisions of this Act to the contrary, servicemen transferring aviation fuel incident to sales of service shall file all aviation fuel tax returns and shall make all aviation fuel tax payments by electronic means in the manner and form required by the Department. For purposes of this Section, "aviation fuel" means jet fuel and aviation gasoline.

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

Notwithstanding any other provision of this Act to the contrary, servicemen subject to tax on cannabis shall file all cannabis tax returns and shall make all cannabis tax payments by electronic means in the manner and form required by the Department.

Prior to October 1, 2003, and on and after September 1, 2004 a serviceman may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Service Use Tax [35 ILCS 110/1 et seq.] as provided in Section 3-70 of the Service Use Tax Act [35 ILCS 110/3-70] if the purchaser provides the appropriate documentation as required by Section 3-70 of the Service Use Tax Act. A Manufacturer's Purchase Credit certification, accepted prior to October 1, 2003 or on or after September 1, 2004 by a serviceman as provided in Section 3-70 of the Service Use Tax Act, may be used by that serviceman to satisfy Service Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 for reporting periods prior to September 1, 2004 shall be disallowed. Manufacturer's Purchase Credit reported on annual returns due on or after January 1, 2005 will be disallowed for periods prior to September 1, 2004. No Manufacturer's Purchase Credit may be used after September 30, 2003 through August 31, 2004 to satisfy any tax liability imposed under this Act, including any audit liability.

If the serviceman's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the serviceman's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a serviceman may file his return, in the case of any serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such serviceman shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall

make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law [20 ILCS 2505/2505-210] shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

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

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

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

Where a serviceman collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the serviceman refunds the selling price thereof to the purchaser, such serviceman shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the serviceman may deduct the amount of the tax so refunded by him to the purchaser from any other Service Occupation Tax, Service Use Tax, Retailers' Occupation Tax or Use Tax which such serviceman may be required to pay or remit to the Department, as shown by such return, provided that the amount of the tax to be deducted shall previously have been remitted to the Department by such serviceman. If the serviceman shall not previously have remitted the amount of such tax to the Department, he shall be entitled to no deduction hereunder upon refunding such tax to the purchaser.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable servicemen, who are required to file returns hereunder and also under the Retailers' Occupation Tax Act [35 ILCS 120/1 et seq.], the Use Tax Act [35 ILCS 105/1 et seq.] or the Service Use Tax Act, to furnish all the return information required by all said Acts on the one form.

Where the serviceman has more than one business registered with the Department under separate registrations hereunder, such serviceman shall file separate returns for each registered business.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund the revenue realized for the preceding month from the 1% tax imposed under this Act.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the revenue realized for the preceding month from the 6.25% general rate on sales of tangible personal property other than aviation fuel sold on or after December 1, 2019. This exception for aviation fuel only applies for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the revenue realized for the preceding month from the 6.25% general rate on transfers of tangible personal property other than aviation fuel sold on or after December 1, 2019. This exception for aviation fuel only applies for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

For aviation fuel sold on or after December 1, 2019, each month the Department shall pay into the State Aviation Program Fund 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of aviation fuel, less an amount estimated by the Department to be required for refunds of the 20% portion of the tax on aviation fuel under this Act, which amount shall be deposited into the Aviation Fuel Sales Tax Refund Fund. The Department shall only pay moneys into the State Aviation Program Fund and the Aviation Fuel Sales Tax Refund Fund under this Act for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning October 1, 2009, each month the Department shall pay into the Capital Projects Fund an amount that is equal to an amount estimated by the Department to represent 80% of the net revenue realized for the preceding month from the sale of candy, grooming and hygiene products, and soft drinks that had been taxed at a rate of 1% prior to September 1, 2009 but that are now taxed at 6.25%.

Beginning July 1, 2013, each month the Department shall pay into the Underground Storage Tank Fund from the proceeds collected under this Act, the Use Tax Act, the Service Use Tax Act, and the Retailers' Occupation Tax Act an amount equal to the average monthly deficit in the Underground Storage Tank Fund during the prior year, as certified annually by the Illinois Environmental Protection Agency, but the total payment into the Underground Storage Tank Fund under this Act, the Use Tax Act, the Service Use Tax Act, and the Retailers' Occupation Tax Act shall not exceed $18,000,000 in any State fiscal year. As used in this paragraph, the "average monthly deficit" shall be equal to the difference between the average monthly claims for payment by the fund and the average monthly revenues deposited into the fund, excluding payments made pursuant to this paragraph.

Beginning July 1, 2015, of the remainder of the moneys received by the Department under the Use Tax Act, the Service Use Tax Act, this Act, and the Retailers' Occupation Tax Act, each month the Department shall deposit $500,000 into the State Crime Laboratory Fund.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act [35 ILCS 120/3], Section 9 of the Use Tax Act [35 ILCS 105/9], Section 9 of the Service Use Tax Act [35 ILCS 110/9], and Section 9 of the Service Occupation Tax Act [35 ILCS 115/9], such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act [30 ILCS 425/1 et seq.], the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act [30 ILCS 425/13], an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act [30 ILCS 425/12].

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act [30 ILCS 105/8.25f], but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

Fiscal Year	Total Deposit
1993	$0
1994	53,000,000

Fiscal Year	Total Deposit
1995	58,000,000
1996	61,000,000
1997	64,000,000
1998	68,000,000
1999	71,000,000
2000	75,000,000
2001	80,000,000
2002	93,000,000
2003	99,000,000
2004	103,000,000
2005	108,000,000
2006	113,000,000
2007	119,000,000
2008	126,000,000
2009	132,000,000
2010	139,000,000
2011	146,000,000
2012	153,000,000
2013	161,000,000
2014	170,000,000
2015	179,000,000
2016	189,000,000
2017	199,000,000
2018	210,000,000
2019	221,000,000
2020	233,000,000
2021	300,000,000
2022	300,000,000
2023	300,000,000
2024	300,000,000
2025	300,000,000
2026	300,000,000
2027	375,000,000
2028	375,000,000
2029	375,000,000
2030	375,000,000
2031	375,000,000
2032	375,000,000
2033	375,000,000
2034	375,000,000
2035	375,000,000
2036 and each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2060.	450,000,000

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act [70 ILCS 210/13], plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Capital Projects Fund, the Build Illinois Fund, and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, for aviation fuel sold on or after December 1, 2019, the Department shall each month deposit into the Aviation Fuel Sales Tax Refund Fund an amount estimated by the Department to be required for refunds of the 80% portion of the tax on aviation fuel under this Act. The Department shall only deposit moneys into the Aviation Fuel Sales Tax Refund Fund under this paragraph for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993 and ending on September 30, 2013, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois [20 ILCS 605/605-332].

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, and the Energy Infrastructure Fund pursuant to the preceding paragraphs or in any amendments to this Section hereafter enacted, beginning on the first day of the first calendar month to occur on or after August 26, 2014 (the effective date of Public Act 98-1098), each month, from the collections made under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act, the Department shall pay into the Tax Compliance and Administration Fund, to be used, subject to appropriation, to fund additional auditors and compliance

personnel at the Department of Revenue, an amount equal to 1/12 of 5% of 80% of the cash receipts collected during the preceding fiscal year by the Audit Bureau of the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, and associated local occupation and use taxes administered by the Department.

Subject to payments of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, beginning on July 1, 2018 the Department shall pay each month into the Downstate Public Transportation Fund the moneys required to be so paid under Section 2-3 of the Downstate Public Transportation Act [30 ILCS 740/2-3].

Subject to successful execution and delivery of a public-private agreement between the public agency and private entity and completion of the civic build, beginning on July 1, 2023, of the remainder of the moneys received by the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and this Act, the Department shall deposit the following specified deposits in the aggregate from collections under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, as required under Section 8.25g of the State Finance Act [30 ILCS 105/8.25g] for distribution consistent with the Public-Private Partnership for Civic and Transit Infrastructure Project Act [30 ILCS 558/25-1 et seq.]. The moneys received by the Department pursuant to this Act and required to be deposited into the Civic and Transit Infrastructure Fund are subject to the pledge, claim and charge set forth in Section 25-55 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act [30 ILCS 105/25-55]. As used in this paragraph, "civic build", "private entity", "public-private agreement", and "public agency" have the meanings provided in Section 25-10 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act [30 ILCS 105/25-10].

Fiscal Year	Total Deposit
2024	$200,000,000
2025	$206,000,000
2026	$212,200,000
2027	$218,500,000
2028	$225,100,000
2029	$288,700,000
2030	$298,900,000
2031	$309,300,000
2032	$320,100,000
2033	$331,200,000
2034	$341,200,000
2035	$351,400,000
2036	$361,900,000
2037	$372,800,000
2038	$384,000,000
2039	$395,500,000
2040	$407,400,000
2041	$419,600,000
2042	$432,200,000
2043	$445,100,000

Beginning July 1, 2021 and until July 1, 2022, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 16% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2022 and until July 1, 2023, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 32% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2023 and until July 1, 2024, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 48% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2024 and until July 1, 2025, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 64% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning on July 1, 2025, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 80% of the net revenue realized from the taxes imposed on

motor fuel and gasohol. As used in this paragraph "motor fuel" has the meaning given to that term in Section 1.1 of the Motor Fuel Tax Law, and "gasohol" has the meaning given to that term in Section 3-40 of the Use Tax Act [35 ILCS 105/3-40].

Of the remainder of the moneys received by the Department pursuant to this Act, 75% shall be paid into the General Revenue Fund of the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act [30 ILCS 105/8a].

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the taxpayer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the taxpayer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The taxpayer's annual return to the Department shall also disclose the cost of goods sold by the taxpayer during the year covered by such return, opening and closing inventories of such goods for such year, cost of goods used from stock or taken from stock and given away by the taxpayer during such year, pay roll information of the taxpayer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such taxpayer as hereinbefore provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act [35 ILCS 735/3-4].

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The foregoing portion of this Section concerning the filing of an annual information return shall not apply to a serviceman who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, it shall be permissible for manufacturers, importers and wholesalers whose products are sold by numerous servicemen in Illinois, and who wish to do so, to assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the servicemen who are affected do not make written objection to the Department to this arrangement.

HISTORY:

P.A. 86-16; 86-17; 86-44; 86-820; 86-928; 86-953; 87-14; 87-205; 87-733; 87-838; 87-1132, § 2; 87-1246, § 4; 87-1258, § 4; 88-45, § 2-22; 88-116, § 2-15; 88-547, § 8; 88-669, § 90-2.3; 89-89, § 25; 89-235, § 2-50; 89-379, § 15; 89-626, § 2-23; 90-612, § 20; 91-37, § 20; 91-51, § 125; 91-101, § 20; 91-541, § 20; 91-872, § 15; 92-12, § 930; 92-208, § 25; 92-492, § 25; 92-600, § 5-23; 92-651, § 27; 93-24, § 50-24; 93-840, § 20-20; 94-1074, § 20; 96-34, § 920; 96-38, § 15; 96-898, § 20; 98-24, § 5-50; 98-109, § 5-37; 98-298, § 10; 98-496, § 27; 98-756, § 185; 98-1098, § 30; 99-352, § 20-128; 99-858, § 15; 2017 P.A. 100-303, § 15, effective August 24, 2017; 2018 P.A. 100-863, § 210, effective August 14, 2018; 2017 P.A. 100-363, § 20, effective July 1, 2018; 2018 P.A. 100-1171, § 40, effective January 4, 2019; 2019 P.A. 101-10, § 15-20, effective June 5, 2019 P.A. 101-10, § 25-115, effective June 5, 2019; 2019 P.A. 101-27, § 900-18, effective June 25, 2019; 2019 P.A. 101-32, § 15-20, effective June 28, 2019; revised July 23, 2019; 2019 P.A. 101-604, § 10-35, effective December 13, 2019; 2020 P.A. 101-636, § 15-20, effective June 10, 2020; 2022 P.A. 102-700, § 60-25, effective April 19, 2022.

RETAILERS' OCCUPATION TAX ACT

35 ILCS 120/3 [Filing returns] [Effective until January 1, 2023]

Except as provided in this Section, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the seller;

2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of selling tangible personal property at retail in this State;

3. Total amount of receipts received by him during the preceding calendar month or quarter, as the case may be, from sales of tangible personal property, and from services furnished, by him during such preceding calendar month or quarter;

4. Total amount received by him during the preceding calendar month or quarter on charge and time sales of tangible personal property, and from services furnished, by him prior to the month or quarter for which the return is filed;

5. Deductions allowed by law;

6. Gross receipts which were received by him during the preceding calendar month or quarter and upon the basis of which the tax is imposed, including gross receipts on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption) which were received during the preceding calendar month or quarter and upon which tax would have been due but for the 0% rate imposed under this amendatory Act of the 102nd General Assembly;

7. The amount of credit provided in Section 2d of this Act [35 ILCS 120/2d];

8. The amount of tax due, including the amount of tax that would have been due on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption) but for the 0% rate imposed under this amendatory Act of the 102nd General Assembly;

9. The signature of the taxpayer; and

10. Such other reasonable information as the Department may require.

On and after January 1, 2018, except for returns for motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, with respect to retailers whose annual gross receipts average $20,000 or more, all returns required to be filed pursuant to this Act shall be filed electronically. Retailers who demonstrate that they do not have access to the Internet or demonstrate hardship in filing electronically may petition the Department to waive the electronic filing requirement.

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

Each return shall be accompanied by the statement of prepaid tax issued pursuant to Section 2e [35 ILCS 120/2e] for which credit is claimed.

Prior to October 1, 2003, and on and after September 1, 2004 a retailer may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act [35 ILCS 105/3-85] if the purchaser provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a retailer prior to October 1, 2003 and on and after September 1, 2004 as provided in Section 3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers' Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 for reporting periods prior to September 1, 2004 shall be disallowed. Manufacturer's Purchase Credit reported on annual returns due on or after January 1, 2005 will be disallowed for periods prior to September 1, 2004. No Manufacturer's Purchase Credit may be used after September 30, 2003 through August 31, 2004 to satisfy any tax liability imposed under this Act, including any audit liability.

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

1. The name of the seller;

2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;

3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;

4. The amount of credit provided in Section 2d of this Act;

5. The amount of tax due; and

6. Such other reasonable information as the Department may require.

Every person engaged in the business of selling aviation fuel at retail in this State during the preceding calendar month shall, instead of reporting and paying tax as otherwise required by this Section, report and pay such tax on a separate aviation fuel tax return. The requirements related to the return shall be as otherwise provided in this Section. Notwithstanding any other provisions of this Act to the contrary, retailers selling aviation fuel shall file all aviation fuel tax returns and shall make all aviation fuel tax payments by electronic means in the manner and form required by the Department. For purposes of this Section, "aviation fuel" means jet fuel and aviation gasoline.

Beginning on October 1, 2003, any person who is not a licensed distributor, importing distributor, or manufacturer, as defined in the Liquor Control Act of 1934 [235 ILCS 5/1-1 et seq.], but is engaged in the business of selling, at retail, alcoholic liquor shall file a statement with the Department of Revenue, in a format and at a time prescribed by the Department, showing the total amount paid for alcoholic liquor purchased during the preceding month and such other information as is reasonably required by the Department. The Department may adopt rules to require that this statement be filed in an electronic or telephonic format. Such rules may provide for exceptions from the filing requirements of this paragraph. For the purposes of this paragraph, the term "alcoholic liquor" shall have the meaning prescribed in the Liquor Control Act of 1934.

Beginning on October 1, 2003, every distributor, importing distributor, and manufacturer of alcoholic liquor as defined in the Liquor Control Act of 1934, shall file a statement with the Department of Revenue, no later than the 10th day of the month for the preceding month during which transactions occurred, by electronic means, showing the total amount of gross receipts from the sale of alcoholic liquor sold or distributed during the preceding month to purchasers; identifying the purchaser to whom it was sold or distributed; the purchaser's tax registration number; and such other information reasonably required by the Department. A distributor, importing distributor, or manufacturer of alcoholic liquor must personally deliver, mail, or provide by electronic means to each retailer listed on the monthly statement a report containing a cumulative total of that distributor's, importing distributor's, or manufacturer's total sales of alcoholic liquor to that retailer no later than the 10th day of the month for the preceding month during which the transaction occurred. The distributor, importing distributor, or manufacturer shall notify the retailer as to the method by which the distributor, importing distributor, or manufacturer will provide the sales information. If the retailer is unable to receive the sales information by electronic means, the distributor, importing distributor, or manufacturer shall furnish the sales information by personal delivery or by mail. For purposes of this paragraph, the term "electronic means" includes, but is not limited to, the use of a secure Internet website, e-mail, or facsimile.

If a total amount of less than $1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or more.

Notwithstanding any other provision of this Act to the contrary, retailers subject to tax on cannabis shall file all cannabis tax returns and shall make all cannabis tax payments by electronic means in the manner and form required by the Department.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law [20 ILCS 2505/2505-210] shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

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

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

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

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such

year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability with the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, except as otherwise provided in this Section, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle retailer or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 2-5 of this Act [35 ILCS 120/2-5], then that seller may report the transfer of all aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act [625 ILCS 45/3-2], a personal watercraft, or any boat equipped with an inboard motor.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every person who is engaged in the business of leasing or renting such items and who, in connection with such business, sells any such item to a retailer for the purpose of resale is, notwithstanding any other provision of this Section to the contrary, authorized to meet the return-filing requirement of this Act by reporting the transfer of all the aircraft, watercraft, motor vehicles, or trailers transferred for resale during a month to the Department on the same uniform invoice-transaction reporting return form on or before the 20th of the month following the month in which the transfer takes place. Notwithstanding any other provision of this Act to the contrary, all returns filed under this paragraph must be filed by electronic means in the manner and form as required by the Department.

Any retailer who sells only motor vehicles, watercraft, aircraft, or trailers that are required to be registered with an agency of this State, so that all retailers' occupation tax liability is required to be reported, and is reported, on such transaction reporting returns and who is not otherwise required to file monthly or quarterly returns, need not file monthly or quarterly returns. However, those retailers shall be required to file returns on an annual basis.

The transaction reporting return, in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of the Illinois Vehicle Code [625 ILCS 5/5-402] and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act [35 ILCS 120/1] allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of the Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft or aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transac-

tion; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the day of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the Illinois use tax may be transmitted to the Department by way of the State agency with which, or State officer with whom the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a use tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of the tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a manager, member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. On and after January 1, 2021, a certified service provider, as defined in the Leveling the Playing Field for Illinois Retail Act, filing the return under this Section on behalf of a remote retailer shall, at the time of such return, pay to the Department the amount of tax imposed by this Act less a discount of 1.75%. A remote retailer using a certified service provider to file a return on its behalf, as provided in the Leveling the Playing Field for Illinois Retail Act, is not eligible for the discount. When determining the discount allowed under this Section, retailers shall include the amount of tax that would have been due at the 1% rate but for the 0% rate imposed under this amendatory Act of the 102nd General Assembly. The discount under this Section is not allowed for the 1.25% portion of taxes paid on aviation fuel that is subject to the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. The discount allowed under this Section is allowed only for returns that are filed in the manner required by this Act. The Department may disallow the discount for retailers whose certificate of registration is revoked at the time the return

is filed, but only if the Department's decision to revoke the certificate of registration has become final.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act [35 ILCS 105/1 et seq.], the Service Occupation Tax Act [35 ILCS 115/1 et seq.], and the Service Use Tax Act [35 ILCS 110/1 et seq.], excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985 and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $10,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $20,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. Quarter monthly payment status shall be determined under this paragraph as if the rate reduction to 0% in this amendatory Act of the 102nd General Assembly on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption) had not occurred. For quarter monthly payments due under this paragraph on or after July 1, 2023 and through June 30, 2024, "25% of the taxpayer's liability for the same calendar month

of the preceding year" shall be determined as if the rate reduction to 0% in this amendatory Act of the 102nd General Assembly had not occurred. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

The provisions of this paragraph apply before October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d [35 ILCS 120/2d] of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of $25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f [35 ILCS 120/2f] and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to September 1, 1985 (the effective date of Public Act 84-221), each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2d. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is $25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

The provisions of this paragraph apply on and after October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes that average in excess of $20,000 per month during the preceding 4 complete calendar quarters shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which the liability is incurred. Each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of the quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until the taxpayer's average monthly prepaid tax collections during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarters is less than $20,000. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by such credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determined that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

If a retailer of motor fuel is entitled to a credit under Section 2d of this Act which exceeds the

taxpayer's liability to the Department under this Act for the month for which the taxpayer is filing a return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax imposed under this Act.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate other than aviation fuel sold on or after December 1, 2019. This exception for aviation fuel only applies for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol. Beginning September 1, 2010, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of sales tax holiday items.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property other than aviation fuel sold on or after December 1, 2019. This exception for aviation fuel only applies for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

For aviation fuel sold on or after December 1, 2019, each month the Department shall pay into the State Aviation Program Fund 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of aviation fuel, less an amount estimated by the Department to be required for refunds of the 20% portion of the tax on aviation fuel under this Act, which amount shall be deposited into the Aviation Fuel Sales Tax Refund Fund. The Department shall only pay moneys into the State Aviation Program Fund and the Aviation Fuel Sales Tax Refund Fund under this Act for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol. Beginning September 1, 2010, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of sales tax holiday items.

Beginning October 1, 2009, each month the Department shall pay into the Capital Projects Fund an amount that is equal to an amount estimated by the Department to represent 80% of the net revenue realized for the preceding month from the sale of candy, grooming and hygiene products, and soft drinks that had been taxed at a rate of 1% prior to September 1, 2009 but that are now taxed at 6.25%.

Beginning July 1, 2011, each month the Department shall pay into the Clean Air Act Permit Fund 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of sorbents used in Illinois in the process of sorbent injection as used to comply with the Environmental Protection Act [415 ILCS 5/1 et seq.] or the federal Clean Air Act, but the total payment into the Clean Air Act Permit Fund under this Act and the Use Tax Act shall not exceed $2,000,000 in any fiscal year.

Beginning July 1, 2013, each month the Department shall pay into the Underground Storage Tank Fund from the proceeds collected under this Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act an amount equal to the average monthly deficit in the Underground Storage Tank Fund during the prior year, as certified annually by the Illinois Environmental Protection Agency, but the total payment into the Underground Storage Tank Fund under this Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act shall not exceed $18,000,000 in any State fiscal year. As used in this paragraph, the "average monthly deficit" shall be equal to the difference between the average monthly claims for payment by the fund and the average monthly revenues deposited into the fund, excluding payments made pursuant to this paragraph.

Beginning July 1, 2015, of the remainder of the moneys received by the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and this Act, each month the Department shall deposit $500,000 into the State Crime Laboratory Fund.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section 9 of the Use Tax Act [35 ILCS 105/9], Section 9 of the Service Use Tax Act [35 ILCS 110/9], and Section 9 of the Service Occupation Tax Act [35 ILCS 115/9],, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount

transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

Fiscal Year	Annual Specified Amount
1986	$54,800,000
1987	$76,650,000
1988	$80,480,000
1989	$88,510,000
1990	$115,330,000
1991	$145,470,000
1992	$182,730,000
1993	$206,520,000;

and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act [30 ILCS 425/13]) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act [30 ILCS 425/1 et seq.] is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act [30 ILCS 425/12].

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act [30 ILCS 105/8.25f], but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

Fiscal Year	Total Deposit
1993	$0
1994	53,000,000
1995	58,000,000
1996	61,000,000
1997	64,000,000
1998	68,000,000
1999	71,000,000
2000	75,000,000
2001	80,000,000
2002	93,000,000
2003	99,000,000
2004	103,000,000
2005	108,000,000
2006	113,000,000
2007	119,000,000
2008	126,000,000
2009	132,000,000
2010	139,000,000
2011	146,000,000
2012	153,000,000
2013	161,000,000
2014	170,000,000
2015	179,000,000
2016	189,000,000
2017	199,000,000
2018	210,000,000

Fiscal Year	Total Deposit
2019	221,000,000
2020	233,000,000
2021	300,000,000
2022	300,000,000
2023	300,000,000
2024	300,000,000
2025	300,000,000
2026	300,000,000
2027	375,000,000
2028	375,000,000
2029	375,000,000
2030	375,000,000
2031	375,000,000
2032	375,000,000
2033	375,000,000
2034	375,000,000
2035	375,000,000
2036 and each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2060.	450,000,000

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act [70 ILCS 210/13], plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Capital Projects Fund, the Clean Air Act Permit Fund, the Build Illinois Fund, and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, for aviation fuel sold on or after December 1, 2019, the Department shall each month deposit into the Aviation Fuel Sales Tax Refund Fund an amount estimated by the Department to be required for refunds of the 80% portion of the tax on aviation fuel under this Act. The Department shall only deposit moneys into the Aviation Fuel Sales Tax Refund Fund under this paragraph for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993 and ending on September 30, 2013, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois [20 ILCS 605/605-332].

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, and the Energy Infrastructure Fund pursuant to the preceding paragraphs or in any amendments to this Section hereafter enacted, beginning on the first day of the first calendar month to occur on or after August 26, 2014 (the effective date of Public Act 98-1098), each month, from the collections made under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act, the Department shall pay into the Tax Compliance and Administration Fund, to be used, subject to appropriation, to fund additional auditors and compliance personnel at the Department of Revenue, an amount equal to 1/12 of 5% of 80% of the cash receipts collected during the preceding fiscal year by the Audit Bureau of the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, and associated local occupation and use taxes administered by the Department.

Subject to payments of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, beginning on July 1, 2018 the Department shall pay each month into the Downstate Public Transportation Fund the moneys required to be so paid under Section 2-3 of the Downstate Public Transportation Act [30 ILCS 740/2-3].

Subject to successful execution and delivery of a public-private agreement between the public agency and private entity and completion of the civic build, beginning on July 1, 2023, of the remainder of the moneys received by the Department under the Use Tax Act, the Service Use Tax Act, the Service Occu-

pation Tax Act, and this Act, the Department shall deposit the following specified deposits in the aggregate from collections under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, as required under Section 8.25g of the State Finance Act for distribution consistent with the Public-Private Partnership for Civic and Transit Infrastructure Project Act. The moneys received by the Department pursuant to this Act and required to be deposited into the Civic and Transit Infrastructure Fund are subject to the pledge, claim and charge set forth in Section 25-55 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act [30 ILCS 558/25-1 et seq.]. The moneys received by the Department pursuant to this Act and required to be deposited into the Civic and Transit Infrastructure Fund are subject to the pledge, claim and charge set forth in Section 25-55 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act [30 ILCS 558/25-55]. As used in this paragraph, "civic build", "private entity", "public-private agreement", and "public agency" have the meanings provided in Section 25-10 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act [30 ILCS 558/25-10].

Fiscal Year	Total Deposit
2024	$200,000,000
2025	$206,000,000
2026	$212,200,000
2027	$218,500,000
2028	$225,100,000
2029	$288,700,000
2030	$298,900,000
2031	$309,300,000
2032	$320,100,000
2033	$331,200,000
2034	$341,200,000
2035	$351,400,000
2036	$361,900,000
2037	$372,800,000
2038	$384,000,000
2039	$395,500,000
2040	$407,400,000
2041	$419,600,000
2042	$432,200,000
2043	$445,100,000

Beginning July 1, 2021 and until July 1, 2022, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 16% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2022 and until July 1, 2023, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 32% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2023 and until July 1, 2024, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 48% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2024 and until July 1, 2025, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 64% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning on July 1, 2025, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 80% of the net revenue realized from the taxes imposed on motor fuel and gasohol. As used in this paragraph "motor fuel" has the meaning given to that term in Section 1.1 of the Motor Fuel Tax Law, and "gasohol" has the meaning given to that term in Section 3-40 of the Use Tax Act [35 ILCS 105/3-40].

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last

Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act [35 ILCS 735/3-4].

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient Merchant Act of 1987 [225 ILCS 465/2], is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed $250.

Any person engaged in the business of selling tangible personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of 1987 [225 ILCS 465/2], may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose this requirement when it finds that there is a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section.

HISTORY:

P.A. 86-16; 86-17; 86-44; 86-820; 86-905; 86-928; 86-953; 87-14; 87-205; 87-733; 87-838; 87-876; 87-895; 87-1132, § 3; 87-1246, § 5; 87-1258, § 5; 88-45, § 2-23; 88-116, § 2-20; 88-194, § 10; 88-480, § 30; 88-547, § 10; 88-660, § 40; 88-669, § 90-2.7; 88-670, § 2-23; 89-89, § 30; 89-235, § 2-55; 89-379, § 20; 89-626, § 2-24; 90-491, § 35; 90-612, § 25; 91-37, § 25; 91-51, § 135; 91-101, § 25; 91-541, § 25; 91-872, § 20; 91-901, § 25; 92-12, § 935; 92-16, § 36; 92-208, § 30; 92-484, § 15; 92-492, § 30; 92-600, § 5-24; 92-651, § 28; 93-22, § 5; 93-24, § 50-25; 93-840, § 20-25; 93-926, § 5; 93-1057, § 5; 94-1074, § 25; 95-331, § 400; 96-34, § 925; 96-38, § 20; 96-898, § 25; 96-1012, § 15; 97-95, § 15; 97-333, § 130; 98-24, § 5-55; 98-109, § 5-40; 98-496, § 30; 98-756, § 190; 98-1098, § 35; 99-352, § 20-129; 99-858, § 20; 2017 P.A. 100-303, § 20, effective August 24,

2017; 2017 P.A. 100-363, § 25, effective July 1, 2018; 2017 P.A. 99-933, § 5-100, effective January 27, 2017; 2018 P.A. 100-1171, § 45, effective January 4, 2019; 2018 P.A. 100-863, § 215, effective August 14, 2018; 2019 P.A. 101-10, § 15-25, effective June 5, 2019 P.A. 101-10, § 25-120, effective June 5, 2019; 2019 P.A. 101-27, § 900-19, effective June 25, 2019; 2019 P.A. 101-32, § 15-25, effective June 28, 2019; revised July 17, 2019; 2019 P.A. 101-604, § 10-40, effective December 13, 2019; 2020 P.A. 101-636, § 15-25, effective June 10, 2020; 2021 P.A. 102-634, § 5, effective August 27, 2021; 2022 P.A. 102-700, § 60-30, effective April 19, 2022 P.A. 102-700, § 65-10, effective April 19, 2022; 2022 P.A. 102-813, § 255, effective May 13, 2022; 2022 P.A. 102-813, § 255, effective May 13, 2022.

35 ILCS 120/3 [Filing returns] [Effective January 1, 2023]

Except as provided in this Section, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the seller;

2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of selling tangible personal property at retail in this State;

3. Total amount of receipts received by him during the preceding calendar month or quarter, as the case may be, from sales of tangible personal property, and from services furnished, by him during such preceding calendar month or quarter;

4. Total amount received by him during the preceding calendar month or quarter on charge and time sales of tangible personal property, and from services furnished, by him prior to the month or quarter for which the return is filed;

5. Deductions allowed by law;

6. Gross receipts which were received by him during the preceding calendar month or quarter and upon the basis of which the tax is imposed, including gross receipts on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption) which were received during the preceding calendar month or quarter and upon which tax would have been due but for the 0% rate imposed under this amendatory Act of the 102nd General Assembly;

7. The amount of credit provided in Section 2d of this Act [35 ILCS 120/2d];

8. The amount of tax due, including the amount of tax that would have been due on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption) but for the 0% rate imposed under this amendatory Act of the 102nd General Assembly;

9. The signature of the taxpayer; and

10. Such other reasonable information as the Department may require.

On and after January 1, 2018, except for returns required to be filed prior to January 1, 2023 for motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, with respect to retailers whose annual gross receipts average $20,000 or more, all returns required to be filed pursuant to this Act shall be filed electronically. On and after January 1, 2023, with respect to retailers whose annual gross receipts average $20,000 or more, all returns required to be filed pursuant to this Act, including, but not limited to, returns for motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, shall be filed electronically. Retailers who demonstrate that they do not have access to the Internet or demonstrate hardship in filing electronically may petition the Department to waive the electronic filing requirement.

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

Each return shall be accompanied by the statement of prepaid tax issued pursuant to Section 2e [35 ILCS 120/2e] for which credit is claimed.

Prior to October 1, 2003, and on and after September 1, 2004 a retailer may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a retailer prior to October 1, 2003 and on and after September 1, 2004 as provided in Section 3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers' Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 for reporting periods prior to September 1, 2004 shall be disallowed. Manufacturer's Purchase Credit reported on annual returns due on or after January 1, 2005 will be disallowed for periods prior to September 1, 2004. No Manufacturer's Purchase Credit may be used after September 30, 2003 through August 31, 2004 to satisfy any tax liability imposed under this Act, including any audit liability.

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

1. The name of the seller;

2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;

3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;

4. The amount of credit provided in Section 2d of this Act;

5. The amount of tax due; and

6. Such other reasonable information as the Department may require.

Every person engaged in the business of selling aviation fuel at retail in this State during the preceding calendar month shall, instead of reporting and paying tax as otherwise required by this Section, report and pay such tax on a separate aviation fuel tax return. The requirements related to the return shall be as otherwise provided in this Section. Notwithstanding any other provisions of this Act to the contrary, retailers selling aviation fuel shall file all aviation fuel tax returns and shall make all aviation fuel tax payments by electronic means in the manner and form required by the Department. For purposes of this Section, "aviation fuel" means jet fuel and aviation gasoline.

Beginning on October 1, 2003, any person who is not a licensed distributor, importing distributor, or manufacturer, as defined in the Liquor Control Act of 1934 [235 ILCS 5/1-1 et seq.], but is engaged in the business of selling, at retail, alcoholic liquor shall file a statement with the Department of Revenue, in a format and at a time prescribed by the Department, showing the total amount paid for alcoholic liquor purchased during the preceding month and such other information as is reasonably required by the Department. The Department may adopt rules to require that this statement be filed in an electronic or telephonic format. Such rules may provide for exceptions from the filing requirements of this paragraph. For the purposes of this paragraph, the term "alcoholic liquor" shall have the meaning prescribed in the Liquor Control Act of 1934.

Beginning on October 1, 2003, every distributor, importing distributor, and manufacturer of alcoholic liquor as defined in the Liquor Control Act of 1934, shall file a statement with the Department of Revenue, no later than the 10th day of the month for the preceding month during which transactions occurred, by electronic means, showing the total amount of gross receipts from the sale of alcoholic liquor sold or distributed during the preceding month to purchasers; identifying the purchaser to whom it was sold or distributed; the purchaser's tax registration number; and such other information reasonably required by the Department. A distributor, importing distributor, or manufacturer of alcoholic liquor must personally deliver, mail, or provide by electronic means to each retailer listed on the monthly statement a report containing a cumulative total of that distributor's, importing distributor's, or manufacturer's total sales of alcoholic liquor to that retailer no later than the 10th day of the month for the preceding month during which the transaction occurred. The distributor, importing distributor, or manufacturer shall notify the retailer as to the method by which the distributor, importing distributor, or manufacturer will provide the sales information. If the retailer is unable to receive the sales information by electronic means, the distributor, importing distributor, or manufacturer shall furnish the sales information by personal delivery or by mail. For purposes of this paragraph, the term "electronic means" includes, but is not limited to, the use of a secure Internet website, e-mail, or facsimile.

If a total amount of less than $1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or more.

Notwithstanding any other provision of this Act to the contrary, retailers subject to tax on cannabis shall file all cannabis tax returns and shall make all cannabis tax payments by electronic means in the manner and form required by the Department.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law [20 ILCS 2505/2505-210] shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

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

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

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

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability with the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, except as otherwise provided in this Section, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle retailer or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 2-5 of this Act [35 ILCS 120/2-5], then that seller may report the transfer of all aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act [625 ILCS 45/3-2], a personal watercraft, or any boat equipped with an inboard motor.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every person who is engaged in the business of leasing or renting such items and who, in connection with such business, sells any such item to a retailer for the purpose of resale is, notwithstanding any other provision of this Section to the contrary, authorized to meet the return-filing requirement of this Act by reporting the transfer of all the aircraft, watercraft, motor vehicles, or trailers transferred for resale during a month to the Department on the same uniform invoice-transaction reporting return form on or before the 20th of the month following the month in which the transfer takes place. Notwithstanding any other provision of this Act to the contrary, all returns filed under this paragraph must be filed by electronic means in the manner and form as required by the Department.

Any retailer who sells only motor vehicles, watercraft, aircraft, or trailers that are required to be registered with an agency of this State, so that all retailers' occupation tax liability is required to be reported, and is reported, on such transaction reporting returns and who is not otherwise required to file monthly or quarterly returns, need not file monthly or quarterly returns. However, those retailers shall be required to file returns on an annual basis.

The transaction reporting return, in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of the Illinois Vehicle Code [625 ILCS 5/5-402] and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any;

the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act [35 ILCS 120/1] allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of the Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft or aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the day of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the Illinois use tax may be transmitted to the Department by way of the State agency with which, or State officer with whom the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a use tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of the tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a manager, member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. On and after January 1, 2021, a certified service provider, as

defined in the Leveling the Playing Field for Illinois Retail Act, filing the return under this Section on behalf of a remote retailer shall, at the time of such return, pay to the Department the amount of tax imposed by this Act less a discount of 1.75%. A remote retailer using a certified service provider to file a return on its behalf, as provided in the Leveling the Playing Field for Illinois Retail Act, is not eligible for the discount. When determining the discount allowed under this Section, retailers shall include the amount of tax that would have been due at the 1% rate but for the 0% rate imposed under this amendatory Act of the 102nd General Assembly. The discount under this Section is not allowed for the 1.25% portion of taxes paid on aviation fuel that is subject to the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return. The discount allowed under this Section is allowed only for returns that are filed in the manner required by this Act. The Department may disallow the discount for retailers whose certificate of registration is revoked at the time the return is filed, but only if the Department's decision to revoke the certificate of registration has become final.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act [35 ILCS 105/1 et seq.], the Service Occupation Tax Act [35 ILCS 115/1 et seq.], and the Service Use Tax Act [35 ILCS 110/1 et seq.], excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985 and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $10,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $20,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Depart-

ment during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. Quarter monthly payment status shall be determined under this paragraph as if the rate reduction to 0% in this amendatory Act of the 102nd General Assembly on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, food consisting of or infused with adult use cannabis, soft drinks, and food that has been prepared for immediate consumption) had not occurred. For quarter monthly payments due under this paragraph on or after July 1, 2023 and through June 30, 2024, "25% of the taxpayer's liability for the same calendar month of the preceding year" shall be determined as if the rate reduction to 0% in this amendatory Act of the 102nd General Assembly had not occurred. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

The provisions of this paragraph apply before October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d [35 ILCS 120/2d] of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of $25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f [35 ILCS 120/2f] and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to September 1, 1985 (the effective date of Public Act 84-221), each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2d. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is $25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

The provisions of this paragraph apply on and after October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes that average in excess of $20,000 per month during the preceding 4 complete calendar quarters shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which the liability is incurred. Each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of the quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until the taxpayer's average monthly prepaid tax collections during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarters is less than $20,000. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by such credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determined that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

If a retailer of motor fuel is entitled to a credit under Section 2d of this Act which exceeds the taxpayer's liability to the Department under this Act for the month for which the taxpayer is filing a return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax imposed under this Act.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate other than aviation fuel sold on or after December 1, 2019. This exception for aviation fuel only applies for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol. Beginning September 1, 2010, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of sales tax holiday items.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property other than aviation fuel sold on or after December 1, 2019. This exception for aviation fuel only applies for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

For aviation fuel sold on or after December 1, 2019, each month the Department shall pay into the State Aviation Program Fund 20% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of aviation fuel, less an amount estimated by the Department to be required for refunds of the 20% portion of the tax on aviation fuel under this Act, which amount shall be deposited into the Aviation Fuel Sales Tax Refund Fund. The Department shall only pay moneys into the State Aviation Program Fund and the Aviation Fuel Sales Tax Refund Fund under this Act for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol. Beginning September 1, 2010, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of sales tax holiday items.

Beginning October 1, 2009, each month the Department shall pay into the Capital Projects Fund an amount that is equal to an amount estimated by the Department to represent 80% of the net revenue realized for the preceding month from the sale of candy, grooming and hygiene products, and soft drinks that had been taxed at a rate of 1% prior to September 1, 2009 but that are now taxed at 6.25%.

Beginning July 1, 2011, each month the Department shall pay into the Clean Air Act Permit Fund 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of sorbents used in Illinois in the process of sorbent injection as used to comply with the Environmental Protection Act [415 ILCS 5/1 et seq.] or the federal Clean Air Act, but the total payment into the Clean Air Act Permit Fund under this Act and the Use Tax Act shall not exceed $2,000,000 in any fiscal year.

Beginning July 1, 2013, each month the Department shall pay into the Underground Storage Tank Fund from the proceeds collected under this Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act an amount equal to the average monthly deficit in the Underground Storage Tank Fund during the prior year, as certified annually by the Illinois Environmental Protection Agency, but the total payment into the Underground Storage Tank Fund under this Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act shall not exceed $18,000,000 in any State fiscal year.

As used in this paragraph, the "average monthly deficit" shall be equal to the difference between the average monthly claims for payment by the fund and the average monthly revenues deposited into the fund, excluding payments made pursuant to this paragraph.

Beginning July 1, 2015, of the remainder of the moneys received by the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and this Act, each month the Department shall deposit $500,000 into the State Crime Laboratory Fund.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section 9 of the Use Tax Act [35 ILCS 105/9], Section 9 of the Service Use Tax Act [35 ILCS 110/9], and Section 9 of the Service Occupation Tax Act [35 ILCS 115/9],, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

Fiscal Year	Annual Specified Amount
1986	$54,800,000
1987	$76,650,000
1988	$80,480,000
1989	$88,510,000
1990	$115,330,000
1991	$145,470,000
1992	$182,730,000
1993	$206,520,000;

and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act [30 ILCS 425/13]) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act [30 ILCS 425/1 et seq.] is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget (now Governor's Office of Management and Budget). If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act [30 ILCS 425/12].

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act [30 ILCS 105/8.25f], but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

Fiscal Year	Total Deposit
1993	$0
1994	53,000,000
1995	58,000,000
1996	61,000,000
1997	64,000,000
1998	68,000,000
1999	71,000,000
2000	75,000,000
2001	80,000,000
2002	93,000,000
2003	99,000,000
2004	103,000,000
2005	108,000,000
2006	113,000,000
2007	119,000,000
2008	126,000,000
2009	132,000,000
2010	139,000,000
2011	146,000,000
2012	153,000,000
2013	161,000,000
2014	170,000,000
2015	179,000,000
2016	189,000,000
2017	199,000,000
2018	210,000,000
2019	221,000,000
2020	233,000,000
2021	300,000,000
2022	300,000,000
2023	300,000,000
2024	300,000,000
2025	300,000,000
2026	300,000,000
2027	375,000,000
2028	375,000,000
2029	375,000,000
2030	375,000,000
2031	375,000,000
2032	375,000,000
2033	375,000,000
2034	375,000,000
2035	375,000,000
2036 and each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2060.	450,000,000

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act [70 ILCS 210/13], plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Capital Projects Fund, the Clean Air Act Permit Fund, the Build Illinois Fund, and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, for aviation fuel sold on or after December 1, 2019, the Department shall each month deposit into the Aviation Fuel Sales Tax Refund Fund an amount estimated by the Department to be required for refunds of the 80% portion of the tax on aviation fuel under this Act. The Department shall only deposit moneys into the Aviation Fuel Sales Tax Refund Fund under this paragraph for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993 and ending on September 30, 2013, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois [20 ILCS 605/605-332].

Subject to payment of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, and the Energy Infrastructure Fund pursuant to the preceding paragraphs or in any amendments to this Section hereafter enacted, beginning on the first day of the first calendar month to occur on or after August 26, 2014 (the effective date of Public Act 98-1098), each month, from the collections made under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act,

Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act, the Department shall pay into the Tax Compliance and Administration Fund, to be used, subject to appropriation, to fund additional auditors and compliance personnel at the Department of Revenue, an amount equal to 1/12 of 5% of 80% of the cash receipts collected during the preceding fiscal year by the Audit Bureau of the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, the Retailers' Occupation Tax Act, and associated local occupation and use taxes administered by the Department.

Subject to payments of amounts into the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, beginning on July 1, 2018 the Department shall pay each month into the Downstate Public Transportation Fund the moneys required to be so paid under Section 2-3 of the Downstate Public Transportation Act [30 ILCS 740/2-3].

Subject to successful execution and delivery of a public-private agreement between the public agency and private entity and completion of the civic build, beginning on July 1, 2023, of the remainder of the moneys received by the Department under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and this Act, the Department shall deposit the following specified deposits in the aggregate from collections under the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act, as required under Section 8.25g of the State Finance Act for distribution consistent with the Public-Private Partnership for Civic and Transit Infrastructure Project Act. The moneys received by the Department pursuant to this Act and required to be deposited into the Civic and Transit Infrastructure Fund are subject to the pledge, claim and charge set forth in Section 25-55 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act [30 ILCS 558/25-1 et seq.]. The moneys received by the Department pursuant to this Act and required to be deposited into the Civic and Transit Infrastructure Fund are subject to the pledge, claim and charge set forth in Section 25-55 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act [30 ILCS 558/25-55]. As used in this paragraph, "civic build", "private entity", "public-private agreement", and "public agency" have the meanings provided in Section 25-10 of the Public-Private Partnership for Civic and Transit Infrastructure Project Act [30 ILCS 558/25-10].

Fiscal Year	Total Deposit
2024	$200,000,000
2025	$206,000,000
2026	$212,200,000
2027	$218,500,000
2028	$225,100,000
2029	$288,700,000
2030	$298,900,000
2031	$309,300,000
2032	$320,100,000
2033	$331,200,000
2034	$341,200,000
2035	$351,400,000
2036	$361,900,000
2037	$372,800,000
2038	$384,000,000
2039	$395,500,000
2040	$407,400,000
2041	$419,600,000
2042	$432,200,000
2043	$445,100,000

Beginning July 1, 2021 and until July 1, 2022, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 16% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2022 and until July 1, 2023, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 32% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2023 and until July 1, 2024, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 48% of the net revenue realized from the taxes imposed on motor fuel and gasohol. Beginning July 1, 2024 and until July 1, 2025, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 64% of the net revenue realized

from the taxes imposed on motor fuel and gasohol. Beginning on July 1, 2025, subject to the payment of amounts into the County and Mass Transit District Fund, the Local Government Tax Fund, the Build Illinois Fund, the McCormick Place Expansion Project Fund, the Illinois Tax Increment Fund, the Energy Infrastructure Fund, and the Tax Compliance and Administration Fund as provided in this Section, the Department shall pay each month into the Road Fund the amount estimated to represent 80% of the net revenue realized from the taxes imposed on motor fuel and gasohol. As used in this paragraph "motor fuel" has the meaning given to that term in Section 1.1 of the Motor Fuel Tax Law, and "gasohol" has the meaning given to that term in Section 3-40 of the Use Tax Act [35 ILCS 105/3-40].

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act [35 ILCS 735/3-4].

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient Merchant Act of 1987 [225 ILCS 465/2], is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed $250.

Any person engaged in the business of selling tangible personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of

1987 [225 ILCS 465/2], may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose this requirement when it finds that there is a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section.

HISTORY:

P.A. 86-16; 86-17; 86-44; 86-820; 86-905; 86-928; 86-953; 87-14; 87-205; 87-733; 87-838; 87-876; 87-895; 87-1132, § 3; 87-1246, § 5; 87-1258, § 5; 88-45, § 2-23; 88-116, § 2-20; 88-194, § 10; 88-480, § 30; 88-547, § 10; 88-660, § 40; 88-669, § 90-2.7; 88-670, § 2-23; 89-89, § 30; 89-235, § 2-55; 89-379, § 20; 89-626, § 2-24; 90-491, § 35; 90-612, § 25; 91-37, § 25; 91-51, § 135; 91-101, § 25; 91-541, § 25; 91-872, § 20; 91-901, § 25; 92-12, § 935; 92-16, § 36; 92-208, § 30; 92-484, § 15; 92-492, § 30; 92-600, § 5-24; 92-651, § 28; 93-22, § 5; 93-24, § 50-25; 93-840, § 20-25; 93-926, § 5; 93-1057, § 5; 94-1074, § 25; 95-331, § 400; 96-34, § 925; 96-38, § 20; 96-898, § 25; 96-1012, § 15; 97-95, § 15; 97-333, § 130; 98-24, § 5-55; 98-109, § 5-40; 98-496, § 30; 98-756, § 190; 98-1098, § 35; 99-352, § 20-129; 99-858, § 20; 2017 P.A. 100-303, § 20, effective August 24, 2017; 2017 P.A. 100-363, § 25, effective July 1, 2018; 2017 P.A. 99-933, § 5-100, effective January 27, 2017; 2018 P.A. 100-1171, § 45, effective January 4, 2019; 2018 P.A. 100-863, § 215, effective August 14, 2018; 2019 P.A. 101-10, § 15-25, effective June 5, 2019 P.A. 101-10, § 25-120, effective June 5, 2019; 2019 P.A. 101-27, § 900-19, effective June 25, 2019; 2019 P.A. 101-32, § 15-25, effective June 28, 2019; revised July 17, 2019; 2019 P.A. 101-604, § 10-40, effective December 13, 2019; 2020 P.A. 101-636, § 15-25, effective June 10, 2020; 2021 P.A. 102-634, § 5, effective August 27, 2021; 2022 P.A. 102-700, § 60-30, effective April 19, 2022 P.A. 102-700, § 65-10, effective April 19, 2022; 2022 P.A. 102-813, § 255, effective May 13, 2022; 2022 P.A. 102-813, § 255, effective May 13, 2022; 2022 P.A. 102-1019, § 10, effective January 1, 2023.

PROPERTY TAXES

Property Tax Code

PROPERTY TAX CODE

Title
6. Levy and Extension

TITLE 6.

LEVY AND EXTENSION

Article
18. Levy and Extension Process

ARTICLE 18.

LEVY AND EXTENSION PROCESS

Division 2. Truth in Taxation

Division 5. Property Tax Extension Limitation Law

DIVISION 2.

TRUTH IN TAXATION

35 ILCS 200/18-55 Short title and definitions

This Division 2 may be cited as the Truth in Taxation Law [35 ILCS 200/18-55 et seq.]. As used in this Division 2:

(a) "Taxing district" has the meaning specified in Section 1-150 [35 ILCS 200/1-150] and includes

home rule units, but from January 1, 2000 through December 31, 2002 does not include taxing districts that have territory in Cook County.

(b) "Aggregate levy" means the annual corporate levy of the taxing district and those special purpose levies which are made annually (other than debt service levies and levies made for the purpose of paying amounts due under public building commission leases).

(c) "Special purpose levies" include, but are not limited to, levies made on an annual basis for contributions to pension plans, unemployment and worker's compensation, or self-insurance.

(d) "Debt service" means levies made by any taxing district pursuant to home rule authority, statute, referendum, ordinance, resolution, indenture, agreement, or contract to retire the principal or pay interest on bonds, notes, debentures or other financial instruments which evidence indebtedness.

HISTORY:
P.A. 86-957; 86-1475; 88-455, § 18-55; 91-357, § 61; 91-523, § 5.

35 ILCS 200/18-56 Legislative purpose.

The purpose of this Law is to require taxing districts to disclose by publication and to hold a public hearing on their intention to adopt an aggregate levy in amounts more than 105% of the amount of property taxes extended or estimated to be extended, including any amount abated by the taxing district prior to such extension, upon the final aggregate levy of the preceding year.

HISTORY:
P.A. 88-660, § 64.

35 ILCS 200/18-60 Estimate of taxes to be levied.

Not less than 20 days prior to the adoption of its aggregate levy, hereafter referred to as "levy", the corporate authority of each taxing district shall determine the amounts of money, exclusive of any portion of that levy attributable to the cost of conducting an election required by the general election law, hereafter referred to as "election costs", estimated to be necessary to be raised by taxation for that year upon the taxable property in its district.

HISTORY:
P.A. 82-102; 88-455, § 18-60.

35 ILCS 200/18-65 Restriction on extension

Until it has complied with the notice and hearing provisions of this Article, no taxing district shall levy an amount of ad valorem tax which is more than 105% of the amount, exclusive of election costs, which has been extended or is estimated will be extended, plus any amount abated by the taxing district before extension, upon the final aggregate levy of the preceding year.

HISTORY:
P.A. 86-957; 88-455, § 18-65.

35 ILCS 200/18-70 More than 5% increase; notice and hearing required.

If the estimate of the corporate authority made as provided in Section 18-60 [35 ILCS 200/18-60] is more than 105% of the amount extended or estimated to be extended, plus any amount abated by the corporate authority prior to extension, upon the final aggregate levy of the preceding year, exclusive of election costs, the corporate authority shall give public notice of and hold a public hearing on its intent to adopt an aggregate levy in an amount which is more than 105% of the amount extended or estimated to be extended upon the final aggregate levy extensions, plus any amount abated, exclusive of election costs, for the preceding year. The hearing shall not coincide with the hearing on the proposed budget of the taxing district.

HISTORY:
P.A. 86-957; 88-455, § 18-70.

35 ILCS 200/18-72 [Public hearing to amend tax levy]

A school board shall give public notice of and hold a public hearing on its intent to amend a certificate of tax levy under Section 17-11.1 of the School Code [105 ILCS 5/17-11.1].

HISTORY:
P.A. 91-850, § 3.

35 ILCS 200/18-75 Notice; place of publication.

If the taxing district is located entirely in one county, the notice shall be published in an English language newspaper of general circulation published in the taxing district, or if there is no such newspaper, in an English language newspaper of general circulation published in the county and having circulation in the taxing district.

If the taxing district is located primarily in one county but extends into smaller portions of adjoining counties, the notice shall be published in a newspaper of general circulation published in the taxing district, or if there is no such newspaper, in a newspaper of general circulation published in each county in which any part of the district is located.

If the taxing district includes all or a large portion of 2 or more counties, the notice shall be published in a newspaper of general circulation published in each county in which any part of the district is located.

If a taxing district has a website maintained by the full-time staff of the taxing district, then the notice shall be posted on the website in addition to the other requirements of this Section. The failure of a taxing district to post the notice on its website shall not invalidate the notice or any action taken on the tax levy.

HISTORY:
P.A. 86-957; 88-455, § 18-75; 99-367, § 5.

35 ILCS 200/18-80 Time and form of notice

The notice shall appear not more than 14 days nor less than 7 days prior to the date of the public hearing. The notice shall be no less than ⅛ page in size, and the smallest type used shall be 12 point and shall be enclosed in a black border no less than ¼ inch wide. The notice shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The notice shall be published in substantially the following form:

Notice of Proposed Property Tax Increase for … (commonly known name of taxing district).

I. A public hearing to approve a proposed property tax levy increase for … (legal name of the taxing district) … for … (year) … will be held on … (date) … at … (time) … at … (location).

Any person desiring to appear at the public hearing and present testimony to the taxing district may contact … (name, title, address and telephone number of an appropriate official).

II. The corporate and special purpose property taxes extended or abated for … (preceding year) … were … (dollar amount of the final aggregate levy as extended, plus the amount abated by the taxing district prior to extension).

The proposed corporate and special purpose property taxes to be levied for … (current year) … are … (dollar amount of the proposed aggregate levy). This represents a … (percentage) … increase over the previous year.

III. The property taxes extended for debt service and public building commission leases for … (preceding year) … were … (dollar amount).

The estimated property taxes to be levied for debt service and public building commission leases for … (current year) … are … (dollar amount). This represents a … (percentage increase or decrease) … over the previous year.

IV. The total property taxes extended or abated for … (preceding year) … were … (dollar amount).

The estimated total property taxes to be levied for … (current year) … are … (dollar amount). This represents a … (percentage increase or decrease) … over the previous year.

Any notice which includes any information not specified and required by this Article shall be an invalid notice.

All hearings shall be open to the public. The corporate authority of the taxing district shall explain the reasons for the proposed increase and shall permit persons desiring to be heard an opportunity to present testimony within reasonable time limits as it determines.

HISTORY:
P.A. 86-957; 88-455, § 18-80; 92-382, § 5.

35 ILCS 200/18-85 Notice if adopted levy exceeds proposed levy

If the final aggregate tax levy resolution or ordinance adopted is more than 105% of the amount, exclusive of election costs, which was extended or is estimated to be extended, plus any amount abated by the taxing district prior to extension, upon the final aggregate levy of the preceding year and is in excess of the amount of the proposed levy stated in the notice published under Section 18-70 [35 ILCS 200/18-70], or is more than 105% of that amount and no notice was required under Section 18-70, the corporate authority shall give public notice of its action within 15 days of the adoption of the levy in the following form:

Notice of Adopted Property Tax Increase for … (commonly known name of taxing district).

I. The corporate and special purpose property taxes extended or abated for … (preceding year) … were … (dollar amount of the final aggregate levy as extended).

The adopted corporate and special purpose property taxes to be levied for … (current year) … are … (dollar amount of the proposed aggregate levy). This represents a … (percentage) … increase over the previous year.

II. The property taxes extended for debt service and public building commission leases for … (preceding year) … were … (dollar amount).

The estimated property taxes to be levied for debt service and public building commission leases for … (current year) … are … (dollar amount). This represents a … (percentage increase or decrease) … over the previous year.

III. The total property taxes extended or abated for … (preceding year) … were … (dollar amount).

The estimated total property taxes to be levied for … (current year) … are … (dollar amount). This represents a … (percentage increase or decrease) … over the previous year.

IV. The estimated total property taxes to be levied for … (current year) … are … (dollar amount). This represents a … (percentage increase or decrease) … over the previous year.

A taxing district may, in its discretion and if applicable, include the following in the notice:

V. The taxing district has estimated its equalized assessed valuation to secure new growth revenue and must adhere to the Property Tax Extension Limitation Law (PTELL or "tax cap" law). PTELL limits the increase over the prior year in the property tax extension of this taxing district to the lesser of 5% or the percentage increase in the Consumer Price Index (CPI), which is (insert applicable CPI percentage increase).

HISTORY:
P.A. 86-957; 88-455, § 18-85; 96-504, § 5.

35 ILCS 200/18-90 Limitation on extension of county clerk

The tax levy resolution or ordinance approved in

the manner provided for in this Article shall be filed with the county clerk in the manner and at the time otherwise provided by law. No amount more than 105% of the amount, exclusive of election costs, which has been extended or is estimated to be extended, plus any amount abated by the taxing district prior to extension, upon the final aggregate levy of the preceding year shall be extended unless the tax levy ordinance or resolution is accompanied by a certification by the presiding officer of the corporate authority certifying compliance with or inapplicability of the provisions of Sections 18-60 through 18-85 [35 ILCS 200/18-60 through 35 ILCS 200/18-85]. An amount extended under Section 18-107 [35 ILCS 200/18-107] in 1994 for a multi-township assessment district that did not file a certification of compliance with the Truth in Taxation Law [35 ILCS 200/18-55 et seq.] may not exceed 105% of the amount, exclusive of election costs, that was extended in 1993, plus a proportional amount abated before extension, upon the levy or portion of a levy that is allocable to assessment purposes in each township that is a member of that multi-township assessment district.

HISTORY:
P.A. 86-957; 88-455, § 18-90; 88-660, § 64.

35 ILCS 200/18-92 Downstate School Finance Authority for Elementary Districts Law and Financial Oversight Panel Law

(a) The provisions of the Truth in Taxation Law are subject to the Downstate School Finance Authority for Elementary Districts Law.

(b) A Financial Oversight Panel created under Article 1H of the School Code [105 ILCS 5/1H-1 et seq.] is subject to the provisions of the Truth in Taxation Law with respect to tax levies filed by it on behalf of a school district, as well as with respect to any tax levies it may file on its own behalf.

HISTORY:
P.A. 92-855, § 5; 95-331, § 410; 97-429, § 5.

35 ILCS 200/18-95 Effect of Truth in Taxation Law

Nothing contained in Sections 18-55 through 18-90 [35 ILCS 200/18-55 through 35 ILCS 200/18-90] shall serve to extend or authorize any tax rate in excess of the maximum permitted by law nor prevent the reduction of any tax rate.

HISTORY:
P.A. 82-102; 88-455, § 18-95.

35 ILCS 200/18-100 Defective publication

A levy of a taxing district shall not be invalidated for failure to comply with the provisions of this Article if the failure is attributable to the newspaper's failure to reproduce the information in the notice accurately or to publish the notice as directed by the taxing district.

HISTORY:
P.A. 87-201; 88-455, § 18-100.

DIVISION 5.

PROPERTY TAX EXTENSION LIMITATION LAW

35 ILCS 200/18-185 Short title; definitions.

This Division 5 may be cited as the Property Tax Extension Limitation Law. As used in this Division 5:

"Consumer Price Index" means the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor.

"Extension limitation" means (a) the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year or (b) the rate of increase approved by voters under Section 18-205 [35 ILCS 200/18-205].

"Affected county" means a county of 3,000,000 or more inhabitants or a county contiguous to a county of 3,000,000 or more inhabitants.

"Taxing district" has the same meaning provided in Section 1-150 [35 ILCS 200/1-150], except as otherwise provided in this Section. For the 1991 through 1994 levy years only, "taxing district" includes only each non-home rule taxing district having the majority of its 1990 equalized assessed value within any county or counties contiguous to a county with 3,000,000 or more inhabitants. Beginning with the 1995 levy year, "taxing district" includes only each non-home rule taxing district subject to this Law before the 1995 levy year and each non-home rule taxing district not subject to this Law before the 1995 levy year having the majority of its 1994 equalized assessed value in an affected county or counties. Beginning with the levy year in which this Law becomes applicable to a taxing district as provided in Section 18-213 [35 ILCS 200/18-213], "taxing district" also includes those taxing districts made subject to this Law as provided in Section 18-213.

"Aggregate extension" for taxing districts to which this Law applied before the 1995 levy year means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before October 1, 1991; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before October 1, 1991; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after October 1, 1991 that were approved by

referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before October 1, 1991 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before October 1, 1991, to pay for the building project; (g) made for payments due under installment contracts entered into before October 1, 1991; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act [70 ILCS 2605/1 et seq.] to finance construction projects initiated before October 1, 1991; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act [30 ILCS 350/3], in an amount not to exceed the debt service extension base less the amount in items (b), (c), (e), and (h) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act [30 ILCS 350/15]; (k) made by a school district that participates in the Special Education District of Lake County, created by special education joint agreement under Section 10-22.31 of the School Code [105 ILCS 5/10-22.31], for payment of the school district's share of the amounts required to be contributed by the Special Education District of Lake County to the Illinois Municipal Retirement Fund under Article 7 of the Illinois Pension Code [40 ILCS 5/7-101 et seq.]; the amount of any extension under this item (k) shall be certified by the school district to the county clerk; (l) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code [70 ILCS 1205/5-8] or Section 11-95-14 of the Illinois Municipal Code [65 ILCS 5/11-95-14]; (m) made for temporary relocation loan repayment purposes pursuant to Sections 2-3.77 and 17-2.2d [105 ILCS 5/2-3.77 and 105 ILCS 5/17-2.2d] of the School Code; (n) made for payment of principal and interest on any bonds issued under the authority of Section 17-2.2d of the School Code; (o) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code [40 ILCS 5/4-101 et seq.], to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code [40 ILCS 5/4-134]; and (p) made for road purposes in the first year after a township assumes the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of a road district abolished under the provisions of Section 6-133 of the Illinois Highway Code [605 ILCS 5/6-133].

"Aggregate extension" for the taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213) means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 1, 1995; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 1, 1995; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after March 1, 1995 that were approved by referendum; (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 1, 1995 for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 1, 1995 to pay for the building project; (g) made for payments due under installment contracts entered into before March 1, 1995; (h) made for payments of principal and interest on bonds issued under the Metropolitan Water Reclamation District Act to finance construction projects initiated before October 1, 1991; (h-4) made for stormwater management purposes by the Metropolitan Water Reclamation District of Greater Chicago under Section 12 of the Metropolitan Water Reclamation District Act [70 ILCS 2605/12]; (h-8) made for payments of principal and interest on bonds issued under Section 9.6a of the Metropolitan Water Reclamation District Act [70 ILCS 2605/9.6a] to make contributions to the pension fund established under Article 13 of the Illinois Pension Code; (i) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act [30 ILCS 350/3], in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum and bonds described in subsections (h) and (h-8) of this definition; (j) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act [30 ILCS 350/15]; (k) made for payments of principal and interest on bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act [70 ILCS 1505/20a] for aquarium or museum projects and bonds issued under Section 20a of the Chicago Park District Act for the purpose of making contributions to the pension fund established

under Article 12 of the Illinois Pension Code [40 ILCS 5/12-101 et seq.]; (l) made for payments of principal and interest on bonds authorized by Public Act 87-1191 or 93-601 and (i) issued pursuant to Section 21.2 of the Cook County Forest Preserve District Act [70 ILCS 810/21.2], (ii) issued under Section 42 of the Cook County Forest Preserve District Act [70 ILCS 810/42] for zoological park projects, or (iii) issued under Section 44.1 of the Cook County Forest Preserve District Act [70 ILCS 810/44.1] for botanical gardens projects; (m) made pursuant to Section 34-53.5 of the School Code [105 ILCS 5/34-53.5], whether levied annually or not; (n) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code [70 ILCS 1205/5-8] or Section 11-95-14 of the Illinois Municipal Code [65 ILCS 5/11-95-14]; (o) made by the Chicago Park District for recreational programs for persons with disabilities under subsection (c) of Section 7.06 of the Chicago Park District Act [70 ILCS 1505/7.06]; (p) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code [40 ILCS 5/4-134]; (q) made by Ford Heights School District 169 under Section 17-9.02 of the School Code [105 ILCS 5/17-9.02]; and (r) made for the purpose of making employer contributions to the Public School Teachers' Pension and Retirement Fund of Chicago under Section 34-53 of the School Code [105 ILCS 5/34-53].

"Aggregate extension" for all taxing districts to which this Law applies in accordance with Section 18-213, except for those taxing districts subject to paragraph (2) of subsection (e) of Section 18-213, means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before the date on which the referendum making this Law applicable to the taxing district is held; (d) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund bonds issued after the date on which the referendum making this Law applicable to the taxing district is held if the bonds were approved by referendum after the date on which the referendum making this Law applicable to the taxing district is held; (e) made for any taxing district to pay interest or principal on revenue bonds issued before the date on which the referendum making this Law applicable to the taxing district is held for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before the date on which the referendum making this Law applicable to the taxing district is held to pay for the building project; (g) made for payments due under installment contracts entered into before the date on which the referendum making this Law applicable to the taxing district is held; (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act [30 ILCS 350/3], in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act [30 ILCS 350/15]; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code; and (m) made for the taxing district to pay interest or principal on general obligation bonds issued pursuant to Section 19-3.10 of the School Code.

"Aggregate extension" for all taxing districts to which this Law applies in accordance with paragraph (2) of subsection (e) of Section 18-213 means the annual corporate extension for the taxing district and those special purpose extensions that are made annually for the taxing district, excluding special purpose extensions: (a) made for the taxing district to pay interest or principal on general obligation bonds that were approved by referendum; (b) made for any taxing district to pay interest or principal on general obligation bonds issued before March 7, 1997 (the effective date of Public Act 89-718); (c) made for any taxing district to pay interest or principal on bonds issued to refund or continue to refund those bonds issued before March 7, 1997 (the effective date of Public Act 89-718); (d) made for any taxing district to pay interest or principal on bonds issued to refund or

continue to refund bonds issued after March 7, 1997 (the effective date of Public Act 89-718) if the bonds were approved by referendum after March 7, 1997 (the effective date of Public Act 89-718); (e) made for any taxing district to pay interest or principal on revenue bonds issued before March 7, 1997 (the effective date of Public Act 89-718) for payment of which a property tax levy or the full faith and credit of the unit of local government is pledged; however, a tax for the payment of interest or principal on those bonds shall be made only after the governing body of the unit of local government finds that all other sources for payment are insufficient to make those payments; (f) made for payments under a building commission lease when the lease payments are for the retirement of bonds issued by the commission before March 7, 1997 (the effective date of Public Act 89-718) to pay for the building project; (g) made for payments due under installment contracts entered into before March 7, 1997 (the effective date of Public Act 89-718); (h) made for payments of principal and interest on limited bonds, as defined in Section 3 of the Local Government Debt Reform Act, in an amount not to exceed the debt service extension base less the amount in items (b), (c), and (e) of this definition for non-referendum obligations, except obligations initially issued pursuant to referendum; (i) made for payments of principal and interest on bonds issued under Section 15 of the Local Government Debt Reform Act; (j) made for a qualified airport authority to pay interest or principal on general obligation bonds issued for the purpose of paying obligations due under, or financing airport facilities required to be acquired, constructed, installed or equipped pursuant to, contracts entered into before March 1, 1996 (but not including any amendments to such a contract taking effect on or after that date); (k) made to fund expenses of providing joint recreational programs for persons with disabilities under Section 5-8 of the Park District Code or Section 11-95-14 of the Illinois Municipal Code; and (l) made for contributions to a firefighter's pension fund created under Article 4 of the Illinois Pension Code, to the extent of the amount certified under item (5) of Section 4-134 of the Illinois Pension Code.

"Debt service extension base" means an amount equal to that portion of the extension for a taxing district for the 1994 levy year, or for those taxing districts subject to this Law in accordance with Section 18-213, except for those subject to paragraph (2) of subsection (e) of Section 18-213, for the levy year in which the referendum making this Law applicable to the taxing district is held, or for those taxing districts subject to this Law in accordance with paragraph (2) of subsection (e) of Section 18-213 for the 1996 levy year, constituting an extension for payment of principal and interest on bonds issued by the taxing district without referendum, but not including excluded non-referendum bonds. For park districts (i) that were first subject to this Law in 1991 or 1995 and (ii) whose extension for the 1994 levy year for the payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds) was less than 51% of the amount for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds), "debt service extension base" means an amount equal to that portion of the extension for the 1991 levy year constituting an extension for payment of principal and interest on bonds issued by the park district without referendum (but not including excluded non-referendum bonds). A debt service extension base established or increased at any time pursuant to any provision of this Law, except Section 18-212, shall be increased each year commencing with the later of (i) the 2009 levy year or (ii) the first levy year in which this Law becomes applicable to the taxing district, by the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year. The debt service extension base may be established or increased as provided under Section 18-212. "Excluded non-referendum bonds" means (i) bonds authorized by Public Act 88-503 and issued under Section 20a of the Chicago Park District Act for aquarium and museum projects; (ii) bonds issued under Section 15 of the Local Government Debt Reform Act; or (iii) refunding obligations issued to refund or to continue to refund obligations initially issued pursuant to referendum.

"Special purpose extensions" include, but are not limited to, extensions for levies made on an annual basis for unemployment and workers' compensation, self-insurance, contributions to pension plans, and extensions made pursuant to Section 6-601 of the Illinois Highway Code for a road district's permanent road fund whether levied annually or not. The extension for a special service area is not included in the aggregate extension.

"Aggregate extension base" means the taxing district's last preceding aggregate extension as adjusted under Sections 18-135, 18-215, 18-230, 18-206, and 18-233 [35 ILCS 200/18-135, 35 ILCS 200/18-215, 35 ILCS 200/18-230, 35 ILCS 200/18-206, 35 ILCS 200/18-215, and 35 ILCS 200/18-233]. Beginning with levy year 2022, for taxing districts that are specified in Section 18-190.7, the taxing district's aggregate extension base shall be calculated as provided in Section 18-190.7 [35 ILCS 200/18-190.7]. An adjustment under Section 18-135 shall be made for the 2007 levy year and all subsequent levy years whenever one or more counties within which a taxing district is located (i) used estimated valuations or rates when extending taxes in the taxing district for the last preceding levy year that resulted in the over or under extension of taxes, or (ii) increased or decreased the tax extension for the last preceding levy year as required by Section 18-135(c). Whenever an adjustment is required under Section 18-135, the aggregate extension base of the taxing district shall

be equal to the amount that the aggregate extension of the taxing district would have been for the last preceding levy year if either or both (i) actual, rather than estimated, valuations or rates had been used to calculate the extension of taxes for the last levy year, or (ii) the tax extension for the last preceding levy year had not been adjusted as required by subsection (c) of Section 18-135.

Notwithstanding any other provision of law, for levy year 2012, the aggregate extension base for West Northfield School District No. 31 in Cook County shall be $12,654,592.

Notwithstanding any other provision of law, for levy year 2022, the aggregate extension base of a home equity assurance program that levied at least $1,000,000 in property taxes in levy year 2019 or 2020 under the Home Equity Assurance Act shall be the amount that the program's aggregate extension base for levy year 2021 would have been if the program had levied a property tax for levy year 2021.

"Levy year" has the same meaning as "year" under Section 1-155 [35 ILCS 200/1-155].

"New property" means (i) the assessed value, after final board of review or board of appeals action, of new improvements or additions to existing improvements on any parcel of real property that increase the assessed value of that real property during the levy year multiplied by the equalization factor issued by the Department under Section 17-30, (ii) the assessed value, after final board of review or board of appeals action, of real property not exempt from real estate taxation, which real property was exempt from real estate taxation for any portion of the immediately preceding levy year, multiplied by the equalization factor issued by the Department under Section 17-30, including the assessed value, upon final stabilization of occupancy after new construction is complete, of any real property located within the boundaries of an otherwise or previously exempt military reservation that is intended for residential use and owned by or leased to a private corporation or other entity, (iii) in counties that classify in accordance with Section 4 of Article IX of the Illinois Constitution, an incentive property's additional assessed value resulting from a scheduled increase in the level of assessment as applied to the first year final board of review market value, and (iv) any increase in assessed value due to oil or gas production from an oil or gas well required to be permitted under the Hydraulic Fracturing Regulatory Act [225 ILCS 732/1-1 et seq.] that was not produced in or accounted for during the previous levy year. In addition, the county clerk in a county containing a population of 3,000,000 or more shall include in the 1997 recovered tax increment value for any school district, any recovered tax increment value that was applicable to the 1995 tax year calculations.

"Qualified airport authority" means an airport authority organized under the Airport Authorities Act [70 ILCS 5/0.01 et seq.] and located in a county bordering on the State of Wisconsin and having a population in excess of 200,000 and not greater than 500,000.

"Recovered tax increment value" means, except as otherwise provided in this paragraph, the amount of the current year's equalized assessed value, in the first year after a municipality terminates the designation of an area as a redevelopment project area previously established under the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code [65 ILCS 5/11-74.5-11 et seq.], previously established under the Economic Development Project Area Tax Increment Act of 1995 [65 ILCS 110/1 et seq.], or previously established under the Economic Development Area Tax Increment Allocation Act, of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. For the taxes which are extended for the 1997 levy year, the recovered tax increment value for a non-home rule taxing district that first became subject to this Law for the 1995 levy year because a majority of its 1994 equalized assessed value was in an affected county or counties shall be increased if a municipality terminated the designation of an area in 1993 as a redevelopment project area previously established under the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code, previously established under the Industrial Jobs Recovery Law in the Illinois Municipal Code, or previously established under the Economic Development Area Tax Increment Allocation Act, by an amount equal to the 1994 equalized assessed value of each taxable lot, block, tract, or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the redevelopment project area. In the first year after a municipality removes a taxable lot, block, tract, or parcel of real property from a redevelopment project area established under the Tax Increment Allocation Redevelopment Act in the Illinois Municipal Code, the Industrial Jobs Recovery Law in the Illinois Municipal Code, or the Economic Development Area Tax Increment Allocation Act, "recovered tax increment value" means the amount of the current year's equalized assessed value of each taxable lot, block, tract, or parcel of real property removed from the redevelopment project area over and above the initial equalized assessed value of that real property before removal from the redevelopment project area.

Except as otherwise provided in this Section, "limiting rate" means a fraction the numerator of which is the last preceding aggregate extension base times an amount equal to one plus the extension limitation defined in this Section and the denominator of which is the current year's equalized assessed value of all real property in the territory under the jurisdiction of the taxing district during the prior levy year. For those taxing districts that reduced their aggregate

extension for the last preceding levy year, except for school districts that reduced their extension for educational purposes pursuant to Section 18-206, the highest aggregate extension in any of the last 3 preceding levy years shall be used for the purpose of computing the limiting rate. The denominator shall not include new property or the recovered tax increment value. If a new rate, a rate decrease, or a limiting rate increase has been approved at an election held after March 21, 2006, then (i) the otherwise applicable limiting rate shall be increased by the amount of the new rate or shall be reduced by the amount of the rate decrease, as the case may be, or (ii) in the case of a limiting rate increase, the limiting rate shall be equal to the rate set forth in the proposition approved by the voters for each of the years specified in the proposition, after which the limiting rate of the taxing district shall be calculated as otherwise provided. In the case of a taxing district that obtained referendum approval for an increased limiting rate on March 20, 2012, the limiting rate for tax year 2012 shall be the rate that generates the approximate total amount of taxes extendable for that tax year, as set forth in the proposition approved by the voters; this rate shall be the final rate applied by the county clerk for the aggregate of all capped funds of the district for tax year 2012.

HISTORY:

P.A. 87-17; 88-455, § 18-185; 89-1, § 10; 89-138, § 5; 89-385, § 15; 89-436, § 5; 89-449, § 5; 89-510, § 10; 89-718, § 5; 90-485, § 10; 90-511, § 1.5; 90-568, § 10; 90-616, § 5; 90-655, § 43; 91-357, § 61; 91-478, § 5; 92-547, § 5; 93-601, § 5; 93-606, § 5; 93-612, § 5; 93-689, § 5; 93-690, § 5; 93-1049, § 5; 94-974, § 5; 94-976, § 5; 94-1078, § 5; 95-90, § 5; 95-331, § 410; 95-404, § 5; 95-876, § 140; 96-501, § 5; 96-517, § 3; 96-1000, § 215; 96-1202, § 5; 97-611, § 5; 97-1154, § 15; 98-6, § 5; 98-23, § 10; 99-143, § 325; 99-521, § 5; 2017 P.A. 100-465, § 925, effective August 31, 2017; 2021 P.A. 102-263, § 5, effective August 6, 2021; 2021 P.A. 102-311, § 5, effective August 6, 2021; 2021 P.A. 102-519, § 5, effective August 20, 2021; 2021 P.A. 102-558, § 245, effective August 20, 2021; 2022 P.A. 102-707, § 5, effective April 22, 2022; 2022 P.A. 102-813, § 260, effective May 13, 2022; 2022 P.A. 102-895, § 10, effective May 23, 2022.

35 ILCS 200/18-190 Direct referendum; new rate or increased limiting rate.

(a) If a new rate is authorized by statute to be imposed without referendum or is subject to a back-door referendum, as defined in Section 28-2 of the Election Code [10 ILCS 5/28-2], the governing body of the affected taxing district before levying the new rate shall submit the new rate to direct referendum under the provisions of this Section and of Article 28 of the Election Code [10 ILCS 5/28-1 et seq.]. Notwithstanding any other provision of law, the levies authorized by Sections 21-110 and 21-110.1 of the Illinois Pension Code [40 ILCS 5/21-110 and 40 ILCS 5/21-110.1] shall not be considered new rates; however, nothing in this amendatory Act of the 98th General Assembly [P.A. 98-1088] authorizes a taxing district to increase its limiting rate or its aggregate extension without first obtaining referendum approval as provided in this Section. Notwithstanding the provisions, requirements, or limitations of any other law, any tax levied for the 2005 levy year and all subsequent levy years by any taxing district subject to this Law may be extended at a rate exceeding the rate established for that tax by referendum or statute, provided that the rate does not exceed the statutory ceiling above which the tax is not authorized to be further increased either by referendum or in any other manner. Notwithstanding the provisions, requirements, or limitations of any other law, all taxing districts subject to this Law shall follow the provisions of this Section whenever seeking referenda approval after March 21, 2006 to (i) levy a new tax rate authorized by statute or (ii) increase the limiting rate applicable to the taxing district. All taxing districts subject to this Law are authorized to seek referendum approval of each proposition described and set forth in this Section.

The proposition seeking to obtain referendum approval to levy a new tax rate as authorized in clause (i) shall be in substantially the following form:

Shall …… (insert legal name, number, if any, and county or counties of taxing district and geographic or other common name by which a school or community college district is known and referred to), Illinois, be authorized to levy a new tax for …. purposes and have an additional tax of …. % of the equalized assessed value of the taxable property therein extended for such purposes?

The votes must be recorded as "Yes" or "No".

The proposition seeking to obtain referendum approval to increase the limiting rate as authorized in clause (ii) shall be in substantially the following form:

Shall the limiting rate under the Property Tax Extension Limitation Law for …… (insert legal name, number, if any, and county or counties of taxing district and geographic or other common name by which a school or community college district is known and referred to), Illinois, be increased by an additional amount equal to …. % above the limiting rate for the purpose of …… (insert purpose) for levy year …. (insert the most recent levy year for which the limiting rate of the taxing district is known at the time the submission of the proposition is initiated by the taxing district) and be equal to …. % of the equalized assessed value of the taxable property therein for levy year(s) (insert each levy year for which the increase will be applicable, which years must be consecutive and may not exceed 4)?

The votes must be recorded as "Yes" or "No".

The ballot for any proposition submitted pursuant to this Section shall have printed thereon, but not as a part of the proposition submitted, only the following supplemental information (which shall be supplied to the election authority by the taxing district) in substantially the following form:

(1) The approximate amount of taxes extendable at the most recently extended limiting rate is $ …., and the approximate amount of taxes extendable if the proposition is approved is $ ….

(2) For the ….(insert the first levy year for which the new rate or increased limiting rate will

be applicable) levy year the approximate amount of the additional tax extendable against property containing a single family residence and having a fair market value at the time of the referendum of $100,000 is estimated to be $ …..

(3) Based upon an average annual percentage increase (or decrease) in the market value of such property of …. % (insert percentage equal to the average annual percentage increase or decrease for the prior 3 levy years, at the time the submission of the proposition is initiated by the taxing district, in the amount of (A) the equalized assessed value of the taxable property in the taxing district less (B) the new property included in the equalized assessed value), the approximate amount of the additional tax extendable against such property for the …. levy year is estimated to be $…. and for the …. levy year is estimated to be $ …..

(4) If the proposition is approved, the aggregate extension for …. (insert each levy year for which the increase will apply) will be determined by the limiting rate set forth in the proposition, rather than the otherwise applicable limiting rate calculated under the provisions of the Property Tax Extension Limitation Law (commonly known as the Property Tax Cap Law).

The approximate amount of taxes extendable shown in paragraph (1) shall be computed upon the last known equalized assessed value of taxable property in the taxing district (at the time the submission of the proposition is initiated by the taxing district). Paragraph (3) shall be included only if the increased limiting rate will be applicable for more than one levy year and shall list each levy year for which the increased limiting rate will be applicable. The additional tax shown for each levy year shall be the approximate dollar amount of the increase over the amount of the most recently completed extension at the time the submission of the proposition is initiated by the taxing district. The approximate amount of the additional taxes extendable shown in paragraphs (2) and (3) shall be calculated by multiplying $100,000 (the fair market value of the property without regard to any property tax exemptions) by (i) the percentage level of assessment prescribed for that property by statute, or by ordinance of the county board in counties that classify property for purposes of taxation in accordance with Section 4 of Article IX of the Illinois Constitution [Ill. Const. (1970) Art. IX, § 4]; (ii) the most recent final equalization factor certified to the county clerk by the Department of Revenue at the time the taxing district initiates the submission of the proposition to the electors; and (iii) either the new rate or the amount by which the limiting rate is to be increased. This amendatory Act of the 97th General Assembly [P.A. 97-1087] is intended to clarify the existing requirements of this Section, and shall not be construed to validate any prior non-compliant referendum language. Paragraph (4) shall be included if the proposition concerns a limiting rate increase but shall not be included if the proposition concerns a new rate. Any notice required to be published in connection with the submission of the proposition shall also contain this supplemental information and shall not contain any other supplemental information regarding the proposition. Any error, miscalculation, or inaccuracy in computing any amount set forth on the ballot and in the notice that is not deliberate shall not invalidate or affect the validity of any proposition approved. Notice of the referendum shall be published and posted as otherwise required by law, and the submission of the proposition shall be initiated as provided by law.

If a majority of all ballots cast on the proposition are in favor of the proposition, the following provisions shall be applicable to the extension of taxes for the taxing district:

(A) a new tax rate shall be first effective for the levy year in which the new rate is approved;

(B) if the proposition provides for a new tax rate, the taxing district is authorized to levy a tax after the canvass of the results of the referendum by the election authority for the purposes for which the tax is authorized;

(C) a limiting rate increase shall be first effective for the levy year in which the limiting rate increase is approved, provided that the taxing district may elect to have a limiting rate increase be effective for the levy year prior to the levy year in which the limiting rate increase is approved unless the extension of taxes for the prior levy year occurs 30 days or less after the canvass of the results of the referendum by the election authority in any county in which the taxing district is located;

(D) in order for the limiting rate increase to be first effective for the levy year prior to the levy year of the referendum, the taxing district must certify its election to have the limiting rate increase be effective for the prior levy year to the clerk of each county in which the taxing district is located not more than 2 days after the date the results of the referendum are canvassed by the election authority; and

(E) if the proposition provides for a limiting rate increase, the increase may be effective regardless of whether the proposition is approved before or after the taxing district adopts or files its levy for any levy year.

Rates required to extend taxes on levies subject to a backdoor referendum in each year there is a levy are not new rates or rate increases under this Section if a levy has been made for the fund in one or more of the preceding 3 levy years. Changes made by this amendatory Act of 1997 to this Section in reference to rates required to extend taxes on levies subject to a backdoor referendum in each year there is a levy are declarative of existing law and not a new enactment.

(b) Whenever other applicable law authorizes a taxing district subject to the limitation with respect

to its aggregate extension provided for in this Law to issue bonds or other obligations either without referendum or subject to backdoor referendum, the taxing district may elect for each separate bond issuance to submit the question of the issuance of the bonds or obligations directly to the voters of the taxing district, and if the referendum passes the taxing district is not required to comply with any backdoor referendum procedures or requirements set forth in the other applicable law. The direct referendum shall be initiated by ordinance or resolution of the governing body of the taxing district, and the question shall be certified to the proper election authorities in accordance with the provisions of the Election Code [10 ILCS 5/1-1 et seq.].

HISTORY:
P.A. 87-17; 88-455, § 18-190; 88-670, § 3-16; 89-385, § 15; 89-718, § 5; 94-976, § 5; 96-764, § 5; 97-1087, § 5; 98-1088, § 5.

35 ILCS 200/18-190.5 School districts

The requirements of Section 18-190 of this Code [35 ILCS 200/18-190] for a direct referendum on the imposition of a new or increased tax rate do not apply to tax levies that are not included in the aggregate extension for those taxing districts to which this Law did not apply before the 1995 levy year (except taxing districts subject to this Law in accordance with Section 18-213 of this Code [35 ILCS 200/18-213]) pursuant to clauses (m) and (q) of Section 18-185 of this Code [35 ILCS 200/18-185].

HISTORY:
P.A. 92-547, § 5; 94-1078, § 5.

35 ILCS 200/18-190.7 Alternative aggregate extension base for certain taxing districts; recapture.

(a) This Section applies to the following taxing districts that are subject to this Division 5:

(1) school districts that have a designation of recognition or review according to the State Board of Education's School District Financial Profile System as of the first day of the levy year for which the taxing district seeks to increase its aggregate extension under this Section;

(2) park districts;

(3) library districts; and

(4) community college districts.

(b) Subject to the limitations of subsection (c), beginning in levy year 2022, a taxing district specified in subsection (a) may recapture certain levy amounts that are otherwise unavailable to the taxing district as a result of the taxing district not extending the maximum amount permitted under this Division 5 in a previous levy year. For that purpose, the taxing district's aggregate extension base shall be the greater of: (1) the taxing district's aggregate extension limit; or (2) the taxing district's last preceding aggregate extension, as adjusted under Sections 18-135, 18-215, 18-230, 18-206, and 18-233 [35 ILCS 200/18-135, 35 ILCS 200/18-215, 35 ILCS 200/18-230, 35 ILCS 200/18-206, and 35 ILCS 200/18-233].

(c) Notwithstanding the provisions of this Section, the aggregate extension of a taxing district that uses an aggregate extension limit under this Section for a particular levy year may not exceed the taxing district's aggregate extension for the immediately preceding levy year by more than 5% unless the increase is approved by the voters under Section 18-205 [35 ILCS 200/18-205]; however, if a taxing district is unable to recapture the entire unrealized levy amount in a single levy year due to the limitations of this subsection (c), the taxing district may increase its aggregate extension in each immediately succeeding levy year until the entire levy amount is recaptured, except that the increase in each succeeding levy year may not exceed the greater of (i) 5% or (ii) the increase approved by the voters under Section 18-205.

In order to be eligible for recapture under this Section, the taxing district must certify to the county clerk that the taxing district did not extend the maximum amount permitted under this Division 5 for a particular levy year. That certification must be made not more than 60 days after the taxing district files its levy ordinance or resolution with the county clerk for the levy year for which the taxing district did not extend the maximum amount permitted under this Division 5.

(d) As used in this Section, "aggregate extension limit" means the taxing district's last preceding aggregate extension if the district had utilized the maximum limiting rate permitted without referendum for each of the 3 immediately preceding levy years, as adjusted under Section 18-135, 18-215, 18-230, 18-206, and 18-233.

HISTORY:
2022 P.A. 102-895, § 10, effective May 23, 2022.

35 ILCS 200/18-195 Limitation.

Tax extensions made under Sections 18-45 and 18-105 [35 ILCS 200/18-45 and 35 ILCS 200/18-105] are further limited by the provisions of this Law.

For those taxing districts that have levied in any previous levy year for any funds included in the aggregate extension, the county clerk shall extend a rate for the sum of these funds that is no greater than the limiting rate.

For those taxing districts that have never levied for any funds included in the aggregate extension, the county clerk shall extend an amount no greater than the amount approved by the voters in a referendum under Section 18-210 [35 ILCS 200/18-210].

If the county clerk is required to reduce the aggregate extension of a taxing district by provisions of this Law, the county clerk shall proportionally reduce the extension for each fund unless otherwise requested by the taxing district.

Upon written request of the corporate authority of a village, the county clerk shall calculate separate limiting rates for the library funds and for the aggregate of the other village funds in order to reduce the funds as may be required under provisions of this Law. In calculating the limiting rate for the library, the county clerk shall use only the part of the aggregate extension base applicable to the library, and for any rate increase or decrease factor under Section 18-230 [35 ILCS 200/18-230] the county clerk shall use only any new rate or rate increase applicable to the library funds and the part of the rate applicable to the library in determining factors under that Section. The county clerk shall calculate the limiting rate for all other village funds using only the part of the aggregate extension base not applicable to the library, and for any rate increase or decrease factor under Section 18-230 the county clerk shall use only any new rate or rate increase not applicable to the library funds and the part of the rate not applicable to the library in determining factors under that Section. If the county clerk is required to reduce the aggregate extension of the library portion of the levy, the county clerk shall proportionally reduce the extension for each library fund unless otherwise requested by the library board. If the county clerk is required to reduce the aggregate extension of the portion of the levy not applicable to the library, the county clerk shall proportionally reduce the extension for each fund not applicable to the library unless otherwise requested by the village.

Beginning with the 1998 levy year upon written direction of a county or township community mental health board, the county clerk shall calculate separate limiting rates for the community mental health funds and for the aggregate of the other county or township funds in order to reduce the funds as may be required under provisions of this Law. In calculating the limiting rate for the community mental health funds, the county clerk shall use only the part of the aggregate extension base applicable to the community mental health funds; and for any rate increase or decrease factor under Section 18-230, the county clerk shall use only any new rate or rate increase applicable to the community mental health funds and the part of the rate applicable to the community mental health board in determining factors under that Section. The county clerk shall calculate the limiting rate for all other county or township funds using only the part of the aggregate extension base not applicable to community mental health funds; and for any rate increase or decrease factor under Section 18-230, the county clerk shall use only any new rate or rate increase not applicable to the community mental health funds and the part of the rate not applicable to the community mental health board in determining factors under that Section. If the county clerk is required to reduce the aggregate extension of the community mental health board portion of the levy, the county clerk shall proportionally reduce the extension for each community mental health fund unless otherwise directed by the community mental health board. If the county clerk is required to reduce the aggregate extension of the portion of the levy not applicable to the community mental health board, the county clerk shall proportionally reduce the extension for each fund not applicable to the community mental health board unless otherwise directed by the county or township.

If the governmental unit is not subject to Section 1.1 or 1.2 of the Community Care for Persons with Developmental Disabilities Act [50 ILCS 835/1.1 or 50 ILCS 835/1.2], then: (i) beginning with the 2001 levy year for a county or township board before the effective date of this amendatory Act of the 100th General Assembly, upon written direction of a county or township board for care and treatment of persons with a developmental disability, the county clerk shall calculate separate limiting rates for the funds for persons with a developmental disability and for the aggregate of the other county or township funds in order to reduce the funds as may be required under provisions of this Law; and (ii) beginning with the levy year next following the effective date of this amendatory Act of the 100th General Assembly, upon written direction of the board of a governmental unit not covered under item (i) for care and treatment of persons with a developmental disability, the county clerk shall calculate separate limiting rates for the funds for persons with a developmental disability and for the aggregate of the other governmental unit funds in order to reduce the funds as may be required under provisions of this Law. If the governmental unit is subject to Section 1.1 or 1.2 of the Community Care for Persons with Developmental Disabilities Act, then, beginning with the levy year in which the voters approve the tax under Section 1.1 or 1.2 of that Act, the county clerk shall calculate separate limiting rates for the funds for persons with a developmental disability and for the aggregate of the other governmental unit funds in order to reduce the funds as may be required under provisions of this Law. In calculating the limiting rate for the funds for persons with a developmental disability, the county clerk shall use only the part of the aggregate extension base applicable to the funds for persons with a developmental disability; and for any rate increase or decrease factor under Section 18-230, the county clerk shall use only any new rate or rate increase applicable to the funds for persons with a developmental disability and the part of the rate applicable to the board for care and treatment of persons with a developmental disability in determining factors under that Section. The county clerk shall calculate the limiting rate for all other governmental unit funds using only the part of the aggregate extension base not applicable to funds for persons with a developmental disability; and for any rate increase or decrease factor under Section 18-230, the county clerk shall use only any new rate or rate increase not applicable to the funds for persons with a developmental disability and the part of the rate not appli-

cable to the board for care and treatment of persons with a developmental disability in determining factors under that Section. If the county clerk is required to reduce the aggregate extension of the board for care and treatment of persons with a developmental disability portion of the levy, the county clerk shall proportionally reduce the extension for each fund for persons with a developmental disability unless otherwise directed by the board for care and treatment of persons with a developmental disability. If the county clerk is required to reduce the aggregate extension of the portion of the levy not applicable to the board for care and treatment of persons with a developmental disability, the county clerk shall proportionally reduce the extension for each fund not applicable to the board for care and treatment of persons with a developmental disability unless otherwise directed by the governmental unit.

As used in this Section, "governmental unit" has the meaning given to that term in Section 0.05 of the Community Care for Persons with Developmental Disabilities Act [50 ILCS 835/0.05].

HISTORY:
P.A. 87-17; 88-455, § 18-195; 90-339, § 5; 90-652, § 5; 91-859, § 5; 96-1350, § 5; 2018 P.A. 100-1129, § 5, effective January 1, 2019.

35 ILCS 200/18-198 Summit Park District Tax Levy Validation (2010) Act

The provisions of the Property Tax Extension Limitation Law [35 ILCS 200/18-185 et seq.] are subject to the Summit Park District Tax Levy Validation (2010) Act [70 ILCS 1610/1].

HISTORY:
P.A. 96-1205, § 90.

35 ILCS 200/18-200 School Code.

A school district's State aid shall not be reduced under the computation under subsections 5(a) through 5(h) of Part A of Section 18-8 of the School Code [105 ILCS 5/18-8] or under Section 18-8.15 of the School Code [105 ILCS 5/18-8.15] due to the operating tax rate falling from above the minimum requirement of that Section of the School Code to below the minimum requirement of that Section of the School Code [105 ILCS 5/1-1 et seq.] due to the operation of this Law.

HISTORY:
P.A. 87-17; 88-455, § 18-200; 2017 P.A. 100-465, § 925, effective August 31, 2017.

35 ILCS 200/18-205 Referendum to increase the extension limitation

A taxing district is limited to an extension limitation of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year, whichever is less. A taxing district may increase its extension limitation for one or more levy years if that taxing district holds a referendum before the levy date for the first levy year at which a majority of voters voting on the issue approves adoption of a higher extension limitation. Referenda shall be conducted at a regularly scheduled election in accordance with the Election Code [10 ILCS 5/1-1 et seq.]. The question shall be presented in substantially the following manner for all elections held after March 21, 2006:

Shall the extension limitation under the Property Tax Extension Limitation Law for (insert the legal name, number, if any, and county or counties of the taxing district and geographic or other common name by which a school or community college district is known and referred to), Illinois, be increased from the lesser of 5% or the percentage increase in the Consumer Price Index over the prior levy year to (insert the percentage of the proposed increase)% per year for (insert each levy year for which the increased extension limitation will apply)?

The votes must be recorded as "Yes" or "No".

If a majority of voters voting on the issue approves the adoption of the increase, the increase shall be applicable for each levy year specified.

The ballot for any question submitted pursuant to this Section shall have printed thereon, but not as a part of the question submitted, only the following supplemental information (which shall be supplied to the election authority by the taxing district) in substantially the following form:

(1) For the (insert the first levy year for which the increased extension limitation will be applicable) levy year the approximate amount of the additional tax extendable against property containing a single family residence and having a fair market value at the time of the referendum of $100,000 is estimated to be $....

(2) Based upon an average annual percentage increase (or decrease) in the market value of such property of .... % (insert percentage equal to the average annual percentage increase or decrease for the prior 3 levy years, at the time the submission of the question is initiated by the taxing district, in the amount of (A) the equalized assessed value of the taxable property in the taxing district less (B) the new property included in the equalized assessed value), the approximate amount of the additional tax extendable against such property for the .... levy year is estimated to be $.... and for the .... levy year is estimated to be $....

Paragraph (2) shall be included only if the increased extension limitation will be applicable for more than one year and shall list each levy year for which the increased extension limitation will be applicable. The additional tax shown for each levy year shall be the approximate dollar amount of the increase over the amount of the most recently completed extension at the time the submission of the question is initiated by the taxing district. The approximate amount of the additional tax extendable shown in paragraphs (1) and (2) shall be calculated by multiplying $100,000 (the fair market value of the

property without regard to any property tax exemptions) by (i) the percentage level of assessment prescribed for that property by statute, or by ordinance of the county board in counties that classify property for purposes of taxation in accordance with Section 4 of Article IX of the Illinois Constitution; (ii) the most recent final equalization factor certified to the county clerk by the Department of Revenue at the time the taxing district initiates the submission of the proposition to the electors; (iii) the last known aggregate extension base of the taxing district at the time the submission of the question is initiated by the taxing district; and (iv) the difference between the percentage increase proposed in the question and the lesser of 5% or the percentage increase in the Consumer Price Index for the prior levy year (or an estimate of the percentage increase for the prior levy year if the increase is unavailable at the time the submission of the question is initiated by the taxing district); and dividing the result by the last known equalized assessed value of the taxing district at the time the submission of the question is initiated by the taxing district. This amendatory Act of the 97th General Assembly [P.A. 97-1087] is intended to clarify the existing requirements of this Section, and shall not be construed to validate any prior non-compliant referendum language. Any notice required to be published in connection with the submission of the question shall also contain this supplemental information and shall not contain any other supplemental information. Any error, miscalculation, or inaccuracy in computing any amount set forth on the ballot or in the notice that is not deliberate shall not invalidate or affect the validity of any proposition approved. Notice of the referendum shall be published and posted as otherwise required by law, and the submission of the question shall be initiated as provided by law.

HISTORY:
P.A. 87-17; 88-455, § 18-205; 90-812, § 10; 91-57, § 20; 94-976, § 5; 97-1087, § 5.

35 ILCS 200/18-206 Decrease in extension for educational purposes.

(a) Notwithstanding any other provision of law, for those school districts whose adequacy targets, as defined in Section 18-8.15 [105 ILCS 5/18-8.15] of this Code, exceed 110% for the school year that begins during the calendar year immediately preceding the levy year for which the reduction under this Section is sought, the question of whether the school district shall reduce its extension for educational purposes for the levy year in which the election is held to an amount that is less than the extension for educational purposes for the immediately preceding levy year shall be submitted to the voters of the school district at the next consolidated election but only upon submission of a petition signed by not fewer than 10% of the registered voters in the school district. In no event shall the reduced extension be more than 10% lower than the amount extended for educational purposes in the previous levy year, and in no event shall the reduction cause the school district's adequacy target to fall below 110% for the levy year for which the reduction is sought.

(b) The petition shall be filed with the applicable election authority, as defined in Section 1-3 of the Election Code [10 ILCS 5/1-3], or, in the case of multiple election authorities, with the State Board of Elections, not more than 10 months nor less than 6 months prior to the election at which the question is to be submitted to the voters, and its validity shall be determined as provided by Article 28 of the Election Code [10 ILCS 5/28-1 et seq.] and general election law. The election authority or Board, as applicable, shall certify the question and the proper election authority or authorities shall submit the question to the voters. Except as otherwise provided in this Section, this referendum shall be subject to all other general election law requirements.

(c) The proposition seeking to reduce the extension for educational purposes shall be in substantially the following form:

Shall the amount extended for educational purposes by (school district) be reduced from (previous levy year's extension) to (proposed extension) for (levy year), but in no event lower than the amount required to maintain an adequacy target of 110%?

Votes shall be recorded as "Yes" or "No".

If a majority of all votes cast on the proposition are in favor of the proposition, then, for the levy year in which the election is held, the amount extended by the school district for educational purposes shall be reduced as provided in the referendum; however, in no event shall the reduction exceed the amount that would cause the school district to have an adequacy target of 110% for the applicable school year.

Once the question is submitted to the voters, then the question may not be submitted again for the same school district at any of the next 2 consolidated elections.

(d) For school districts that approve a reduction under this Section, the county clerk shall extend a rate for educational purposes that is no greater than the limiting rate for educational purposes. If the school district is otherwise subject to this Law for the applicable levy year, then, for the levy year in which the reduction occurs, the county clerk shall calculate separate limiting rates for educational purposes and for the aggregate of the school district's other funds.

As used in this Section:

"School district" means each school district in the State, regardless of whether or not that school district is otherwise subject to this Law.

"Limiting rate for educational purposes" means a fraction the numerator of which is the greater of (i) the amount approved by the voters in the referendum under subsection (c) of this Section or (ii) the amount that would cause the school district to have an adequacy target of 110% for the applicable school year, but in no event more than the school district's

extension for educational purposes in the immediately preceding levy year, and the denominator of which is the current year's equalized assessed value of all real property under the jurisdiction of the school district during the prior levy year.

HISTORY:
2017 P.A. 100-465, § 925, effective August 31, 2017.

35 ILCS 200/18-210 Establishing a new levy.

Except as provided in Section 18-215 [35 ILCS 200/18-215], as it relates to a transfer of a service, before a county clerk may extend taxes for funds subject to the limitations of this Law, a new taxing district or a taxing district with an aggregate extension base of zero shall hold a referendum establishing a maximum aggregate extension for the levy year. The maximum aggregate extension is established for the current levy year if a taxing district has held a referendum before the levy date at which the majority voting on the issue approves its adoption. The referendum under this Section may be held at the same time as the referendum on creating a new taxing district. The question shall be submitted to the voters at a regularly scheduled election in accordance with the Election Code [10 ILCS 5/1-1 et seq.] provided that notice or referendum, if held before July 1, 1999, has been given in accordance with the provisions of Section 12-5 of the Election Code [10 ILCS 5/12-5] in effect at the time of the bond referendum, at least 10 and not more than 45 days before the date of the election, notwithstanding the time for publication otherwise imposed by Section 12-5. Notices required in connection with the submission of public questions on or after July 1, 1999 shall be as set forth in Section 12-5 of the Election Code. The question shall be submitted in substantially the following form:

Under the Property Tax Extension Limitation Law, may an aggregate extension not to exceed …… (aggregate extension amount) …….. be made for the …… (taxing district name) …… for the …… (levy year) …… levy year?	YES ——— NO

If a majority of voters voting on the increase approves the adoption of the aggregate extension, the extension shall be effective for the levy year specified.

The question of establishing a maximum aggregate extension may be combined with the question of forming or establishing a new taxing district, in which case the question shall be submitted in substantially the following form:

Shall the (taxing district) be formed (or established) and have an aggregate extension under the Property Tax Extension Limitation Law not to exceed (aggregate extension amount) for the (levy year)?

The votes must be recorded as "Yes" or "No".

If a majority of voters voting on the proposition approves it, then the taxing district shall be formed (or established) with the aggregate extension amount for the designated levy year.

HISTORY:
P.A. 87-17; 88-455, § 18-210; 90-812, § 10; 91-57, § 20; 97-1149, § 5.

35 ILCS 200/18-212 Referendum on debt service extension base

A taxing district may establish or increase its debt service extension base if (i) that taxing district holds a referendum before the date on which the levy must be filed with the county clerk of the county or counties in which the taxing district is situated and (ii) a majority of voters voting on the issue approves the establishment of or increase in the debt service extension base. A debt service extension base established or increased by a referendum held pursuant to this Section after February 2, 2010, shall be increased each year, commencing with the first levy year beginning after the date of the referendum, by the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year if the optional language concerning the annual increase is included in the question submitted to the electors of the taxing district. Referenda under this Section shall be conducted at a regularly scheduled election in accordance with the Election Code [10 ILCS 5/1-1 et seq.]. The governing body of the taxing district shall certify the question to the proper election authorities who shall submit the question to the electors of the taxing district in substantially the following form:

"Shall the debt service extension base under the Property Tax Extension Limitation Law [35 ILCS 200/18-185 et seq.] for … (taxing district name) … for payment of principal and interest on limited bonds be …. ((established at $ ….). (or) (increased from $ …. to $ ….)) .. for the ….. levy year and all subsequent levy years (optional language: , such debt service extension base to be increased each year by the lesser of 5% or the percentage increase in the Consumer Price Index during the 12-month calendar year preceding the levy year)?"

Votes on the question shall be recorded as "Yes" or "No".

If a majority of voters voting on the issue approves the establishment of or increase in the debt service extension base, the establishment of or increase in the debt service extension base shall be applicable for the levy years specified.

HISTORY:
P.A. 89-385, § 15; 96-1202, § 5.

35 ILCS 200/18-213 Referenda on applicability of the property tax extension limitation law.

(a) The provisions of this Section do not apply to a taxing district subject to this Law because a majority of its 1990 equalized assessed value is in a county or

counties contiguous to a county of 3,000,000 or more inhabitants, or because a majority of its 1994 equalized assessed value is in an affected county and the taxing district was not subject to this Law before the 1995 levy year.

(b) The county board of a county that is not subject to this Law may, by ordinance or resolution, submit to the voters of the county the question of whether to make all non-home rule taxing districts that have all or a portion of their equalized assessed valuation situated in the county subject to this Law in the manner set forth in this Section.

For purposes of this Section only:

"Taxing district" has the same meaning provided in Section 1-150 [35 ILCS 200/1-150].

"Equalized assessed valuation" means the equalized assessed valuation for a taxing district for the immediately preceding levy year.

(c) The ordinance or resolution shall request the submission of the proposition at any election, except a consolidated primary election, for the purpose of voting for or against making the Property Tax Extension Limitation Law [35 ILCS 200/18-185 et seq.] applicable to all non-home rule taxing districts that have all or a portion of their equalized assessed valuation situated in the county.

The question shall be placed on a separate ballot and shall be in substantially the following form:

Shall the Property Tax Extension Limitation Law (35 ILCS 200/18-185 through 18-245), which limits annual property tax extension increases, apply to non-home rule taxing districts with all or a portion of their equalized assessed valuation located in (name of county)?

Votes on the question shall be recorded as "yes" or "no".

(d) The county clerk shall order the proposition submitted to the electors of the county at the election specified in the ordinance or resolution. If part of the county is under the jurisdiction of a board or boards of election commissioners, the county clerk shall submit a certified copy of the ordinance or resolution to each board of election commissioners, which shall order the proposition submitted to the electors of the taxing district within its jurisdiction at the election specified in the ordinance or resolution.

(e)(1) With respect to taxing districts having all of their equalized assessed valuation located in the county, if a majority of the votes cast on the proposition are in favor of the proposition, then this Law becomes applicable to the taxing district beginning on January 1 of the year following the date of the referendum.

(2) With respect to taxing districts that meet all the following conditions this Law shall become applicable to the taxing district beginning on January 1, 1997. The districts to which this paragraph (2) is applicable

(A) do not have all of their equalized assessed valuation located in a single county,

(B) have equalized assessed valuation in an affected county,

(C) meet the condition that each county, other than an affected county, in which any of the equalized assessed valuation of the taxing district is located has held a referendum under this Section at any election, except a consolidated primary election, held prior to the effective date of this amendatory Act of 1997, and

(D) have a majority of the district's equalized assessed valuation located in one or more counties in each of which the voters have approved a referendum under this Section prior to the effective date of this amendatory Act of 1997. For purposes of this Section, in determining whether a majority of the equalized assessed valuation of the taxing district is located in one or more counties in which the voters have approved a referendum under this Section, the equalized assessed valuation of the taxing district in any affected county shall be included with the equalized assessed value of the taxing district in counties in which the voters have approved the referendum.

(3) With respect to taxing districts that do not have all of their equalized assessed valuation located in a single county and to which paragraph (2) of subsection (e) is not applicable, if each county other than an affected county in which any of the equalized assessed valuation of the taxing district is located has held a referendum under this Section at any election, except a consolidated primary election, held in any year and if a majority of the equalized assessed valuation of the taxing district is located in one or more counties that have each approved a referendum under this Section, then this Law shall become applicable to the taxing district on January 1 of the year following the year in which the last referendum in a county in which the taxing district has any equalized assessed valuation is held. For the purposes of this Law, the last referendum shall be deemed to be the referendum making this Law applicable to the taxing district. For purposes of this Section, in determining whether a majority of the equalized assessed valuation of the taxing district is located in one or more counties that have approved a referendum under this Section, the equalized assessed valuation of the taxing district in any affected county shall be included with the equalized assessed value of the taxing district in counties that have approved the referendum.

(f) Immediately after a referendum is held under this Section, the county clerk of the county holding the referendum shall give notice of the referendum having been held and its results to all taxing districts that have all or a portion of their equalized assessed valuation located in the county, the county clerk of any other county in which any of the equalized assessed valuation of any taxing district is located, and the Department of Revenue. After the last referendum affecting a multi-county taxing district is held, the Department of Revenue shall determine

whether the taxing district is subject to this Law and, if so, shall notify the taxing district and the county clerks of all of the counties in which a portion of the equalized assessed valuation of the taxing district is located that, beginning the following January 1, the taxing district is subject to this Law. For each taxing district subject to paragraph (2) of subsection (e) of this Section, the Department of Revenue shall notify the taxing district and the county clerks of all of the counties in which a portion of the equalized assessed valuation of the taxing district is located that, beginning January 1, 1997, the taxing district is subject to this Law.

(g) Referenda held under this Section shall be conducted in accordance with the Election Code [10 ILCS 5/1-1 et seq.].

HISTORY:
P.A. 89-510, § 10; 89-718, § 5.

35 ILCS 200/18-214 Referenda on removal of the applicability of the Property Tax Extension Limitation Law to non-home rule taxing districts

(a) The provisions of this Section do not apply to a taxing district that is subject to this Law because a majority of its 1990 equalized assessed value is in a county or counties contiguous to a county of 3,000,000 or more inhabitants, or because a majority of its 1994 equalized assessed value is in an affected county and the taxing district was not subject to this Law before the 1995 levy year.

(b) For purposes of this Section only:

"Taxing district" means any non-home rule taxing district that became subject to this Law under Section 18-213 of this Law [35 ILCS 200/18-213].

"Equalized assessed valuation" means the equalized assessed valuation for a taxing district for the immediately preceding levy year.

(c) The county board of a county that became subject to this Law by a referendum approved by the voters of the county under Section 18-213 may, by ordinance or resolution, in the manner set forth in this Section, submit to the voters of the county the question of whether this Law applies to all non-home rule taxing districts that have all or a portion of their equalized assessed valuation situated in the county in the manner set forth in this Section.

(d) The ordinance or resolution shall request the submission of the proposition at any election, except a consolidated primary election, for the purpose of voting for or against the continued application of the Property Tax Extension Limitation Law to all non-home rule taxing districts that have all or a portion of their equalized assessed valuation situated in the county.

The question shall be placed on a separate ballot and shall be in substantially the following form:

Shall the Property Tax Extension Limitation Law (35 ILCS 200/18-185 through 35 ILCS 200/18-245), which limits annual property tax extension increases, apply to non-home rule taxing districts with all or a portion of their equalized assessed valuation located in (name of county)?

Votes on the question shall be recorded as "yes" or "no".

(e) The county clerk shall order the proposition submitted to the electors of the county at the election specified in the ordinance or resolution. If part of the county is under the jurisdiction of a board or boards of election commissioners, the county clerk shall submit a certified copy of the ordinance or resolution to each board of election commissioners, which shall order the proposition submitted to the electors of the taxing district within its jurisdiction at the election specified in the ordinance or resolution.

(f) With respect to taxing districts having all of their equalized assessed valuation located in one county, if a majority of the votes cast on the proposition are against the proposition, then this Law shall not apply to the taxing district beginning on January 1 of the year following the date of the referendum.

(g) With respect to taxing districts that do not have all of their equalized assessed valuation located in a single county, if both of the following conditions are met, then this Law shall no longer apply to the taxing district beginning on January 1 of the year following the date of the referendum.

(1) Each county in which the district has any equalized assessed valuation must either, (i) have held a referendum under this Section, (ii) be an affected county, or (iii) have held a referendum under Section 18-213 at which the voters rejected the proposition at the most recent election at which the question was on the ballot in the county.

(2) The majority of the equalized assessed valuation of the taxing district, other than any equalized assessed valuation in an affected county, is in one or more counties in which the voters rejected the proposition. For purposes of this Section, in determining whether a majority of the equalized assessed valuation of the taxing district is located in one or more counties in which the voters have rejected the proposition under this Section, the equalized assessed valuation of any taxing district in a county which has held a referendum under Section 18-213 at which the voters rejected that proposition, at the most recent election at which the question was on the ballot in the county, will be included with the equalized assessed value of the taxing district in counties in which the voters have rejected the referendum held under this Section.

(h) Immediately after a referendum is held under this Section, the county clerk of the county holding the referendum shall give notice of the referendum having been held and its results to all taxing districts that have all or a portion of their equalized assessed valuation located in the county, the county clerk of any other county in which any of the equalized assessed valuation of any such taxing district is located, and the Department of Revenue. After the last referendum affecting a multi-county taxing dis-

trict is held, the Department of Revenue shall determine whether the taxing district is no longer subject to this Law and, if the taxing district is no longer subject to this Law, the Department of Revenue shall notify the taxing district and the county clerks of all of the counties in which a portion of the equalized assessed valuation of the taxing district is located that, beginning on January 1 of the year following the date of the last referendum, the taxing district is no longer subject to this Law.

HISTORY:
P.A. 89-718, § 5.

35 ILCS 200/18-215 Merging and consolidating taxing districts; transfer of service

For purposes of this Law, when 2 or more taxing districts merge or consolidate, the sum of the last preceding aggregate extensions for each taxing district shall be combined for the resulting merged or consolidated taxing district. When a service performed by one taxing district is transferred to another taxing district, that part of the aggregate extension base for that purpose shall be transferred and added to the aggregate extension base of the transferee taxing district for purposes of this Law and shall be deducted from the aggregate extension base of the transferor taxing district. If the service and corresponding portion of the aggregate extension base transferred to the taxing district are for a service that the transferee district does not currently levy for, the provisions of Section 18-190 [35 ILCS 200/18-190] of this Law requiring a referendum to establish a new levy shall not apply.

HISTORY:
P.A. 87-17; 88-455, § 18-215; 90-719, § 5.

35 ILCS 200/18-220: [Repealed.] Repealed by P.A. 89-1, § 95, effective February 12, 1995.

35 ILCS 200/18-225 Annexed or disconnected property

If property is annexed into the taxing district or is disconnected from a taxing district during the current levy year, the calculation of the limiting rate under Section 18-185 [35 ILCS 200/18-185] is not affected. The rates as limited under this Law are applied to all property in the district for the current levy year, excluding property that was annexed after the adoption of the levy for the current levy year.

HISTORY:
P.A. 87-17; 88-455, § 18-225; 89-1, § 10.

35 ILCS 200/18-230 Rate increase or decrease factor

Only when a new rate or a rate increase or decrease has been approved by referendum held prior to March 22, 2006, the aggregate extension base, as adjusted in Section 18-215 [35 ILCS 200/18-215], shall be multiplied by a rate increase (or decrease) factor. The numerator of the rate increase (or decrease) factor is the total combined rate for the funds that made up the aggregate extension for the taxing district for the prior year plus the rate increase approved or minus the rate decrease approved. The denominator of the rate increase or decrease factor is the total combined rate for the funds that made up the aggregate extension for the prior year. For those taxing districts for which a new rate or a rate increase has been approved by referendum held after December 31, 1988 and prior to March 22, 2006, and that did not increase their rate to the new maximum rate for that fund, the rate increase factor shall be adjusted for 4 levy years after the year of the referendum (unless the governing body of a taxing district to which this Law applied before the 1995 levy year that approved a tax rate increase at a general election held after 2002 directs the county clerk or clerks by resolution to make such adjustment for a lesser number of years) by a factor the numerator of which is the portion of the new or increased rate for which taxes were not extended plus the aggregate rate in effect for the levy year prior to the levy year in which the referendum was passed and the denominator of which is the aggregate rate in effect for the levy year prior to the levy year in which the referendum was passed.

HISTORY:
P.A. 87-17; 88-455, § 18-230; 94-976, § 5.

35 ILCS 200/18-233 Adjustments for certificates of error, certain court orders, or final administrative decisions of the Property Tax Appeal Board.

Beginning in levy year 2021, a taxing district levy shall be increased by a prior year adjustment whenever an assessment decrease due to the issuance of a certificate of error, a court order issued pursuant to an assessment valuation complaint under Section 23-15 [35 ILCS 200/23-15], or a final administrative decision of the Property Tax Appeal Board results in a refund from the taxing district of a portion of the property tax revenue distributed to the taxing district. On or before November 15 of each year, the county treasurer shall certify the aggregate refunds paid by a taxing district during such 12-month period for purposes of this Section. For purposes of the Property Tax Extension Limitation Law, the taxing district's most recent aggregate extension base shall not include the prior year adjustment authorized under this Section.

History.
2021 P.A. 102-519, § 5, effective August 20, 2021.

35 ILCS 200/18-235 Tax increment financing districts

Extensions allocable to a special tax allocation fund and the amount of taxes abated under Sections

18-165 and 18-170 [35 ILCS 200/18-165 and 35 ILCS 200/18-170] are not included in the aggregate extension base when computing the limiting rate.

HISTORY:
P.A. 87-17; 88-455, § 18-235.

35 ILCS 200/18-240 Certification of new property

(a) The township assessor, the multi-township assessor, the chief county assessment officer, the board of review, and the board of appeals shall cause the assessed value attributable to new property to be entered and certified in the assessment books under rules promulgated by the Department.

(b) For the levy year in which this Law first becomes applicable to a county pursuant to Section 18-213 [35 ILCS 200/18-213], the chief county assessment officer shall certify to the county clerk, after all changes by the board of review or board of appeals, as the case may be, the assessed value of new property by taxing districts for that levy year under rules promulgated by the Department.

HISTORY:
P.A. 87-17; 88-455, § 18-240; 89-510, § 10.

35 ILCS 200/18-241 School Finance Authority and Financial Oversight Panel.

(a) A School Finance Authority established under Article 1E of the School Code [105 ILCS 5/1E-1 et seq.] shall not be a taxing district for purposes of this Law. A Financial Oversight Panel established under Article 1H of the School Code [105 ILCS 5/1H-1 et seq.] shall not be a taxing district for purposes of this Law.

(b) This Law shall not apply to the extension of taxes for a school district for the levy year in which a School Finance Authority for the district is created pursuant to Article 1E of the School Code. This Law shall not apply to the extension of taxes for the purpose of repaying an emergency financial assistance loan levied pursuant to Section 1H-65 of the School Code [105 ILCS 5/1H-65].

HISTORY:
P.A. 92-547, § 5; 93-501, § 3; 97-429, § 5; 2022 P.A. 102-894, § 10, effective May 20, 2022.

35 ILCS 200/18-243 Severability

The provisions of the Property Tax Extension Limitation Law [35 ILCS 200/18-246 et seq.] are severable under Section 1.31 of the Statute on Statutes [5 ILCS 70/1.31].

HISTORY:
P.A. 89-1, § 10.

35 ILCS 200/18-245 Rules

The Department shall make and promulgate reasonable rules relating to the administration of the purposes and provisions of Sections 18-185 through 18-240 [35 ILCS 200/18-185 through 35 ILCS 200/18-240] as may be necessary or appropriate.

HISTORY:
P.A. 87-17; 88-455, § 18-245.

EXCISE TAXES

Motor Fuel Tax Law

Section

MOTOR FUEL TAX LAW

35 ILCS 505/1 [Definitions]

For the purposes of this Act the terms set out in the Sections following this Section and preceding Section 2 [35 ILCS 505/2] have the meanings ascribed to them in those Sections.

HISTORY:
P.A. 86-16; 86-1028; 98-756, § 205.

35 ILCS 505/1.1 [Motor fuel]

"Motor Fuel" means all volatile and inflammable liquids produced, blended or compounded for the purpose of, or which are suitable or practicable for, operating motor vehicles. Among other things, "Motor Fuel" includes "Special Fuel" as defined in Section 1.13 of this Act [35 ILCS 505/1.13].

HISTORY:
Laws 1963, p. 1557.

35 ILCS 505/1.2 Distributor.

"Distributor" means a person who either (i) produces, refines, blends, compounds or manufactures motor fuel in this State, or (ii) transports motor fuel into this State, or (iii) exports motor fuel out of this State, or (iv) engages in the distribution of motor fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he or she has active bulk storage capacity of not less than 30,000 gallons for gasoline as defined in item (A) of Section 5 of this Law [35 ILCS 505/5].

"Distributor" does not, however, include a person who receives or transports into this State and sells or uses motor fuel under such circumstances as preclude the collection of the tax herein imposed, by reason of the provisions of the constitution and statutes of the United States. However, a person operating a motor vehicle into the State, may transport motor fuel in the ordinary fuel tank attached to the motor vehicle for the operation of the motor vehicle, without being considered a distributor. Any railroad registered under Section 18c-7201 of the Illinois Vehicle Code [625 ILCS 5/18c-7201] may deliver special fuel directly into the fuel supply tank of a locomotive owned, operated, or controlled by any other railroad registered under Section 18c-7201 of the Illinois Vehicle Code without being considered a distributor or supplier.

HISTORY:
Laws 1961, p. 3653; P.A. 89-399, § 17; 91-173, § 5; 91-198, § 5; 92-16, § 39; 96-1384, § 5.

35 ILCS 505/1.3 [Motor vehicles]

"Motor Vehicles" means motor vehicles as defined by The Illinois Vehicle Code and watercraft propelled by an internal combustion engine.

HISTORY:
P.A. 77-1079.

35 ILCS 505/1.4 [Municipality]

"Municipality" means city, village or incorporated town.

HISTORY:
Laws 1961, p. 3653.

35 ILCS 505/1.5 [Blending]

"Blending" means the mixing together by any process whatsoever, of any one or more products with other products, and regardless of the original character of the products so blended, provided the resultant product so obtained is suitable or practicable for use as a motor fuel, except such blending as may occur in the process known as refining by the original refiner of crude petroleum, and except, also, the blending of products known as lubricating oil in the production of lubricating oils and greases and except, also, the dyeing of special fuel as required by Section 4d of this Law [35 ILCS 505/4d].

HISTORY:
Laws 1961, p. 3653; 91-173, § 5.

35 ILCS 505/1.6 [Blender]

"Blender" means any person who engages in the practice of blending as herein defined.

HISTORY:
Laws 1961, p. 3653.

35 ILCS 505/1.7 [Department]

"Department" means the Department of Revenue of the State of Illinois.

HISTORY:
Laws 1961, p. 3653.

35 ILCS 505/1.8 [Gallon]

"Gallon" means, in addition to its ordinary meaning, its equivalent in a capacity of measurement of substance in a gaseous state. In the case of liquefied natural gas or propane used as motor fuel, "gallon" means a diesel gallon equivalent as defined by Section 1.8A [35 ILCS 505/1.8A] of this Act. In the case of compressed natural gas used as motor fuel, "gallon" means a gasoline gallon equivalent as defined in Section 1.8B [35 ILCS 505/1.8B] of this Act.

HISTORY:
Laws 1961, p. 3653; 2017 P.A. 100-9, § 5, effective July 1, 2017.

35 ILCS 505/1.8A Diesel gallon equivalent.

"Diesel gallon equivalent" means an amount of liquefied natural gas or propane that has the equivalent energy content of a gallon of diesel fuel and shall be defined as 6.06 pounds of liquefied natural gas or 6.41 pounds of propane.

HISTORY:
2017 P.A. 100-9, § 5, effective July 1, 2017.

35 ILCS 505/1.8B Gasoline gallon equivalent.

"Gasoline gallon equivalent" means an amount of compressed natural gas that has the equivalent energy content of a gallon of gasoline and shall be defined as 5.660 pounds of compressed natural gas.

HISTORY:
2017 P.A. 100-9, § 5, effective July 1, 2017.

35 ILCS 505/1.9 [Sale]

"Sale" means, in addition to its ordinary meaning, any exchange, gift or other disposition. In every case where motor fuel is exchanged, given or otherwise disposed of, it shall be deemed to have been sold.

HISTORY:
Laws 1961, p. 3653.

35 ILCS 505/1.10 [Distribute]

"Distribute" means, in addition to its ordinary meaning, any disposition of possession whether by bailment, consignment or other manner or means whereby physical control or possession is relinquished.

HISTORY:
Laws 1961, p. 3653.

35 ILCS 505/1.11 [Person]

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, or any city, town, county or other political subdivision in this State. Whenever used in any Section of this Act prescribing and imposing a fine or imprisonment or both, the term "person" as applied to partnerships and associations shall mean the partners or members thereof, as applied to limited liability companies the term "person" means managers, members, agents, or employees of the limited liability company, and as applied to corporations the term "person" shall mean the officers, agents, or employees thereof who are responsible for any violation of this Act.

HISTORY:
P.A. 83-706; 88-480, § 50.

35 ILCS 505/1.12 [Received]

"Received" shall be given its usual meaning including:

A. Motor fuel produced, refined, prepared, distilled, manufactured or compounded at any refinery or other place in this State by any person, shall be deemed to be "received" by such person thereat when the same shall have been loaded (1) at such refinery or other place into tank cars, ships, barges, tank trucks, tank wagons or other types of transportation equipment, containers or facilities or (2) placed in any tank or other container from which any sales, use or deliveries are made directly, but not before.

B. Motor fuel imported into this State from any other state, territory or foreign country by vessel, and delivered in such vessel to any person, at a marine terminal in this State for storage, or imported by pipe line and delivered to any person by such pipe line or a connecting pipe line at a pipe line terminal or pipe line tank farm in this State for storage, shall be deemed to have been "received" by such person thereat when the same shall have been loaded (1) into tank cars, ships or barges, tank trucks, tank wagons or other types of transportation equipment, containers or facilities at such marine or pipe line terminal or tank farm or (2) placed in any tank or other container from which any sales, use or deliveries are made directly, but not before.

C. Motor fuel imported into this State from any other state, territory or foreign country, other than by vessel for storage at refineries or marine terminals, as hereinbefore set forth, or by pipe line for storage at pipe line terminals or pipe line tank farms as hereinbefore set forth, shall be deemed to be "received" in this State at the time and place

after the same shall have come to rest or storage herein whether or not in the original package, receptacle or container.

D. Motor fuel imported into this State from any other state, territory or foreign country, other than by vessel for storage at refineries or marine terminals as hereinbefore set forth, or by pipe line for storage at pipe line terminals or pipe line tank farms as hereinbefore set forth, shall be deemed to be "received" in this State by any person consuming or using in this State any motor fuel so imported, who shall have purchased or otherwise acquired the same before it shall have been received by any other person in this State as hereinbefore set forth.

HISTORY:
P.A. 87-149.

35 ILCS 505/1.13 [Special fuel]

"Special Fuel" means all volatile and inflammable liquids capable of being used for the generation of power in an internal combustion engine except that it does not include gasoline as defined in Section 5 [35 ILCS 505/5], example (A), of this Act, or combustible gases as defined in Section 5, example (B), of this Act. "Special Fuel" includes diesel fuel as defined in paragraph (b) of Section 2 of this Act [35 ILCS 505/2].

HISTORY:
P.A. 83-1362.

35 ILCS 505/1.13A [1-K Kerosene]

"1-K Kerosene" means a special low-sulfur grade kerosene suitable for use in non-flue connected kerosene burner appliances, and in wick-fed illuminate lamps which has a maximum limit of .04% sulfur mass, and a freezing point of -22 degrees Fahrenheit, and has a minimum saybolt color of +16. For purposes of this Law, 1-K Kerosene includes 1-K Kerosene that has been dyed in accordance with Section 4d of this Law [35 ILCS 505/4d].

HISTORY:
P.A. 87-149; 91-173, § 5; 98-756, § 205.

35 ILCS 505/1.13B [Dyed diesel fuel]

"Dyed diesel fuel" means special fuel, as defined in Section 1.13 of this Law [35 ILCS 505/1.13], dyed in accordance with Section 4d of this Law [35 ILCS 505/4d].

HISTORY:
P.A. 91-173, § 5.

35 ILCS 505/1.13C Liquefied natural gas.

"Liquefied natural gas" means methane or natural gas in the form of a cryogenic or refrigerated liquid for use as a motor fuel.

HISTORY:
2017 P.A. 100-9, § 5, effective July 1, 2017.

35 ILCS 505/1.14 Supplier

"Supplier" means any person other than a licensed distributor who (i) transports special fuel into this State; (ii) exports special fuel out of this State; or (iii) engages in the distribution of special fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he has active bulk storage capacity of not less than 30,000 gallons for special fuel as defined in Section 1.13 of this Law [35 ILCS 505/1.13].

"Supplier" does not, however, include a person who receives or transports into this State and sells or uses special fuel under such circumstances as preclude the collection of the tax herein imposed, by reason of the provisions of the Constitution and laws of the United States. However, a person operating a motor vehicle into the State, may transport special fuel in the ordinary fuel tank attached to the motor vehicle for the operation of the motor vehicle without being considered a supplier. Any railroad licensed as a bulk user and registered under Section 18c-7201 of the Illinois Vehicle Code [625 ILCS 5/18c-7201] may deliver special fuel directly into the fuel supply tank of a locomotive owned, operated, or controlled by any other railroad registered under Section 18c-7201 of the Illinois Vehicle Code without being considered a supplier.

HISTORY:
P.A. 87-149; 89-399, § 17; 91-173, § 5; 91-198, § 5; 92-16, § 39; 96-1384, § 5.

35 ILCS 505/1.15: [Repealed.] Repealed by P.A. 91-173, § 10, effective January 1, 2000.

35 ILCS 505/1.16 [Commercial motor vehicle]

"Commercial motor vehicle" means a motor vehicle used, designed, or maintained for the transportation of persons or property and either having 2 axles and a gross vehicle weight or registered gross vehicle weight exceeding 26,000 pounds or 11,793 kilograms, or having 3 or more axles regardless of weight, or that is used in combination, when the weight of the combination exceeds 26,000 pounds or 11,793 kilograms gross vehicle weight or registered gross vehicle weight, except for motor vehicles operated by this State or the United States, recreational vehicles, school buses, and commercial motor vehicles operated solely within this State for which all motor fuel is purchased within this State. Vehicles that are exempted from registration, but are required to be registered for operations in other jurisdictions may apply for a motor fuel use tax license and decal under the provisions of the International Fuel Tax Agreement referenced in Section 14a of this Act [35 ILCS 505/14a].

HISTORY:
P.A. 85-340; 88-480, § 50; 88-669, § 90-4; 94-1074, § 50.

35 ILCS 505/1.17 [Motor carrier]

"Motor carrier" means any person who operates or causes to be operated any commercial motor vehicle on any highway within this State.

HISTORY:
P.A. 80-515.

35 ILCS 505/1.18 [Proof gallon]

"Proof gallon" means one gallon of 100 proof alcohol. For example: One gallon of 200 proof alcohol is two proof gallons. For the purpose of this definition "proof" is a term used to describe the strength of an ethyl alcohol solution and is a number that is double that of the percent alcohol in the solution. For example: "100 proof" means 50 percent alcohol.

HISTORY:
P.A. 82-152.

35 ILCS 505/1.19 [Fuel]

"Fuel" means all liquids defined as "Motor Fuel" in Section 1.1 of this Act [35 ILCS 505/1.1] and aviation fuels and kerosene, but excluding liquified petroleum gases.

HISTORY:
P.A. 86-125.

35 ILCS 505/1.20 [Receiver]

"Receiver" means a person who either produces, refines, blends, compounds or manufactures fuel in this State, or transports fuel into this State or receives fuel transported to him from without the State or exports fuel out of this State, or who is engaged in distribution of fuel primarily by tank car or tank truck, or both, and who operates an Illinois bulk plant where he has active fuel bulk storage capacity of not less than 30,000 gallons.

HISTORY:
P.A. 86-125; 86-958.

35 ILCS 505/1.21 [Reseller]

"Reseller" means any person, other than a retailer, who purchases motor fuel for resale to a person, and on which tax has been paid.

HISTORY:
P.A. 86-16; 86-1028.

35 ILCS 505/1.22 Jurisdiction

"Jurisdiction" means a state of the United States, the District of Columbia, a state of the United Mexican States, or a province or Territory of Canada.

HISTORY:
P.A. 88-480, § 50; 96-1384, § 5.

35 ILCS 505/1.23 [Terminal rack]

"Terminal rack" means a mechanism for dispensing motor fuel or fuel from a refinery, terminal, or bulk plant into a transport truck, railroad tank car, or other means of transportation.

HISTORY:
P.A. 91-173, § 5.

35 ILCS 505/1.24 [Premises]

"Premises" means any location where original records are kept; where tank cars, ships, barges, tank trucks, tank wagons, or other types of transportation equipment are used to distribute fuel or motor fuel; or where containers, storage tanks, or other facilities are used to store or distribute fuel or motor fuel.

HISTORY:
P.A. 91-173, § 5.

35 ILCS 505/1.25 [Kerosene-type jet fuel]

"Kerosene-type jet fuel" means any jet fuel as described in ASTM specification D 1655 and military specifications MIL-T-5624R and MIL-T-83133D (Grades JP-5 and JP-8).

HISTORY:
P.A. 91-173, § 5.

35 ILCS 505/1.26 [Designated inspection site]

"Designated inspection site" means any State highway inspection station, weigh station, agricultural inspection station, mobile station, or other location designated by the Department to be used as a fuel inspection site. A designated inspection site will be identified as a fuel inspection site.

HISTORY:
P.A. 91-173, § 5.

35 ILCS 505/1.27 [Power take-off equipment]

"Power take-off equipment" means any accessory that is mounted onto or designed as an integral part of a transmission of a motor vehicle that is registered for highway purposes whereby the accessory allows power to be transferred outside the transmission to a shaft or driveline and the power is used for a purpose other than propelling the motor vehicle.

HISTORY:
P.A. 92-30, § 5.

35 ILCS 505/1.28 [Semitrailer]

"Semitrailer" means every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its

weight and that of its load rests upon or is carried by another vehicle.

HISTORY:
P.A. 92-30, § 5.

35 ILCS 505/1.29 [Research and development]

"Research and development" means basic and applied research in the engineering, designing, development, or testing of prototypes or new products. "Research and development" does not include manufacturing quality control, any product testing by consumers, market research, sales promotion, sales service, or other non-technological activities or technical services.

HISTORY:
P.A. 92-30, § 5.

35 ILCS 505/2 [Tax imposed on operation of motor vehicles; rates; tax on sale of motor fuels; tax on kerosene sales]

A tax is imposed on the privilege of operating motor vehicles upon the public highways and recreational-type watercraft upon the waters of this State.

(a) Prior to August 1, 1989, the tax is imposed at the rate of 13 cents per gallon on all motor fuel used in motor vehicles operating on the public highways and recreational type watercraft operating upon the waters of this State. Beginning on August 1, 1989 and until January 1, 1990, the rate of the tax imposed in this paragraph shall be 16 cents per gallon. Beginning January 1, 1990 and until July 1, 2019, the rate of tax imposed in this paragraph, including the tax on compressed natural gas, shall be 19 cents per gallon. Beginning July 1, 2019 and until July 1, 2020, the rate of tax imposed in this paragraph shall be 38 cents per gallon. Beginning July 1, 2020 and until July 1, 2021, the rate of tax imposed in this paragraph shall be 38.7 cents per gallon. Beginning July 1, 2021 and until January 1, 2023, the rate of tax imposed in this paragraph shall be 39.2 cents per gallon. On January 1, 2023, the rate of tax imposed in this paragraph shall be increased by an amount equal to the percentage increase, if any, in the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor for the 12 months ending in September of 2022. On July 1, 2023, and on July 1 of each subsequent year, the rate of tax imposed in this paragraph shall be increased by an amount equal to the percentage increase, if any, in the Consumer Price Index for All Urban Consumers for all items published by the United States Department of Labor for the 12 months ending in March of the year in which the increase takes place. The rate shall be rounded to the nearest one-tenth of one cent.

(a-5) Beginning on July 1, 2022 and through December 31, 2022, each retailer of motor fuel shall cause the following notice to be posted in a prominently visible place on each retail dispensing device that is used to dispense motor fuel in the State of Illinois: "As of July 1, 2022, the State of Illinois has suspended the inflation adjustment to the motor fuel tax through December 31, 2022. The price on this pump should reflect the suspension of the tax increase." The notice shall be printed in bold print on a sign that is no smaller than 4 inches by 8 inches. The sign shall be clearly visible to customers. Any retailer who fails to post or maintain a required sign through December 31, 2022 is guilty of a petty offense for which the fine shall be $500 per day per each retail premises where a violation occurs.

(b) Until July 1, 2019, the tax on the privilege of operating motor vehicles which use diesel fuel, liquefied natural gas, or propane shall be the rate according to paragraph (a) plus an additional 2 1/2 cents per gallon. Beginning July 1, 2019, the tax on the privilege of operating motor vehicles which use diesel fuel, liquefied natural gas, or propane shall be the rate according to subsection (a) plus an additional 7.5 cents per gallon. "Diesel fuel" is defined as any product intended for use or offered for sale as a fuel for engines in which the fuel is injected into the combustion chamber and ignited by pressure without electric spark.

(c) A tax is imposed upon the privilege of engaging in the business of selling motor fuel as a retailer or reseller on all motor fuel used in motor vehicles operating on the public highways and recreational type watercraft operating upon the waters of this State: (1) at the rate of 3 cents per gallon on motor fuel owned or possessed by such retailer or reseller at 12:01 a.m. on August 1, 1989; and (2) at the rate of 3 cents per gallon on motor fuel owned or possessed by such retailer or reseller at 12:01 A.M. on January 1, 1990.

Retailers and resellers who are subject to this additional tax shall be required to inventory such motor fuel and pay this additional tax in a manner prescribed by the Department of Revenue.

The tax imposed in this paragraph (c) shall be in addition to all other taxes imposed by the State of Illinois or any unit of local government in this State.

(d) Except as provided in Section 2a [35 ILCS 505/2a], the collection of a tax based on gallonage of gasoline used for the propulsion of any aircraft is prohibited on and after October 1, 1979, and the collection of a tax based on gallonage of special fuel used for the propulsion of any aircraft is prohibited on and after December 1, 2019.

(e) The collection of a tax, based on gallonage of all products commonly or commercially known or sold as 1-K kerosene, regardless of its classification or uses, is prohibited (i) on and after July 1, 1992 until December 31, 1999, except when the 1-K kerosene is either: (1) delivered into bulk storage facilities of a bulk user, or (2) delivered directly

into the fuel supply tanks of motor vehicles and (ii) on and after January 1, 2000. Beginning on January 1, 2000, the collection of a tax, based on gallonage of all products commonly or commercially known or sold as 1-K kerosene, regardless of its classification or uses, is prohibited except when the 1-K kerosene is delivered directly into a storage tank that is located at a facility that has withdrawal facilities that are readily accessible to and are capable of dispensing 1-K kerosene into the fuel supply tanks of motor vehicles. For purposes of this subsection (e), a facility is considered to have withdrawal facilities that are not "readily accessible to and capable of dispensing 1-K kerosene into the fuel supply tanks of motor vehicles" only if the 1-K kerosene is delivered from: (i) a dispenser hose that is short enough so that it will not reach the fuel supply tank of a motor vehicle or (ii) a dispenser that is enclosed by a fence or other physical barrier so that a vehicle cannot pull alongside the dispenser to permit fueling.

Any person who sells or uses 1-K kerosene for use in motor vehicles upon which the tax imposed by this Law has not been paid shall be liable for any tax due on the sales or use of 1-K kerosene.

HISTORY:

P.A. 86-16; 86-125; 86-1028; 87-149; 91-173, § 5; 93-17, § 25; 96-1384, § 5; 2017 P.A. 100-9, § 5, effective July 1, 2017; 2019 P.A. 101-10, § 15-30, effective June 5, 2019; 2019 P.A. 101-32, § 15-30, effective June 28, 2019; 2019 P.A. 101-604, § 10-50, effective December 13, 2019; 2022 P.A. 102-700, § 45-5, effective April 19, 2022.

35 ILCS 505/2a [Tax imposed on receivers of motor fuel; rate]

Except as hereinafter provided, on and after January 1, 1990 and before January 1, 2025, a tax of three-tenths of a cent per gallon is imposed upon the privilege of being a receiver in this State of fuel for sale or use. Beginning January 1, 2021, this tax is not imposed on sales of aviation fuel for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State.

The tax shall be paid by the receiver in this State who first sells or uses fuel. In the case of a sale, the tax shall be stated as a separate item on the invoice.

For the purpose of the tax imposed by this Section, being a receiver of "motor fuel" as defined by Section 1.1 of this Act [35 ILCS 505/1.1], and aviation fuels, home heating oil and kerosene, but excluding liquified petroleum gases, is subject to tax without regard to whether the fuel is intended to be used for operation of motor vehicles on the public highways and waters. However, no such tax shall be imposed upon the importation or receipt of aviation fuels and kerosene at airports with over 300,000 operations per year, for years prior to 1991, and over 170,000 operations per year beginning in 1991, located in a city of more than 1,000,000 inhabitants for sale to or use by holders of certificates of public convenience and necessity or foreign air carrier permits, issued by the United States Department of Transportation, and their air carrier affiliates, or upon the importation or receipt of aviation fuels and kerosene at facilities owned or leased by those certificate or permit holders and used in their activities at an airport described above. In addition, no such tax shall be imposed upon the importation or receipt of diesel fuel or liquefied natural gas sold to or used by a rail carrier registered pursuant to Section 18c-7201 of the Illinois Vehicle Code [625 ILCS 5/18c-7201] or otherwise recognized by the Illinois Commerce Commission as a rail carrier, to the extent used directly in railroad operations. In addition, no such tax shall be imposed when the sale is made with delivery to a purchaser outside this State or when the sale is made to a person holding a valid license as a receiver. In addition, no tax shall be imposed upon diesel fuel or liquefied natural gas consumed or used in the operation of ships, barges, or vessels, that are used primarily in or for the transportation of property in interstate commerce for hire on rivers bordering on this State, if the diesel fuel or liquefied natural gas is delivered by a licensed receiver to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river. A specific notation thereof shall be made on the invoices or sales slips covering each sale.

HISTORY:

P.A. 86-125; 86-958; 87-251; 88-496, § 10; 89-428, § 392; 89-457, § 392; 89-468, § 5; 92-232, § 5; 96-161, § 5; 2017 P.A. 100-9, § 5, effective July 1, 2017; 2019 P.A. 101-604, § 10-50, effective December 13, 2019.

35 ILCS 505/2b Receiver's monthly return.

In addition to the tax collection and reporting responsibilities imposed elsewhere in this Act, a person who is required to pay the tax imposed by Section 2a of this Act [35 ILCS 505/2a] shall pay the tax to the Department by return showing all fuel purchased, acquired or received and sold, distributed or used during the preceding calendar month including losses of fuel as the result of evaporation or shrinkage due to temperature variations, and such other reasonable information as the Department may require. Losses of fuel as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of the month, plus the receipts of gallonage during the month, minus the gallonage remaining in storage at the end of the month. Any loss reported that is in excess of this amount shall be subject to the tax imposed by Section 2a of this Law. On and after July 1, 2001, for each 6-month period January through June, net losses of fuel (for each category of fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each January, plus the receipts of gallonage each January through June, minus the gallonage remaining in storage at the end of each June. On and after July 1, 2001, for each 6-month period July through December, net losses of fuel (for each category of fuel that is required to be

reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each July, plus the receipts of gallonage each July through December, minus the gallonage remaining in storage at the end of each December. Any net loss reported that is in excess of this amount shall be subject to the tax imposed by Section 2a of this Law. For purposes of this Section, "net loss" means the number of gallons gained through temperature variations minus the number of gallons lost through temperature variations or evaporation for each of the respective 6-month periods.

The return shall be prescribed by the Department and shall be filed between the 1st and 20th days of each calendar month. The Department may, in its discretion, combine the returns filed under this Section, Section 5, and Section 5a of this Act [35 ILCS 505/5 and 35 ILCS 505/5a]. The return must be accompanied by appropriate computer-generated magnetic media supporting schedule data in the format required by the Department, unless, as provided by rule, the Department grants an exception upon petition of a taxpayer. If the return is filed timely, the seller shall take a discount of 2% through June 30, 2003 and 1.75% thereafter which is allowed to reimburse the seller for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the tax and supplying data to the Department on request. The discount, however, shall be applicable only to the amount of payment which accompanies a return that is filed timely in accordance with this Section. The discount under this Section is not allowed for taxes paid on aviation fuel that are subject to the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133.

Beginning on January 1, 2020 and ending with returns due on January 20, 2021, each person who is required to pay the tax imposed under Section 2a of this Act on aviation fuel sold or used in this State during the preceding calendar month shall, instead of reporting and paying tax on aviation fuel as otherwise required by this Section, report and pay such tax on a separate aviation fuel tax return or a separate line on the return. The requirements related to the return shall be as otherwise provided in this Section. Notwithstanding any other provisions of this Act to the contrary, a person required to pay the tax imposed by Section 2a of this Act on aviation fuel shall file all aviation fuel tax returns and shall make all aviation fuel tax payments by electronic means in the manner and form required by the Department. For purposes of this Law, "aviation fuel" means jet fuel and aviation gasoline.

If any payment provided for in this Section exceeds the receiver's liabilities under this Act, as shown on an original return, the Department may authorize the receiver to credit such excess payment against liability subsequently to be remitted to the Department under this Act, in accordance with reasonable rules adopted by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the receiver, the receiver's discount shall be reduced by an amount equal to the difference between the discount as applied to the credit taken and that actually due, and that receiver shall be liable for penalties and interest on such difference.

HISTORY:

P.A. 86-125; 86-958; 88-194, § 20; 91-173, § 5; 92-30, § 5; 93-32, § 50-35; 2018 P.A. 100-1171, § 83, effective January 4, 2019; 2019 P.A. 101-10, § 15-30, effective June 5, 2019; 2019 P.A. 101-604, § 10-50, effective December 13, 2019.

35 ILCS 505/2c Sunset of exemptions, credits, and deductions

The application of every exemption, credit, and deduction against tax imposed by this Act that becomes law after the effective date of this amendatory Act of 1994 shall be limited by a reasonable and appropriate sunset date. A taxpayer is not entitled to take the exemption, credit, or deduction beginning on the sunset date and thereafter. If a reasonable and appropriate sunset date is not specified in the Public Act that creates the exemption, credit, or deduction, a taxpayer shall not be entitled to take the exemption, credit, or deduction beginning 5 years after the effective date of the Public Act creating the exemption, credit, or deduction and thereafter.

HISTORY:

P.A. 88-660, § 65.

35 ILCS 505/2d Reporting and payment requirements for persons who produce biodiesel fuel or biodiesel blends for self-use

(a) Beginning July 1, 2007, notwithstanding any other reporting provisions of this Act, if a private biodiesel fuel producer's total gallonage that is taxable under Sections 2 and 2a of this Act [35 ILCS 505/2 and 35 ILCS 505/2a] for biodiesel fuel and biodiesel fuel blends is less than 5,000 gallons per year, then he or she must file returns and make payment of the tax imposed by Section 2 and Section 2a of this Act on an annual basis. The returns and payment of tax for a given year are due by January 20 of the following year.

(b) If a private biodiesel fuel producer's total gallonage that is taxable under Sections 2 and 2a of this Act for biodiesel fuel and biodiesel fuel blends is 5,000 or more gallons per year, then he or she must file returns and make payment of the tax imposed by Section 2 and Section 2a of this Act on a monthly basis. The returns and payment of tax are due between the 1st and 20th days of each calendar month for the preceding calendar month.

(c) Except for persons required to be licensed under Section 13a.4 of this Act [35 ILCS 505/13a.4], a person who is subject to the provisions of this Section is exempt from all bonding and licensure require-

ments otherwise imposed under this Act. Each person who is subject to the provisions of this Section must keep records as required by Section 12 of this Act [35 ILCS 505/12].

(d) For the purposes of this Section:

"Biodiesel blend" has the meaning set forth under Section 3-42 of the Use Tax Act (35 ILCS 105/3-42).

"Biodiesel fuel" has the meaning set forth under Section 3-41 of the Use Tax Act (35 ILCS 105/3-41).

"Biomass materials" has the meaning set forth under Section 3-43 of the Use Tax Act (35 ILCS 105/3-43).

"Private biodiesel fuel producer" means a person whose only activities with respect to motor fuel are:

(1) the conversion of any biomass materials into biodiesel fuel, which is produced exclusively for personal use and not for sale; or

(2) the blending of biodiesel fuel resulting in biodiesel blends, which is produced exclusively for personal use and not for sale.

HISTORY:

P.A. 95-264, § 5.

35 ILCS 505/3 [Distributor's license; blender's permit; bond; foreign businesses]

No person shall act as a distributor of motor fuel within this State without first securing a license to act as a distributor of motor fuel from the Department. Application for such license shall be made to the Department upon blanks furnished by it. The application shall be signed and verified, and shall contain such information as the Department deems necessary. A blender shall, in addition to securing a distributor's license, make application to the Department for a blender's permit, setting forth in the application such information as the Department deems necessary. The applicant for a distributor's license shall also file with the Department a bond on a form to be approved by and with a surety or sureties satisfactory to the Department conditioned upon such applicant paying to the State of Illinois all monies becoming due by reason of the sale, export, or use of motor fuel by the applicant, together with all penalties and interest thereon. The Department shall fix the penalty of such bond in each case taking into consideration the amount of motor fuel expected to be sold, distributed, exported, and used by such applicant and the penalty fixed by the Department shall be such, as in its opinion, will protect the State of Illinois against failure to pay the amount hereinafter provided on motor fuel sold, distributed, exported, and used, but the amount of the penalty fixed by the Department shall not exceed twice the monthly amount that would be collectable as a tax in the event of a sale on all the motor fuel sold, distributed, exported, and used by the distributor inclusive of tax-free sales, exports, use, or distribution. Upon receipt of the application and bond in proper form, the Department shall issue to the applicant a license to act as a distributor. No person who is in default to the State for monies due under this Act for the sale, distribution, export, or use of motor fuel shall receive a license to act as a distributor.

A license shall not be granted to any person whose principal place of business is in a state other than Illinois, unless such person is licensed for motor fuel distribution or export in the state in which the principal place of business is located and that such person is not in default to that State for any monies due for the sale, distribution, export, or use of motor fuel.

HISTORY:

P.A. 87-149; 90-491, § 48; 91-173, § 5; 96-1384, § 5.

35 ILCS 505/3a [Suppliers of special fuel; license; bond; foreign businesses]

No person, other than a licensed distributor, shall act as a supplier of special fuel within this State without first securing a license to act as a supplier of special fuel from the Department.

Application for such license shall be made to the Department upon blanks furnished by it. The application shall be signed and verified and shall contain such information as the Department deems necessary.

The applicant for a supplier's license shall also file, with the Department, a bond on a form to be approved by and with a surety or sureties satisfactory to the Department, conditioned upon such applicant paying to the State of Illinois all moneys becoming due by reason of the sale or use of special fuel by the applicant, together with all penalties and interest thereon. The Department shall fix the penalty of such bond in each case, taking into consideration the amount of special fuel expected to be sold, distributed, exported, and used by such applicant, and the penalty fixed by the Department shall be such, as in its opinion, will protect the State of Illinois against failure to pay the amount hereinafter provided on special fuel sold, distributed, exported, and used, but the amount of the penalty fixed by the Department shall not exceed twice the monthly amount of tax liability that would be collectable as a tax in the event of a taxable sale on all the special fuel sold, distributed, exported, and used by the supplier inclusive of tax-free sales, use, exports, or distribution.

Upon receipt of the application and bond in proper form, the Department shall issue to the applicant a license to act as a supplier. No person who is in default to the State for moneys due under this Act for the sale, distribution, export, or use of motor fuel shall receive a license to act as a supplier.

A license shall not be granted to any person whose principal place of business is in a state other than Illinois, unless such person is licensed for motor fuel distribution or export in the State in which the principal place of business is located and that other State requires such license and that such person is not in default to that State for any monies due for the sale, distribution, export, or use of motor fuel.

HISTORY:
P.A. 87-149; 90-491, § 48; 91-173, § 5; 96-1384, § 5.

35 ILCS 505/3a-1 through 35 ILCS 505/3b: [Repealed] Repealed by P.A. 91-173, § 10, effective January 1, 2000.

35 ILCS 505/3c [Receiver of fuel; license; bond]

No person shall act as a receiver of fuel within this State without first securing a license from the Department to act as a receiver of fuel.

Application for such license shall be made to the Department upon blanks furnished by it. The application shall be signed and verified, and shall contain such information as the Department deems necessary. The applicant for a receiver's license shall also file with the Department a bond on a form to be approved by and with a surety or sureties satisfactory to the Department conditioned upon such applicant paying to the State of Illinois all monies becoming due by reason of the receipt of fuel by the applicant, together with all penalties and interest thereon. The Department shall fix the penalty of such bond in each case taking into consideration the amount of fuel expected to be sold, distributed and used by such applicant and the penalty fixed by the Department shall be such, as in its opinion, will protect the State of Illinois against failure to pay the tax imposed by Section 2a [35 ILCS 505/2a] on fuel received in this State, but the amount of the penalty fixed by the Department shall not exceed twice the monthly amount that would be due in the event of a sale or use on all the fuel sold or used by the receiver inclusive of tax-free sales or use.

Upon receipt of the application and bond in proper form, the Department shall issue to the applicant a license to act as a receiver. No person who is in default to the State for monies due under this Act for the receipt, sale, distribution or use of fuel or motor fuel shall receive a license either directly or indirectly to act as a receiver.

HISTORY:
P.A. 86-125; 86-958; 90-491, § 48; 91-173, § 5.

35 ILCS 505/3d Right to blend.

(a) A distributor who is properly licensed and permitted as a blender pursuant to this Act may blend petroleum-based diesel fuel with biodiesel and sell the blended or unblended product on any premises owned and operated by the distributor for the purpose of supporting or facilitating the retail sale of motor fuel.

(b) A refiner or supplier of petroleum-based diesel fuel or biodiesel shall not refuse to sell or transport to a distributor who is properly licensed and permitted as a blender pursuant to this Act any petroleum-based diesel fuel or biodiesel based on the distributor's or dealer's intent to use that product for blending.

HISTORY:
2022 P.A. 102-700, § 20-25, effective April 19, 2022.

35 ILCS 505/4c [Bonding provisions]

Notwithstanding any other provision to the contrary, any person who is required to file a bond pursuant to any provision of this Act and who has continuously complied with all provisions of this Act for 48 or more consecutive months, shall no longer be required to comply with the bonding provisions of this Act so long as such person continues his compliance with the provisions of this Act. This provision does not apply to motor carriers subject to the provisions of Sections 13a through 13a.5 of this Act [35 ILCS 505/13a through 35 ILCS 505/13a.5].

HISTORY:
P.A. 84-1408; 88-480, § 50; 91-173, § 5.

35 ILCS 505/4d Dyeing of non-highway fuel

All special fuel sold or used for non-highway purposes must contain only the dye Solvent Red 164 at a concentration spectrally equivalent to at least 3.9 pounds of the solid dye standard Solvent Red 26 per thousand barrels of special fuel except kerosene-type jet fuel sold for the propulsion of any aircraft. The dye must be added prior to removal from a terminal rack. The Department may also require all special fuel sold for non-highway use to have a marker added.

HISTORY:
P.A. 91-173, § 5.

35 ILCS 505/4e [Dyed diesel fuel notice on invoices]

A legible and conspicuous notice stating "Dyed Diesel Fuel, Non-taxable Use Only, Penalty For Taxable Use" must appear on all bills of lading and invoices accompanying any sale of dyed diesel fuel.

HISTORY:
P.A. 91-173, § 5; 92-30, § 5.

35 ILCS 505/4f [Dyed diesel fuel notice on containers]

A legible and conspicuous notice stating "Dyed Diesel Fuel, Non-taxable Use Only" must appear on all containers, storage tanks, or facilities used to store or distribute dyed diesel fuel.

HISTORY:
P.A. 91-173, § 5.

35 ILCS 505/5 Distributor's monthly return.

Except as hereinafter provided, a person holding a valid unrevoked license to act as a distributor of motor fuel shall, between the 1st and 20th days of each calendar month, make return to the Department, showing an itemized statement of the number

of invoiced gallons of motor fuel of the types specified in this Section which were purchased, acquired, received, or exported during the preceding calendar month; the amount of such motor fuel produced, refined, compounded, manufactured, blended, sold, distributed, exported, and used by the licensed distributor during the preceding calendar month; the amount of such motor fuel lost or destroyed during the preceding calendar month; the amount of such motor fuel on hand at the close of business for such month; and such other reasonable information as the Department may require. If a distributor's only activities with respect to motor fuel are either: (1) production of alcohol in quantities of less than 10,000 proof gallons per year or (2) blending alcohol in quantities of less than 10,000 proof gallons per year which such distributor has produced, he shall file returns on an annual basis with the return for a given year being due by January 20 of the following year. Distributors whose total production of alcohol (whether blended or not) exceeds 10,000 proof gallons per year, based on production during the preceding (calendar) year or as reasonably projected by the Department if one calendar year's record of production cannot be established, shall file returns between the 1st and 20th days of each calendar month as hereinabove provided.

The types of motor fuel referred to in the preceding paragraph are: (A) All products commonly or commercially known or sold as gasoline (including casing-head and absorption or natural gasoline), gasohol, motor benzol or motor benzene regardless of their classification or uses; and (B) all combustible gases, not including liquefied natural gas, which exist in a gaseous state at 60 degrees Fahrenheit and at 14.7 pounds per square inch absolute including, but not limited to, liquefied petroleum gases used for highway purposes; and (C) special fuel. Only those quantities of combustible gases (example (B) above) which are used or sold by the distributor to be used to propel motor vehicles on the public highways, or which are delivered into a storage tank that is located at a facility that has withdrawal facilities which are readily accessible to and are capable of dispensing combustible gases into the fuel supply tanks of motor vehicles, shall be subject to return. Distributors of liquefied natural gas are not required to make returns under this Section with respect to that liquefied natural gas unless (i) the liquefied natural gas is dispensed into the fuel supply tank of any motor vehicle or (ii) the liquefied natural gas is delivered into a storage tank that is located at a facility that has withdrawal facilities which are readily accessible to and are capable of dispensing liquefied natural gas into the fuel supply tanks of motor vehicles. For purposes of this Section, a facility is considered to have withdrawal facilities that are not "readily accessible to and capable of dispensing combustible gases into the fuel supply tanks of motor vehicles" only if the combustible gases or liquefied natural gas are delivered from: (i) a dispenser hose that is short enough so that it will not reach the fuel supply tank of a motor vehicle or (ii) a dispenser that is enclosed by a fence or other physical barrier so that a vehicle cannot pull alongside the dispenser to permit fueling. For the purposes of this Act, liquefied petroleum gases shall mean and include any material having a vapor pressure not exceeding that allowed for commercial propane composed predominantly of the following hydrocarbons, either by themselves or as mixtures: Propane, Propylene, Butane (normal butane or iso-butane) and Butylene (including isomers).

In case of a sale of special fuel to someone other than a licensed distributor, or a licensed supplier, for a use other than in motor vehicles, the distributor shall show in his return the amount of invoiced gallons sold and the name and address of the purchaser in addition to any other information the Department may require.

All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law [35 ILCS 505/4d].

In case of a tax-free sale, as provided in Section 6 [35 ILCS 505/6], of motor fuel which the distributor is required by this Section to include in his return to the Department, the distributor in his return shall show: (1) If the sale is made to another licensed distributor the amount sold and the name, address and license number of the purchasing distributor; (2) if the sale is made to a person where delivery is made outside of this State the name and address of such purchaser and the point of delivery together with the date and amount delivered; (3) if the sale is made to the Federal Government or its instrumentalities the amount sold; (4) if the sale is made to a municipal corporation owning and operating a local transportation system for public service in this State the name and address of such purchaser, and the amount sold, as evidenced by official forms of exemption certificates properly executed and furnished by such purchaser; (5) if the sale is made to a privately owned public utility owning and operating 2-axle vehicles designed and used for transporting more than 7 passengers, which vehicles are used as common carriers in general transportation of passengers, are not devoted to any specialized purpose and are operated entirely within the territorial limits of a single municipality or of any group of contiguous municipalities or in a close radius thereof, and the operations of which are subject to the regulations of the Illinois Commerce Commission, then the name and address of such purchaser and the amount sold as evidenced by official forms of exemption certificates properly executed and furnished by the purchaser; (6) if the product sold is special fuel and if the sale is made to a licensed supplier under conditions which qualify the sale for tax exemption under Section 6 of this Act [35 ILCS 505/6], the amount sold and the name, address and license number of the purchaser; and (7) if a sale of special fuel is made to someone other than a licensed distributor, or a licensed supplier, for a use

other than in motor vehicles, by making a specific notation thereof on the invoice or sales slip covering such sales and obtaining such supporting documentation as may be required by the Department.

All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law.

A person whose license to act as a distributor of motor fuel has been revoked shall make a return to the Department covering the period from the date of the last return to the date of the revocation of the license, which return shall be delivered to the Department not later than 10 days from the date of the revocation or termination of the license of such distributor; the return shall in all other respects be subject to the same provisions and conditions as returns by distributors licensed under the provisions of this Act.

The records, waybills and supporting documents kept by railroads and other common carriers in the regular course of business shall be prima facie evidence of the contents and receipt of cars or tanks covered by those records, waybills or supporting documents.

If the Department has reason to believe and does believe that the amount shown on the return as purchased, acquired, received, exported, sold, used, lost or destroyed is incorrect, or that an amount of motor fuel of the types required by the second paragraph of this Section to be reported to the Department has not been correctly reported the Department shall fix an amount for such receipt, sales, export, use, loss or destruction according to its best judgment and information, which amount so fixed by the Department shall be prima facie correct. All returns shall be made on forms prepared and furnished by the Department, and shall contain such other information as the Department may reasonably require. The return must be accompanied by appropriate computer-generated magnetic media supporting schedule data in the format required by the Department, unless, as provided by rule, the Department grants an exception upon petition of a taxpayer. All licensed distributors shall report all losses of motor fuel sustained on account of fire, theft, spillage, spoilage, leakage, or any other provable cause when filing the return for the period during which the loss occurred. If the distributor reports losses due to fire or theft, then the distributor must include fire department or police department reports and any other documentation that the Department may require. The mere making of the report does not assure the allowance of the loss as a reduction in tax liability. Losses of motor fuel as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of the month, plus the receipts of gallonage during the month, minus the gallonage remaining in storage at the end of the month. Any loss reported that is in excess of 1% shall be subject to the tax imposed by Section 2 of this Law [35 ILCS 505/2]. On and after July 1, 2001, for each 6-month period January through June, net losses of motor fuel (for each category of motor fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each January, plus the receipts of gallonage each January through June, minus the gallonage remaining in storage at the end of each June. On and after July 1, 2001, for each 6-month period July through December, net losses of motor fuel (for each category of motor fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each July, plus the receipts of gallonage each July through December, minus the gallonage remaining in storage at the end of each December. Any net loss reported that is in excess of this amount shall be subject to the tax imposed by Section 2 of this Law. For purposes of this Section, "net loss" means the number of gallons gained through temperature variations minus the number of gallons lost through temperature variations or evaporation for each of the respective 6-month periods.

If any payment provided for in this Section exceeds the distributor's liabilities under this Act, as shown on an original return, the Department may authorize the distributor to credit such excess payment against liability subsequently to be remitted to the Department under this Act, in accordance with reasonable rules adopted by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the distributor, the distributor's discount shall be reduced by an amount equal to the difference between the discount as applied to the credit taken and that actually due, and that distributor shall be liable for penalties and interest on such difference.

HISTORY:

P.A. 87-149; 88-194, § 20; 91-173, § 5; 92-30, § 5; 96-1384, § 5; 2017 P.A. 100-9, § 5, effective July 1, 2017; 2018 P.A. 100-1171, § 83, effective January 4, 2019.

35 ILCS 505/5a Supplier's monthly return.

A person holding a valid unrevoked license to act as a supplier of special fuel shall, between the 1st and 20th days of each calendar month, make return to the Department showing an itemized statement of the number of invoiced gallons of special fuel acquired, received, purchased, sold, exported, or used during the preceding calendar month; the amount of special fuel sold, distributed, exported, and used by the licensed supplier during the preceding calendar month; the amount of special fuel lost or destroyed during the preceding calendar month; the amount of special fuel on hand at the close of business for the preceding calendar month; and such other reasonable information as the Department may require.

A person whose license to act as a supplier of special fuel has been revoked shall make a return to

the Department covering the period from the date of the last return to the date of the revocation of the license, which return shall be delivered to the Department not later than 10 days from the date of the revocation or termination of the license of such supplier. The return shall in all other respects be subject to the same provisions and conditions as returns by suppliers licensed under this Act.

The records, waybills and supporting documents kept by railroads and other common carriers in the regular course of business shall be prima facie evidence of the contents and receipt of cars or tanks covered by those records, waybills or supporting documents.

If the Department has reason to believe and does believe that the amount shown on the return as purchased, acquired, received, sold, exported, used, or lost is incorrect, or that an amount of special fuel of the type required by the 1st paragraph of this Section to be reported to the Department by suppliers has not been correctly reported as a purchase, receipt, sale, use, export, or loss the Department shall fix an amount for such purchase, receipt, sale, use, export, or loss according to its best judgment and information, which amount so fixed by the Department shall be prima facie correct. All licensed suppliers shall report all losses of special fuel sustained on account of fire, theft, spillage, spoilage, leakage, or any other provable cause when filing the return for the period during which the loss occurred. If the supplier reports losses due to fire or theft, then the supplier must include fire department or police department reports and any other documentation that the Department may require. The mere making of the report does not assure the allowance of the loss as a reduction in tax liability. Losses of special fuel as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of the month, plus the receipts of gallonage during the month, minus the gallonage remaining in storage at the end of the month.

Any loss reported that is in excess of 1% shall be subject to the tax imposed by Section 2 of this Law [35 ILCS 505/2]. On and after July 1, 2001, for each 6-month period January through June, net losses of special fuel (for each category of special fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each January, plus the receipts of gallonage each January through June, minus the gallonage remaining in storage at the end of each June. On and after July 1, 2001, for each 6-month period July through December, net losses of special fuel (for each category of special fuel that is required to be reported on a return) as the result of evaporation or shrinkage due to temperature variations may not exceed 1% of the total gallons in storage at the beginning of each July, plus the receipts of gallonage each July through December, minus the gallonage remaining in storage at the end of each December. Any net loss reported that is in excess of this amount shall be subject to the tax imposed by Section 2 of this Law. For purposes of this Section, "net loss" means the number of gallons gained through temperature variations minus the number of gallons lost through temperature variations or evaporation for each of the respective 6-month periods.

In case of a sale of special fuel to someone other than a licensed distributor or licensed supplier for a use other than in motor vehicles, the supplier shall show in his return the amount of invoiced gallons sold and the name and address of the purchaser in addition to any other information the Department may require.

All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law [35 ILCS 505/4d].

All returns shall be made on forms prepared and furnished by the Department and shall contain such other information as the Department may reasonably require. The return must be accompanied by appropriate computer-generated magnetic media supporting schedule data in the format required by the Department, unless, as provided by rule, the Department grants an exception upon petition of a taxpayer.

In case of a tax-free sale, as provided in Section 6a [35 ILCS 505/6a], of special fuel which the supplier is required by this Section to include in his return to the Department, the supplier in his return shall show: (1) If the sale of special fuel is made to the Federal Government or its instrumentalities; (2) if the sale of special fuel is made to a municipal corporation owning and operating a local transportation system for public service in this State, the name and address of such purchaser and the amount sold, as evidenced by official forms of exemption certificates properly executed and furnished by such purchaser; (3) if the sale of special fuel is made to a privately owned public utility owning and operating 2-axle vehicles designed and used for transporting more than 7 passengers, which vehicles are used as common carriers in general transportation of passengers, are not devoted to any specialized purpose and are operated entirely within the territorial limits of a single municipality or of any group of contiguous municipalities or in a close radius thereof, and the operations of which are subject to the regulations of the Illinois Commerce Commission, then the name and address of such purchaser and the amount sold, as evidenced by official forms of exemption certificates properly executed and furnished by such purchaser; (4) if the product sold is special fuel and if the sale is made to a licensed supplier or to a licensed distributor under conditions which qualify the sale for tax exemption under Section 6a of this Act [35 ILCS 505/6a], the amount sold and the name, address and license number of such purchaser; (5) if a sale of special fuel is made to a person where delivery

is made outside of this State, the name and address of such purchaser and the point of delivery together with the date and amount of invoiced gallons delivered; and (6) if a sale of special fuel is made to someone other than a licensed distributor or a licensed supplier, for a use other than in motor vehicles, by making a specific notation thereof on the invoice or sales slip covering that sale and obtaining such supporting documentation as may be required by the Department.

All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law.

If any payment provided for in this Section exceeds the supplier's liabilities under this Act, as shown on an original return, the Department may authorize the supplier to credit such excess payment against liability subsequently to be remitted to the Department under this Act, in accordance with reasonable rules adopted by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the supplier, the supplier's discount shall be reduced by an amount equal to the difference between the discount as applied to the credit taken and that actually due, and that supplier shall be liable for penalties and interest on such difference.

HISTORY:
P.A. 87-149; 88-194, § 20; 91-173, § 5; 92-30, § 5; 96-1384, § 5; 2018 P.A. 100-1171, § 83, effective January 4, 2019.

35 ILCS 505/5b: [Repealed.] Repealed by P.A. 91-173, § 10, effective January 1, 2000.

35 ILCS 505/5.5 [Manifest]

All carriers of motor fuel entering this State, and all carriers transporting motor fuel within this State, except railroads, pipe lines and water transportation companies operating as common carriers, and motor vehicles carrying not more than twenty gallons of motor fuel in the ordinary tank attached to such vehicle for use therein, shall carry a manifest showing the true name and address of the consignor and the consignee, the date and time of loading, the number of gallons and such other information as may be required by the Department. Every authorized agent of the Department shall have power to stop every such carrier for the purpose of examining such manifest, and to make any other reasonable investigation which will prevent avoidance of the tax provided for in this Act.

HISTORY:
P.A. 87-895.

35 ILCS 505/6 Collection of tax; distributors.

A distributor who sells or distributes any motor fuel, which he is required by Section 5 to report to the Department when filing a return, shall (except as hereinafter provided) collect at the time of such sale and distribution, the amount of tax imposed under this Act on all such motor fuel sold and distributed, and at the time of making a return, the distributor shall pay to the Department the amount so collected less a discount of 2% through June 30, 2003 and 1.75% thereafter which is allowed to reimburse the distributor for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the tax and supplying data to the Department on request, and shall also pay to the Department an amount equal to the amount that would be collectible as a tax in the event of a sale thereof on all such motor fuel used by said distributor during the period covered by the return. However, no payment shall be made based upon dyed diesel fuel used by the distributor for non-highway purposes. The discount shall only be applicable to the amount of tax payment which accompanies a return which is filed timely in accordance with Section 5 of this Act. In each subsequent sale of motor fuel on which the amount of tax imposed under this Act has been collected as provided in this Section, the amount so collected shall be added to the selling price, so that the amount of tax is paid ultimately by the user of the motor fuel. However, no collection or payment shall be made in the case of the sale or use of any motor fuel to the extent to which such sale or use of motor fuel may not, under the constitution and statutes of the United States, be made the subject of taxation by this State. A person whose license to act as a distributor of fuel has been revoked shall, at the time of making a return, also pay to the Department an amount equal to the amount that would be collectible as a tax in the event of a sale thereof on all motor fuel, which he is required by the second paragraph of Section 5 to report to the Department in making a return, and which he had on hand on the date on which the license was revoked, and with respect to which no tax had been previously paid under this Act.

A distributor may make tax free sales of motor fuel, with respect to which he is otherwise required to collect the tax, only as specified in the following items 1 through 7.

1. When the sale is made to a person holding a valid unrevoked license as a distributor, by making a specific notation thereof on invoices or sales slip covering each sale.

2. When the sale is made with delivery to a purchaser outside of this State.

3. When the sale is made to the Federal Government or its instrumentalities.

4. When the sale is made to a municipal corporation owning and operating a local transportation system for public service in this State when an official certificate of exemption is obtained in lieu of the tax.

5. When the sale is made to a privately owned public utility owning and operating 2 axle vehicles designed and used for transporting more than 7 passengers, which vehicles are used as common carriers in general transportation of passengers,

are not devoted to any specialized purpose and are operated entirely within the territorial limits of a single municipality or of any group of contiguous municipalities, or in a close radius thereof, and the operations of which are subject to the regulations of the Illinois Commerce Commission, when an official certificate of exemption is obtained in lieu of the tax.

6. When a sale of special fuel is made to a person holding a valid, unrevoked license as a supplier, by making a specific notation thereof on the invoice or sales slip covering each such sale.

7. When a sale of dyed diesel fuel is made by the licensed distributor to the end user of the fuel who is not a licensed distributor or a licensed supplier for non-highway purposes and the fuel is (i) delivered from a vehicle designed for the specific purpose of such sales and delivered directly into a stationary bulk storage tank that displays the notice required by Section 4f of this Act, (ii) delivered from a vehicle designed for the specific purpose of such sales and delivered directly into the fuel supply tanks of non-highway vehicles that are not required to be registered for highway use, or (iii) dispensed from a dyed diesel fuel dispensing facility that has withdrawal facilities that are not readily accessible to and are not capable of dispensing dyed diesel fuel into the fuel supply tank of a motor vehicle.

A specific notation is required on the invoice or sales slip covering such sales, and any supporting documentation that may be required by the Department must be obtained by the distributor. The distributor shall obtain and keep the supporting documentation in such form as the Department may require by rule.

For purposes of this item 7, a dyed diesel fuel dispensing facility is considered to have withdrawal facilities that are "not readily accessible to and not capable of dispensing dyed diesel fuel into the fuel supply tank of a motor vehicle" only if the dyed diesel fuel is delivered from: (i) a dispenser hose that is short enough so that it will not reach the fuel supply tank of a motor vehicle or (ii) a dispenser that is enclosed by a fence or other physical barrier so that a vehicle cannot pull alongside the dispenser to permit fueling.

8. (Blank).

All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law.

All suits or other proceedings brought for the purpose of recovering any taxes, interest or penalties due the State of Illinois under this Act may be maintained in the name of the Department.

HISTORY:

P.A. 87-149; 87-205; 87-879; 87-895; 87-1189, § 1-4; 89-399, § 17; 91-173, § 5; 93-32, § 50-35; 96-1384, § 5; 2022 P.A. 102-1019, § 20, effective May 27, 2022.

35 ILCS 505/6a Collection of tax; suppliers.

A supplier, other than a licensed distributor, who sells or distributes any special fuel, which he is required by Section 5a [35 ILCS 505/5a] to report to the Department when filing a return, shall (except as hereinafter provided) collect at the time of such sale and distribution, the amount of tax imposed under this Act on all such special fuel sold and distributed, and at the time of making a return, the supplier shall pay to the Department the amount so collected less a discount of 2% through June 30, 2003 and 1.75% thereafter which is allowed to reimburse the supplier for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the tax and supplying data to the Department on request, and shall also pay to the Department an amount equal to the amount that would be collectible as a tax in the event of a sale thereof on all such special fuel used by said supplier during the period covered by the return. However, no payment shall be made based upon dyed diesel fuel used by said supplier for non-highway purposes. The discount shall only be applicable to the amount of tax payment which accompanies a return which is filed timely in accordance with Section 5(a) of this Act. In each subsequent sale of special fuel on which the amount of tax imposed under this Act has been collected as provided in this Section, the amount so collected shall be added to the selling price, so that the amount of tax is paid ultimately by the user of the special fuel. However, no collection or payment shall be made in the case of the sale or use of any special fuel to the extent to which such sale or use of motor fuel may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State.

A person whose license to act as supplier of special fuel has been revoked shall, at the time of making a return, also pay to the Department an amount equal to the amount that would be collectible as a tax in the event of a sale thereof on all special fuel, which he is required by the 1st paragraph of Section 5a to report to the Department in making a return.

A supplier may make tax-free sales of special fuel, with respect to which he is otherwise required to collect the tax, only as specified in the following items 1 through 7.

1. When the sale is made to the federal government or its instrumentalities.

2. When the sale is made to a municipal corporation owning and operating a local transportation system for public service in this State when an official certificate of exemption is obtained in lieu of the tax.

3. When the sale is made to a privately owned public utility owning and operating 2 axle vehicles designed and used for transporting more than 7 passengers, which vehicles are used as common carriers in general transportation of passengers, are not devoted to any specialized purpose and are operated entirely within the territorial limits of a single municipality or of any group of contiguous municipalities, or in a close radius thereof, and the

operations of which are subject to the regulations of the Illinois Commerce Commission, when an official certificate of exemption is obtained in lieu of the tax.

4. When a sale is made to a person holding a valid unrevoked license as a supplier or a distributor by making a specific notation thereof on invoice or sales slip covering each such sale.

5. When a sale of dyed diesel fuel is made by the licensed supplier to the end user of the fuel who is not a licensed distributor or licensed supplier for non-highway purposes and the fuel is (i) delivered from a vehicle designed for the specific purpose of such sales and delivered directly into a stationary bulk storage tank that displays the notice required by Section 4f of this Act [35 ILCS 505/4f], (ii) delivered from a vehicle designed for the specific purpose of such sales and delivered directly into the fuel supply tanks of non-highway vehicles that are not required to be registered for highway use, or (iii) dispensed from a dyed diesel fuel dispensing facility that has withdrawal facilities that are not readily accessible to and are not capable of dispensing dyed diesel fuel into the fuel supply tank of a motor vehicle.

A specific notation is required on the invoice or sales slip covering such sales, and any supporting documentation that may be required by the Department must be obtained by the supplier. The supplier shall obtain and keep the supporting documentation in such form as the Department may require by rule.

For purposes of this item 5, a dyed diesel fuel dispensing facility is considered to have withdrawal facilities that are "not readily accessible to and not capable of dispensing dyed diesel fuel into the fuel supply tank of a motor vehicle" only if the dyed diesel fuel is delivered from: (i) a dispenser hose that is short enough so that it will not reach the fuel supply tank of a motor vehicle or (ii) a dispenser that is enclosed by a fence or other physical barrier so that a vehicle cannot pull alongside the dispenser to permit fueling.

6. (Blank).

7. When a sale of special fuel is made to a person where delivery is made outside of this State.

All special fuel sold or used for non-highway purposes must have a dye added in accordance with Section 4d of this Law [35 ILCS 505/4d].

All suits or other proceedings brought for the purpose of recovering any taxes, interest or penalties due the State of Illinois under this Act may be maintained in the name of the Department.

HISTORY:
P.A. 87-149; 87-205; 87-879; 87-895; 87-1189, § 1-4; 89-399, § 17; 91-173, § 5; 92-30, § 5; 93-32, § 50-35; 96-1384, § 5; 2022 P.A. 102-1019, § 20, effective May 27, 2022.

35 ILCS 505/7 [Purchaser; payment of tax]

Any person, not licensed as a receiver, distributor or supplier, purchasing fuel or motor fuel as to which there has been no charge made to him of the tax imposed by Section 2 or 2a [35 ILCS 505/2 or 35 ILCS 505/2a], or both, shall make payment of the tax imposed by Section 2a of this Act [35 ILCS 505/2a] and if the same be thereafter used in the operation of a motor vehicle upon the public highways, make payment of the motor fuel tax computed at the rate prescribed in Section 2 of this Act [35 ILCS 505/2] on the amount so used, such payment to be made to the Department not later than the 20th day of the month succeeding the month in which the motor fuel was so used.

This Section does not apply in cases of such use of motor fuel which was obtained tax-free under an official certificate of exemption mentioned in Sections 6 and 6a of this Act [35 ILCS 505/6 and 35 ILCS 505/6a].

HISTORY:
P.A. 86-125.

35 ILCS 505/7b [Report of deliveries of reportable motor fuel]

Every railroad company, street, suburban or interurban railroad company, pipeline company, motor truck or motor tank car company and water transportation company transporting reportable motor fuel either in interstate or in intrastate commerce, to points within this State, and every person, transporting reportable motor fuel to a point in this State from a point without this State shall report all deliveries of reportable motor fuel made to points within Illinois to the Department of Revenue on forms prescribed by it.

Such reports shall cover monthly periods, shall be submitted within 30 days after the close of the month covered by the report, shall show the name and address of the person to whom the deliveries of reportable motor fuel have actually and in fact been made, the name and address of the originally named consignee, if reportable motor fuel has been delivered to any other than the originally named consignee, the point of origin, the point of delivery, the date of delivery, and the number and initials of each car, if shipped by rail, the quantity of each shipment and delivery in gallons, the date delivered, the name of the person to whom delivered the point of shipment, the point of delivery, the name of the boat or barge, if delivered by water, and if delivered by other means, the manner in which such delivery is made.

HISTORY:
Laws 1955, p. 2046; repealed by 2022 P.A. 102-851, § 10, effective January 1, 2023.

35 ILCS 505/8 [Motor fuel tax fund]

Except as provided in subsection (a-1) of this Section, Section 8a [35 ILCS 505/8a], subdivision (h)(1) of Section 12a [35 ILCS 505/12a], Section 13a.6 [35 ILCS 505/13a.6], and items 13, 14, 15, and 16 of Section 15 [35 ILCS 505/15], all money received by

the Department under this Act, including payments made to the Department by member jurisdictions participating in the International Fuel Tax Agreement, shall be deposited in a special fund in the State treasury, to be known as the "Motor Fuel Tax Fund", and shall be used as follows:

(a) 2 1/2 cents per gallon of the tax collected on special fuel under paragraph (b) of Section 2 [35 ILCS 505/2] and Section 13a [35 ILCS 505/13a] of this Act shall be transferred to the State Construction Account Fund in the State Treasury; the remainder of the tax collected on special fuel under paragraph (b) of Section 2 and Section 13a of this Act shall be deposited into the Road Fund;

(a-1) Beginning on July 1, 2019, an amount equal to the amount of tax collected under subsection (a) of Section 2 as a result of the increase in the tax rate under Public Act 101-32 shall be transferred each month into the Transportation Renewal Fund;

(b) $420,000 shall be transferred each month to the State Boating Act Fund to be used by the Department of Natural Resources for the purposes specified in Article X of the Boat Registration and Safety Act [625 ILCS 45/10-1 et seq.];

(c) $3,500,000 shall be transferred each month to the Grade Crossing Protection Fund to be used as follows: not less than $12,000,000 each fiscal year shall be used for the construction or reconstruction of rail highway grade separation structures; $5,500,000 in fiscal year 2022 and each fiscal year thereafter shall be transferred to the Transportation Regulatory Fund and shall be used to pay the cost of administration of the Illinois Commerce Commission's railroad safety program in connection with its duties under subsection (3) of Section 18c-7401 of the Illinois Vehicle Code [625 ILCS 5/18c-7401], with the remainder to be used by the Department of Transportation upon order of the Illinois Commerce Commission, to pay that part of the cost apportioned by such Commission to the State to cover the interest of the public in the use of highways, roads, streets, or pedestrian walkways in the county highway system, township and district road system, or municipal street system as defined in the Illinois Highway Code [605 ILCS 5/1-101 et seq.], as the same may from time to time be amended, for separation of grades, for installation, construction or reconstruction of crossing protection or reconstruction, alteration, relocation including construction or improvement of any existing highway necessary for access to property or improvement of any grade crossing and grade crossing surface including the necessary highway approaches thereto of any railroad across the highway or public road, or for the installation, construction, reconstruction, or maintenance of safety treatments to deter trespassing or a pedestrian walkway over or under a railroad right-of-way, as provided for in and in accordance with Section 18c-7401 of the Illinois Vehicle Code. The Commission may order up to $2,000,000 per year in Grade Crossing Protection Fund moneys for the improvement of grade crossing surfaces and up to $300,000 per year for the maintenance and renewal of 4-quadrant gate vehicle detection systems located at non-high speed rail grade crossings. In entering orders for projects for which payments from the Grade Crossing Protection Fund will be made, the Commission shall account for expenditures authorized by the orders on a cash rather than an accrual basis. For purposes of this requirement an "accrual basis" assumes that the total cost of the project is expended in the fiscal year in which the order is entered, while a "cash basis" allocates the cost of the project among fiscal years as expenditures are actually made. To meet the requirements of this subsection, the Illinois Commerce Commission shall develop annual and 5-year project plans of rail crossing capital improvements that will be paid for with moneys from the Grade Crossing Protection Fund. The annual project plan shall identify projects for the succeeding fiscal year and the 5-year project plan shall identify projects for the 5 directly succeeding fiscal years. The Commission shall submit the annual and 5-year project plans for this Fund to the Governor, the President of the Senate, the Senate Minority Leader, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives on the first Wednesday in April of each year;

(d) of the amount remaining after allocations provided for in subsections (a), (a-1), (b), and (c), a sufficient amount shall be reserved to pay all of the following:

(1) the costs of the Department of Revenue in administering this Act;

(2) the costs of the Department of Transportation in performing its duties imposed by the Illinois Highway Code for supervising the use of motor fuel tax funds apportioned to municipalities, counties and road districts;

(3) refunds provided for in Section 13 [35 ILCS 505/13], refunds for overpayment of decal fees paid under Section 13a.4 of this Act [35 ILCS 505/13a.4], and refunds provided for under the terms of the International Fuel Tax Agreement referenced in Section 14a [35 ILCS 505/14a];

(4) from October 1, 1985 until June 30, 1994, the administration of the Vehicle Emissions Inspection Law, which amount shall be certified monthly by the Environmental Protection Agency to the State Comptroller and shall promptly be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund to the Vehicle Inspection Fund, and for the period July 1, 1994 through June 30, 2000, one-twelfth of $25,000,000 each month, for the period July 1, 2000 through June 30, 2003, one-twelfth of $30,000,000 each month, and $15,000,000 on July 1, 2003, and $15,000,000 on

January 1, 2004, and $15,000,000 on each July 1 and October 1, or as soon thereafter as may be practical, during the period July 1, 2004 through June 30, 2012, and $30,000,000 on June 1, 2013, or as soon thereafter as may be practical, and $15,000,000 on July 1 and October 1, or as soon thereafter as may be practical, during the period of July 1, 2013 through June 30, 2015, for the administration of the Vehicle Emissions Inspection Law of 2005 [625 ILCS 5/13B-1 et seq.], to be transferred by the State Comptroller and Treasurer from the Motor Fuel Tax Fund into the Vehicle Inspection Fund;

(4.5) beginning on July 1, 2019, the costs of the Environmental Protection Agency for the administration of the Vehicle Emissions Inspection Law of 2005 shall be paid, subject to appropriation, from the Motor Fuel Tax Fund into the Vehicle Inspection Fund; beginning in 2019, no later than December 31 of each year, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer from the Vehicle Inspection Fund to the Motor Fuel Tax Fund any balance remaining in the Vehicle Inspection Fund in excess of $2,000,000;

(5) amounts ordered paid by the Court of Claims; and

(6) payment of motor fuel use taxes due to member jurisdictions under the terms of the International Fuel Tax Agreement. The Department shall certify these amounts to the Comptroller by the 15th day of each month; the Comptroller shall cause orders to be drawn for such amounts, and the Treasurer shall administer those amounts on or before the last day of each month;

(e) after allocations for the purposes set forth in subsections (a), (a-1), (b), (c), and (d), the remaining amount shall be apportioned as follows:

(1) Until January 1, 2000, 58.4%, and beginning January 1, 2000, 45.6% shall be deposited as follows:

(A) 37% into the State Construction Account Fund, and

(B) 63% into the Road Fund, $1,250,000 of which shall be reserved each month for the Department of Transportation to be used in accordance with the provisions of Sections 6-901 through 6-906 of the Illinois Highway Code [605 ILCS 5/6-901 through 605 ILCS 5/6-906];

(2) Until January 1, 2000, 41.6%, and beginning January 1, 2000, 54.4% shall be transferred to the Department of Transportation to be distributed as follows:

(A) 49.10% to the municipalities of the State,

(B) 16.74% to the counties of the State having 1,000,000 or more inhabitants,

(C) 18.27% to the counties of the State having less than 1,000,000 inhabitants,

(D) 15.89% to the road districts of the State.

If a township is dissolved under Article 24 of the Township Code [60 ILCS 1/24-10 et seq.], McHenry County shall receive any moneys that would have been distributed to the township under this subparagraph, except that a municipality that assumes the powers and responsibilities of a road district under paragraph (6) of Section 24-35 of the Township Code [60 ILCS 1/24-35] shall receive any moneys that would have been distributed to the township in a percent equal to the area of the dissolved road district or portion of the dissolved road district over which the municipality assumed the powers and responsibilities compared to the total area of the dissolved township. The moneys received under this subparagraph shall be used in the geographic area of the dissolved township. If a township is reconstituted as provided under Section 24-45 of the Township Code [60 ILCS 1/24-45], McHenry County or a municipality shall no longer be distributed moneys under this subparagraph.

As soon as may be after the first day of each month, the Department of Transportation shall allot to each municipality its share of the amount apportioned to the several municipalities which shall be in proportion to the population of such municipalities as determined by the last preceding municipal census if conducted by the Federal Government or Federal census. If territory is annexed to any municipality subsequent to the time of the last preceding census the corporate authorities of such municipality may cause a census to be taken of such annexed territory and the population so ascertained for such territory shall be added to the population of the municipality as determined by the last preceding census for the purpose of determining the allotment for that municipality. If the population of any municipality was not determined by the last Federal census preceding any apportionment, the apportionment to such municipality shall be in accordance with any census taken by such municipality. Any municipal census used in accordance with this Section shall be certified to the Department of Transportation by the clerk of such municipality, and the accuracy thereof shall be subject to approval of the Department which may make such corrections as it ascertains to be necessary.

As soon as may be after the first day of each month, the Department of Transportation shall allot to each county its share of the amount apportioned to the several counties of the State as herein provided. Each allotment to the several counties having less than 1,000,000 inhabitants shall be in proportion to the amount of motor vehicle license fees received from the residents of such counties, respectively, during the preceding calendar year. The Secretary of State shall, on or before April 15 of each year, transmit to the Department of Transportation a full and complete report showing the amount of motor vehicle

license fees received from the residents of each county, respectively, during the preceding calendar year. The Department of Transportation shall, each month, use for allotment purposes the last such report received from the Secretary of State.

As soon as may be after the first day of each month, the Department of Transportation shall allot to the several counties their share of the amount apportioned for the use of road districts. The allotment shall be apportioned among the several counties in the State in the proportion which the total mileage of township or district roads in the respective counties bears to the total mileage of all township and district roads in the State. Funds allotted to the respective counties for the use of road districts therein shall be allocated to the several road districts in the county in the proportion which the total mileage of such township or district roads in the respective road districts bears to the total mileage of all such township or district roads in the county. After July 1 of any year prior to 2011, no allocation shall be made for any road district unless it levied a tax for road and bridge purposes in an amount which will require the extension of such tax against the taxable property in any such road district at a rate of not less than either .08% of the value thereof, based upon the assessment for the year immediately prior to the year in which such tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less. Beginning July 1, 2011 and each July 1 thereafter, an allocation shall be made for any road district if it levied a tax for road and bridge purposes. In counties other than DuPage County, if the amount of the tax levy requires the extension of the tax against the taxable property in the road district at a rate that is less than 0.08% of the value thereof, based upon the assessment for the year immediately prior to the year in which the tax was levied and as equalized by the Department of Revenue, then the amount of the allocation for that road district shall be a percentage of the maximum allocation equal to the percentage obtained by dividing the rate extended by the district by 0.08%. In DuPage County, if the amount of the tax levy requires the extension of the tax against the taxable property in the road district at a rate that is less than the lesser of (i) 0.08% of the value of the taxable property in the road district, based upon the assessment for the year immediately prior to the year in which such tax was levied and as equalized by the Department of Revenue, or (ii) a rate that will yield an amount equal to $12,000 per mile of road under the jurisdiction of the road district, then the amount of the allocation for the road district shall be a percentage of the maximum allocation equal to the percentage obtained by dividing the rate extended by the district by the lesser of (i) 0.08% or (ii) the rate that will yield an amount equal to $12,000 per mile of road under the jurisdiction of the road district.

Prior to 2011, if any road district has levied a special tax for road purposes pursuant to Sections 6-601, 6-602, and 6-603 of the Illinois Highway Code [605 ILCS 5/6-601, 605 ILCS 5/6-602 and 605 ILCS 5/6-603], and such tax was levied in an amount which would require extension at a rate of not less than .08% of the value of the taxable property thereof, as equalized or assessed by the Department of Revenue, or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less, such levy shall, however, be deemed a proper compliance with this Section and shall qualify such road district for an allotment under this Section. Beginning in 2011 and thereafter, if any road district has levied a special tax for road purposes under Sections 6-601, 6-602, and 6-603 of the Illinois Highway Code, and the tax was levied in an amount that would require extension at a rate of not less than 0.08% of the value of the taxable property of that road district, as equalized or assessed by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less, that levy shall be deemed a proper compliance with this Section and shall qualify such road district for a full, rather than proportionate, allotment under this Section. If the levy for the special tax is less than 0.08% of the value of the taxable property, or, in DuPage County if the levy for the special tax is less than the lesser of (i) 0.08% or (ii) $12,000 per mile of road under the jurisdiction of the road district, and if the levy for the special tax is more than any other levy for road and bridge purposes, then the levy for the special tax qualifies the road district for a proportionate, rather than full, allotment under this Section. If the levy for the special tax is equal to or less than any other levy for road and bridge purposes, then any allotment under this Section shall be determined by the other levy for road and bridge purposes.

Prior to 2011, if a township has transferred to the road and bridge fund money which, when added to the amount of any tax levy of the road district would be the equivalent of a tax levy requiring extension at a rate of at least .08%, or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less, such transfer, together with any such tax levy, shall be deemed a proper compliance with this Section and shall qualify the road district for an allotment under this Section.

In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law [35 ILCS 200/18-185 et seq.], road districts may retain their entitlement to a motor fuel tax allotment or, beginning in 2011, their entitlement to a full allotment if, at the time the property tax extension limitation was imposed, the road district was levying a road and bridge tax at a rate sufficient to entitle it to a motor fuel tax allotment and continues to levy the maximum allowable

amount after the imposition of the property tax extension limitation. Any road district may in all circumstances retain its entitlement to a motor fuel tax allotment or, beginning in 2011, its entitlement to a full allotment if it levied a road and bridge tax in an amount that will require the extension of the tax against the taxable property in the road district at a rate of not less than 0.08% of the assessed value of the property, based upon the assessment for the year immediately preceding the year in which the tax was levied and as equalized by the Department of Revenue or, in DuPage County, an amount equal to or greater than $12,000 per mile of road under the jurisdiction of the road district, whichever is less.

As used in this Section, the term "road district" means any road district, including a county unit road district, provided for by the Illinois Highway Code; and the term "township or district road" means any road in the township and district road system as defined in the Illinois Highway Code. For the purposes of this Section, "township or district road" also includes such roads as are maintained by park districts, forest preserve districts and conservation districts. The Department of Transportation shall determine the mileage of all township and district roads for the purposes of making allotments and allocations of motor fuel tax funds for use in road districts.

Payment of motor fuel tax moneys to municipalities and counties shall be made as soon as possible after the allotment is made. The treasurer of the municipality or county may invest these funds until their use is required and the interest earned by these investments shall be limited to the same uses as the principal funds.

HISTORY:

P.A. 86-16; 86-125; 86-982; 86-1028; 86-1091; 86-1433; 86-1475; 88-480, § 50; 88-533, § 10; 89-167, § 5; 89-445, § 9A-37; 89-699, § 12; 90-110, § 5; 90-655, § 44; 90-659, § 5; 90-691, § 5; 91-37, § 30; 91-59, § 5; 91-173, § 5; 91-357, § 62; 91-704, § 10-20; 91-725, § 5; 91-794, § 5; 92-16, § 39; 92-30, § 5; 93-32, § 50-35; 93-839, § 10-145; 94-839, § 5-65; 95-744, § 47; 96-34, § 930; 96-45, § 5-50; 96-959, § 5-40; 96-1000, § 220; 96-1024, § 5; 96-1384, § 5; 97-72, § 5-20; 97-333, § 140; 98-24, § 5-60; 98-674, § 20; 2019 P.A. 101-32, § 15-30, effective June 28, 2019; 2019 P.A. 101-230, § 10, effective August 9, 2019; 2019 P.A. 101-493, § 5, effective August 23, 2019; 2021 P.A. 102-16, § 5-5, effective June 17, 2021; 2021 P.A. 102-558, § 250, effective August 20, 2021; 2022 P.A. 102-699, § 5-65, effective April 19, 2022.

35 ILCS 505/8a Deposit of proceeds.

Until July 1, 2022 and beginning again on July 1, 2023, all money received by the Department under Section 2a of this Act [35 ILCS 505/2a], except money received from taxes on aviation fuel sold or used on or after December 1, 2019 and through December 31, 2020, shall be deposited in the Underground Storage Tank Fund. All money received by the Department under Section 2a of this Act for aviation fuel sold or used on or after December 1, 2019, shall be deposited into the State Aviation Program Fund. This exception for aviation fuel only applies for so long as the revenue use requirements of 49 U.S.C. 47107(b) and 49 U.S.C. 47133 are binding on the State. For purposes of this Section, "aviation fuel" means jet fuel and aviation gasoline. Beginning on July 1, 2022 and through June 30, 2023, all money received by the Department under Section 2a shall be deposited in the Transportation Renewal Fund.

HISTORY:

P.A. 86-125; 88-496, § 10; 2019 P.A. 101-10, § 15-30, effective June 5, 2019; 2019 P.A. 101-604, § 10-50, effective December 13, 2019; 2022 P.A. 102-700, § 45-5, effective April 19, 2022.

35 ILCS 505/8b Transportation Renewal Fund; creation; distribution of proceeds.

(a) The Transportation Renewal Fund is hereby created as a special fund in the State treasury. Moneys in the Fund shall be used as provided in this Section:

(1) 80% of the moneys in the Fund shall be used for highway maintenance, highway construction, bridge repair, congestion relief, and construction of aviation facilities; of that 80%:

(A) the State Comptroller shall order transferred and the State Treasurer shall transfer 60% to the State Construction Account Fund; those moneys shall be used solely for construction, reconstruction, improvement, repair, maintenance, operation, and administration of highways and are limited to payments made pursuant to design and construction contracts awarded by the Department of Transportation;

(B) 40% shall be distributed by the Department of Transportation to municipalities, counties, and road districts of the State using the percentages set forth in subdivisions (A), (B), (C), and (D) of paragraph (2) of subsection (e) of Section 8 [35 ILCS 505/8]; distributions to particular municipalities, counties, and road districts under this subdivision (B) shall be made according to the allocation procedures described for municipalities, counties, and road districts in subsection (e) of Section 8 and shall be subject to the same requirements and limitations described in that subsection; and

(2) 20% of the moneys in the Fund shall be used for projects related to rail facilities and mass transit facilities, as defined in Section 2705-305 of the Department of Transportation Law of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-305], including rapid transit, rail, high-speed rail, bus and other equipment in connection with the State or a unit of local government, special district, municipal corporation, or other public agency authorized to provide and promote public transportation within the State; of that 20%:

(A) 90% shall be deposited into the Regional Transportation Authority Capital Improvement Fund, a special fund created in the State Treasury; moneys in the Regional Transportation Authority Capital Improvement Fund shall be

used by the Regional Transportation Authority for construction, improvements, and deferred maintenance on mass transit facilities and acquisition of buses and other equipment; and

(B) 10% shall be deposited into the Downstate Mass Transportation Capital Improvement Fund, a special fund created in the State Treasury; moneys in the Downstate Mass Transportation Capital Improvement Fund shall be used by local mass transit districts other than the Regional Transportation Authority for construction, improvements, and deferred maintenance on mass transit facilities and acquisition of buses and other equipment.

(b) Beginning on July 1, 2020, the Auditor General shall conduct an annual financial audit of the obligations, expenditures, receipt, and use of the funds deposited into the Transportation Renewal Fund and provide specific recommendations to help ensure compliance with State and federal statutes, rules, and regulations.

HISTORY:
2019 P.A. 101-32, § 15-30, effective June 28, 2019; 2019 P.A. 101-604, § 5-35, effective December 13, 2019.

35 ILCS 505/11.5 [Bond; discharged or reduced]

In the event that liability upon the bond filed by a distributor, supplier, or receiver with the Department shall be discharged or reduced, whether by judgment rendered, payment made or otherwise, or if in the opinion of the Department the bond of any distributor, supplier, or receiver theretofore given shall become unsatisfactory, then the distributor, supplier, or receiver shall forthwith, upon the written demand of the Department, file a new bond in the same manner and form and in an amount and with sureties satisfactory to the Department, failing which the Department shall forthwith revoke the license of the distributor, supplier, or receiver.

If such new bond shall be furnished by the distributor, supplier, or receiver as above provided, the Department shall cancel the bond for which such new bond shall be substituted.

Any surety on any bond furnished by any distributor, supplier, or receiver shall be released and discharged from any and all liability to the State of Illinois accruing on such bond after the expiration of 60 days from the date upon which such surety shall have filed with the Department written request so to be released and discharged. But such request shall not operate to relieve, release or discharge such surety from any liability already accrued, or which shall accrue, before the expiration of said 60-day period. The Department shall, promptly on receipt of such request, notify the distributor, supplier, or receiver and, unless such distributor, supplier, or receiver shall on or before the expiration of such 60-day period file with the Department a new bond with a surety or sureties satisfactory to the Department in the amount and form hereinbefore provided, the Department shall forthwith cancel the license of such distributor, supplier, or receiver. If such new bond shall be furnished by said distributor, supplier, or receiver as above provided, the Department shall cancel the bond for which such new bond shall be substituted.

HISTORY:
P.A. 86-958; 87-895; 91-173, § 5.

35 ILCS 505/12 [Notice of Tax Liability]

It is the duty of every distributor, receiver, and supplier under this Act to keep within this State or at some office outside this State for any period for which the Department is authorized to issue a Notice of Tax Liability to the distributor, receiver, or supplier records and books showing all purchases, receipts, losses through any cause, sales, distribution and use of motor fuel, aviation fuels, home heating oils, and kerosene, and products used for the purpose of blending to produce motor fuel, which records and books shall, at all times during business hours of the day, be subject to inspection by the Department, or its duly authorized agents and employees. For purposes of this Section, "records" means all data maintained by the taxpayer including data on paper, microfilm, microfiche or any type of machine-sensible data compilation. The Department may, in its discretion, prescribe reasonable and uniform methods for keeping of records and books by licensees and that set forth requirements for the form and format of records that must be maintained in order to comply with any recordkeeping requirement under this Act.

HISTORY:
P.A. 86-958; 88-480, § 50; 91-173, § 5.

35 ILCS 505/12a [Authority to enter premises; authority to inspect records]

(a) Any duly authorized agent or employee of the Department shall have authority to enter in or upon the premises of any manufacturer, vendor, dealer, retailer, distributor, receiver, supplier or user of motor fuel or special fuels during the regular business hours in order to examine books, records, invoices, storage tanks, and any other applicable equipment pertaining to motor fuel, aviation fuels, home heating oils, kerosene, or special fuels, to determine whether or not the taxes imposed by this Act have been paid.

(b) Any duly authorized agent of the Department, upon presenting appropriate credentials and a written notice to the person who owns, operates, or controls the place to be inspected, shall have the authority to enter any place and to conduct inspections in accordance with subsections (b) through (g) of this Section.

(c) Inspections will be performed in a reasonable manner and at times that are reasonable under the circumstances, taking into consideration the normal business hours of the place to be entered.

(d) Inspections may be at any place at which taxable motor fuel is or may be produced or stored or at any inspection site where evidence of the following activities may be discovered:

(1) Where any dyed diesel fuel is sold or held for sale by any person for any use which the person knows or has reason to know is not a nontaxable use of such fuel.

(2) Where any dyed diesel fuel is held for use or used by any person for a use other than a nontaxable use and the person knew, or had reason to know, that the fuel was dyed according to Section 4d [35 ILCS 505/4d].

(3) Where any person willfully alters, or attempts to alter, the strength or composition of any dye or marking done pursuant to Section 4d of this Law.

The places may include, but are not limited to, the following:

(1) Any terminal.

(2) Any fuel storage facility that is not a terminal.

(3) Any retail fuel facility.

(4) Any designated inspection site.

(e) Duly authorized agents of the Department may physically inspect, examine, or otherwise search any tank, reservoir, or other container that can or may be used for the production, storage, or transportation of fuel, fuel dyes, or fuel markers. Inspection may also be made of any equipment used for, or in connection with, production, storage, or transportation of fuel, fuel dyes, or fuel markers. This includes any equipment used for the dyeing or marking of fuel. This also includes books and records, if any, that are maintained at the place of inspection and are kept to determine tax liability under this Law.

(f) Duly authorized agents of the Department may detain any motor vehicle, train, barge, ship, or vessel for the purpose of inspecting its fuel tanks and storage tanks. Detainment will be either on the premises under inspection or at a designated inspection site. Detainment may continue for a reasonable period of time as is necessary to determine the amount and composition of the fuel.

(g) Duly authorized agents of the Department may take and remove samples of fuel in quantities as are reasonably necessary to determine the composition of the fuel.

(h)(1) Any person that refuses to allow an inspection shall pay a $1,000 penalty for each refusal. This penalty is in addition to any other penalty or tax that may be imposed upon that person or any other person liable for tax under this Law. All penalties received under this subsection shall be deposited into the Tax Compliance and Administration Fund.

(2) In addition, any licensee who refuses to allow an inspection shall be subject to license revocation as provided by Section 16 of this Law [35 ILCS 505/16].

HISTORY:
P.A. 86-958; 91-173, § 5.

35 ILCS 505/13 Refund of tax paid.

Any person other than a distributor or supplier, who loses motor fuel through any cause or uses motor fuel (upon which he has paid the amount required to be collected under Section 2 of this Act [35 ILCS 505/2]) for any purpose other than operating a motor vehicle upon the public highways or waters, shall be reimbursed and repaid the amount so paid.

Any person who purchases motor fuel in Illinois and uses that motor fuel in another state and that other state imposes a tax on the use of such motor fuel shall be reimbursed and repaid the amount of Illinois tax paid under Section 2 of this Act on the motor fuel used in such other state. Reimbursement and repayment shall be made by the Department upon receipt of adequate proof of taxes directly paid to another state and the amount of motor fuel used in that state.

Claims based in whole or in part on taxes paid to another state shall include (i) a certified copy of the tax return filed with such other state by the claimant; (ii) a copy of either the cancelled check paying the tax due on such return, or a receipt acknowledging payment of the tax due on such tax return; and (iii) such other information as the Department may reasonably require. This paragraph shall not apply to taxes paid on returns filed under Section 13a.3 of this Act [35 ILCS 505/13a.3].

Any person who purchases motor fuel use tax decals as required by Section 13a.4 [35 ILCS 505/13a.4] and pays an amount of fees for such decals that exceeds the amount due shall be reimbursed and repaid the amount of the decal fees that are deemed by the department to be in excess of the amount due. Alternatively, any person who purchases motor fuel use tax decals as required by Section 13a.4 may credit any excess decal payment verified by the Department against amounts subsequently due for the purchase of additional decals, until such time as no excess payment remains.

Claims for such reimbursement must be made to the Department of Revenue, duly verified by the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim must state such facts relating to the purchase, importation, manufacture or production of the motor fuel by the claimant as the Department may deem necessary, and the time when, and the circumstances of its loss or the specific purpose for which it was used (as the case may be), together with such other information as the Department may reasonably require. No claim based upon idle time shall be allowed. Claims for reimbursement for overpayment of decal fees shall be made to the Department of Revenue, duly verified by the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim shall state facts relating to the overpayment of decal fees, together with such other information as the Depart-

ment may reasonably require. Claims for reimbursement of overpayment of decal fees paid on or after January 1, 2011 must be filed not later than one year after the date on which the fees were paid by the claimant. If it is determined that the Department should reimburse a claimant for overpayment of decal fees, the Department shall first apply the amount of such refund against any tax or penalty or interest due by the claimant under Section 13a of this Act [35 ILCS 505/13a].

Claims for full reimbursement for taxes paid on or before December 31, 1999 must be filed not later than one year after the date on which the tax was paid by the claimant. If, however, a claim for such reimbursement otherwise meeting the requirements of this Section is filed more than one year but less than 2 years after that date, the claimant shall be reimbursed at the rate of 80% of the amount to which he would have been entitled if his claim had been timely filed.

Claims for full reimbursement for taxes paid on or after January 1, 2000 must be filed not later than 2 years after the date on which the tax was paid by the claimant.

The Department may make such investigation of the correctness of the facts stated in such claims as it deems necessary. When the Department has approved any such claim, it shall pay to the claimant (or to the claimant's legal representative, as such if the claimant has died or become a person under legal disability) the reimbursement provided in this Section, out of any moneys appropriated to it for that purpose.

Any distributor or supplier who has paid the tax imposed by Section 2 of this Act upon motor fuel lost or used by such distributor or supplier for any purpose other than operating a motor vehicle upon the public highways or waters may file a claim for credit or refund to recover the amount so paid. Such claims shall be filed on forms prescribed by the Department. Such claims shall be made to the Department, duly verified by the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim shall state such facts relating to the purchase, importation, manufacture or production of the motor fuel by the claimant as the Department may deem necessary and the time when the loss or nontaxable use occurred, and the circumstances of its loss or the specific purpose for which it was used (as the case may be), together with such other information as the Department may reasonably require. Claims must be filed not later than one year after the date on which the tax was paid by the claimant.

The Department may make such investigation of the correctness of the facts stated in such claims as it deems necessary. When the Department approves a claim, the Department shall issue a refund or credit memorandum as requested by the taxpayer, to the distributor or supplier who made the payment for which the refund or credit is being given or, if the distributor or supplier has died or become incompetent, to such distributor's or supplier's legal representative, as such. The amount of such credit memorandum shall be credited against any tax due or to become due under this Act from the distributor or supplier who made the payment for which credit has been given.

Any credit or refund that is allowed under this Section shall bear interest at the rate and in the manner specified in the Uniform Penalty and Interest Act [35 ILCS 735/3-1 et seq.].

In case the distributor or supplier requests and the Department determines that the claimant is entitled to a refund, such refund shall be made only from such appropriation as may be available for that purpose. If it appears unlikely that the amount appropriated would permit everyone having a claim allowed during the period covered by such appropriation to elect to receive a cash refund, the Department, by rule or regulation, shall provide for the payment of refunds in hardship cases and shall define what types of cases qualify as hardship cases.

In any case in which there has been an erroneous refund of tax or fees payable under this Section, a notice of tax liability may be issued at any time within 3 years from the making of that refund, or within 5 years from the making of that refund if it appears that any part of the refund was induced by fraud or the misrepresentation of material fact. The amount of any proposed assessment set forth by the Department shall be limited to the amount of the erroneous refund.

If no tax is due and no proceeding is pending to determine whether such distributor or supplier is indebted to the Department for tax, the credit memorandum so issued may be assigned and set over by the lawful holder thereof, subject to reasonable rules of the Department, to any other licensed distributor or supplier who is subject to this Act, and the amount thereof applied by the Department against any tax due or to become due under this Act from such assignee.

If the payment for which the distributor's or supplier's claim is filed is held in the protest fund of the State Treasury during the pendency of the claim for credit proceedings pursuant to the order of the court in accordance with Section 2a of the State Officers and Employees Money Disposition Act [30 ILCS 230/2a] and if it is determined by the Department or by the final order of a reviewing court under the Administrative Review Law [735 ILCS 5/3-101 et seq.] that the claimant is entitled to all or a part of the credit claimed, the claimant, instead of receiving a credit memorandum from the Department, shall receive a cash refund from the protest fund as provided for in Section 2a of the State Officers and Employees Money Disposition Act.

If any person ceases to be licensed as a distributor or supplier while still holding an unused credit memorandum issued under this Act, such person

may, at his election (instead of assigning the credit memorandum to a licensed distributor or licensed supplier under this Act), surrender such unused credit memorandum to the Department and receive a refund of the amount to which such person is entitled.

For claims based upon taxes paid on or before December 31, 2000, a claim based upon the use of undyed diesel fuel shall not be allowed except (i) if allowed under the following paragraph or (ii) for undyed diesel fuel used by a commercial vehicle, as that term is defined in Section 1-111.8 of the Illinois Vehicle Code [625 ILCS 5/1-111.8], for any purpose other than operating the commercial vehicle upon the public highways and unlicensed commercial vehicles operating on private property. Claims shall be limited to commercial vehicles that are operated for both highway purposes and any purposes other than operating such vehicles upon the public highways.

For claims based upon taxes paid on or after January 1, 2000, a claim based upon the use of undyed diesel fuel shall not be allowed except (i) if allowed under the preceding paragraph or (ii) for claims for the following:

(1) Undyed diesel fuel used (i) in a manufacturing process, as defined in Section 2-45 of the Retailers' Occupation Tax Act [35 ILCS 120/2-45], wherein the undyed diesel fuel becomes a component part of a product or by-product, other than fuel or motor fuel, when the use of dyed diesel fuel in that manufacturing process results in a product that is unsuitable for its intended use or (ii) for testing machinery and equipment in a manufacturing process, as defined in Section 2-45 of the Retailers' Occupation Tax Act, wherein the testing takes place on private property.

(2) Undyed diesel fuel used by a manufacturer on private property in the research and development, as defined in Section 1.29 [35 ILCS 505/1.29], of machinery or equipment intended for manufacture.

(3) Undyed diesel fuel used by a single unit self-propelled agricultural fertilizer implement, designed for on and off road use, equipped with flotation tires and specially adapted for the application of plant food materials or agricultural chemicals.

(4) Undyed diesel fuel used by a commercial motor vehicle for any purpose other than operating the commercial motor vehicle upon the public highways. Claims shall be limited to commercial motor vehicles that are operated for both highway purposes and any purposes other than operating such vehicles upon the public highways.

(5) Undyed diesel fuel used by a unit of local government in its operation of an airport if the undyed diesel fuel is used directly in airport operations on airport property.

(6) Undyed diesel fuel used by refrigeration units that are permanently mounted to a semitrailer, as defined in Section 1.28 of this Law [35 ILCS 505/1.28], wherein the refrigeration units have a fuel supply system dedicated solely for the operation of the refrigeration units.

(7) Undyed diesel fuel used by power take-off equipment as defined in Section 1.27 of this Law [35 ILCS 505/1.27].

(8) Beginning on the effective date of this amendatory Act of the 94th General Assembly [P.A. 94-654], undyed diesel fuel used by tugs and spotter equipment to shift vehicles or parcels on both private and airport property. Any claim under this item (8) may be made only by a claimant that owns tugs and spotter equipment and operates that equipment on both private and airport property. The aggregate of all credits or refunds resulting from claims filed under this item (8) by a claimant in any calendar year may not exceed $100,000. A claim may not be made under this item (8) by the same claimant more often than once each quarter. For the purposes of this item (8), "tug" means a vehicle designed for use on airport property that shifts custom-designed containers of parcels from loading docks to aircraft, and "spotter equipment" means a vehicle designed for use on both private and airport property that shifts trailers containing parcels between staging areas and loading docks.

Any person who has paid the tax imposed by Section 2 of this Law upon undyed diesel fuel that is unintentionally mixed with dyed diesel fuel and who owns or controls the mixture of undyed diesel fuel and dyed diesel fuel may file a claim for refund to recover the amount paid. The amount of undyed diesel fuel unintentionally mixed must equal 500 gallons or more. Any claim for refund of unintentionally mixed undyed diesel fuel and dyed diesel fuel shall be supported by documentation showing the date and location of the unintentional mixing, the number of gallons involved, the disposition of the mixed diesel fuel, and any other information that the Department may reasonably require. Any unintentional mixture of undyed diesel fuel and dyed diesel fuel shall be sold or used only for non-highway purposes.

The Department shall promulgate regulations establishing specific limits on the amount of undyed diesel fuel that may be claimed for refund.

For purposes of claims for refund, "loss" means the reduction of motor fuel resulting from fire, theft, spillage, spoilage, leakage, or any other provable cause, but does not include a reduction resulting from evaporation, or shrinkage due to temperature variations. In the case of losses due to fire or theft, the claimant must include fire department or police department reports and any other documentation that the Department may require.

HISTORY:

P.A. 86-125; 86-958; 87-205; 87-1189, § 1-4; 88-480, § 50; 90-491, § 48; 91-173, § 5; 92-30, § 5; 94-654, § 5; 96-1384, § 5; 2018 P.A. 100-1171, § 83, effective January 4, 2019.

35 ILCS 505/13a [Tax on use of special fuel by commercial motor vehicles]

(1) A tax is hereby imposed upon the use of motor

fuel upon highways of this State by commercial motor vehicles. The tax shall be comprised of 2 parts. Part (a) shall be at the rate established by Section 2 of this Act [35 ILCS 505/2], as heretofore or hereafter amended. Part (b) shall be at the rate established by subsection (2) of this Section as now or hereafter amended.

(2) A rate shall be established by the Department as of January 1 of each year using the average "selling price", as defined in the Retailers' Occupation Tax Act [35 ILCS 120/1 et seq.], per gallon of motor fuel sold in this State during the previous 12 months and multiplying it by 6 1/4% to determine the cents per gallon rate. For the period beginning on July 1, 2000 and through December 31, 2000, the Department shall establish a rate using the average "selling price", as defined in the Retailers' Occupation Tax Act, per gallon of motor fuel sold in this State during calendar year 1999 and multiplying it by 1.25% to determine the cents per gallon rate.

HISTORY:
P.A. 86-1233; 88-480, § 50; 91-872, § 22.

35 ILCS 505/13a.1 [Tax payable to Department]

Every commercial motor carrier shall pay the tax imposed by Section 13a hereof [35 ILCS 505/13a] to the Department, calculated on the amount of motor fuel consumed on any highway within this State.

HISTORY:
P.A. 82-1035; 88-480, § 50.

35 ILCS 505/13a.2 [Motor carrier; records]

Each motor carrier shall keep records which accurately reflect the type and number of gallons of motor fuel consumed, the number of miles traveled with each type of fuel on the highways of each jurisdiction and the highways of Illinois, the type and number of gallons of tax paid fuel purchased in this State, and every jurisdiction, and the number of miles traveled and the amount of fuel consumed on the highways of this State and every jurisdiction. Licensees shall preserve the records for a period of 4 years from the due date of their returns or the date filed, whichever is later. In the absence of such records, the Department shall presume that one gallon of fuel is used for each 4.0 miles traveled in this State. Every authorized agent of the Department shall have power to make any reasonable investigations to prevent avoidance of the tax imposed by Section 13a hereof [35 ILCS 505/13a].

Failure to provide records demanded for the purpose of audit extends the statute of limitations until the records are provided.

HISTORY:
P.A. 85-340; 88-480, § 50.

35 ILCS 505/13a.3 Every person holding a valid unrevoked motor fuel use tax license issued under Section 13a.

Every person holding a valid unrevoked motor fuel use tax license issued under Section 13a.4 of this Act [35 ILCS 505/13a.4] shall, on or before the last day of the month next succeeding any calendar quarter, file with the Department a report, in such form as the Department may by rule or regulation prescribe, setting forth a statement of the number of miles traveled in every jurisdiction and in this State during the previous calendar quarter, the number of gallons and type of reportable motor fuel consumed on the highways of every jurisdiction and of this State, and the total number of gallons and types of tax paid fuel purchased within every jurisdiction during said previous calendar quarter. A motor carrier who purchases motor fuel in this State who pays a tax thereon under any section of the Motor Fuel Tax Law [35 ILCS 505/1 et seq.] other than Sections 13a, 13a.1, 13a.2 and 13a.3 [35 ILCS 505/13a, 35 ILCS 505/13a.1, 35 ILCS 505/13a.2 and 35 ILCS 505/13a.3], and who does not apply for a refund under Section 13 of the Motor Fuel Tax Law [35 ILCS 505/13], shall receive a gallon for gallon credit against his liability under Sections 13a, 13a.1, 13a.2 and 13a.3 hereof. The rate under Section 2 of this Act [35 ILCS 505/2] shall apply to each gallon of motor fuel used by such motor carrier on the highways of Illinois during the previous calendar quarter in excess of the motor fuel purchased in Illinois during such previous calendar quarter.

The rate under subsection (2) of Section 13a of this Act shall apply to each gallon of motor fuel used by such motor carrier on the highways of Illinois during the previous calendar quarter. For purposes of the preceding paragraphs "used" shall be determined as provided in Section 13a.2 of this Act.

For such motor fuel consumed during the previous calendar quarter, said tax shall be payable on the last day of the month next succeeding such previous calendar quarter and shall bear interest until paid at the rate established by the International Motor Fuel Tax Agreement, as now and hereafter amended.

Reports not filed by the due date shall be considered late and any taxes due considered delinquent. The licensee may be assessed a penalty of $50 or 10% of the delinquent taxes, whichever is greater, for failure to file a report, or for filing a late report, or for underpayment of taxes due.

As to each gallon of motor fuel purchased in Illinois by such motor carrier during the previous calendar quarter in excess of the number of gallons of motor fuel used by such motor carrier on the highways of Illinois during such previous calendar quarter, the taxpayer may take a credit for the current calendar quarter or the Department may issue a credit memorandum or refund to such motor carrier for any tax imposed by Part (a) of Section 13a of this Act paid on each such gallon. If a credit is given, the credit memorandum shall be carried over to offset liabilities of the licensee until the credit is fully offset or until 8 calendar quarters pass after the end of the calendar quarter in which the credit accrued, whichever occurs sooner.

A motor carrier who purchases motor fuel in this State shall be entitled to a refund under this Section or a credit against all his liabilities under Sections 13a, 13a.1, 13a.2 and 13a.3 hereof for taxes imposed by the Use Tax Act, the Retailers' Occupation Tax Act, the Municipal Retailers' Occupation Tax Act [35 ILCS 105/1 et seq., 35 ILCS 120/1 et seq., 65 ILCS 5/8-11-1 et seq.] and the County Retailers' Occupation Tax Act on such motor fuel at a rate equal to that established by subsection (2) of Section 13a of this Act, provided that such taxes have been paid by the taxpayer and such taxes have been charged to the motor carrier claiming the credit or refund.

HISTORY:
P.A. 86-1481; 87-205; 87-1189, § 1-4; 88-480, § 50; 88-669, § 90-4; 94-1074, § 50; 98-964, § 5.

35 ILCS 505/13a.4 [Permit required]

Except as provided in Section 13a.5 of this Act [35 ILCS 505/13a.5], no motor carrier shall operate in Illinois without first securing a motor fuel use tax license and decals from the Department or a motor fuel use tax license and decals issued under the International Fuel Tax Agreement by any member jurisdiction. Notwithstanding any other provision of this Section to the contrary, however, the Director of Revenue or his designee may, upon determining that a disaster exists in Illinois or in any other jurisdiction, temporarily waive the licensing requirements of this Section for commercial motor vehicles that travel through Illinois, or return to Illinois from a point outside Illinois, for the purpose of assisting in disaster relief efforts. Temporary waiver of the licensing requirements of this Section shall not exceed a period of 30 days from the date the Director temporarily waives the licensing requirements of this Section. For purposes of this Section, a disaster includes flood, tornado, hurricane, fire, earthquake, or any other disaster that causes or threatens loss of life or destruction or damage to property of such a magnitude as to endanger the public health, safety, and welfare. The licensing requirements of this Section shall be temporarily waived only if the operator of the commercial motor vehicle can provide proof by manifest that the commercial motor vehicle is traveling through Illinois or returning to Illinois from a point outside Illinois for purposes of assisting in disaster relief efforts. Application for such license and decals shall be made annually to the Department on forms prescribed by the Department. The application shall be under oath, and shall contain such information as the Department deems necessary. The Department, for cause, may require an applicant to post a bond on a form to be approved by and with a surety or sureties satisfactory to the Department conditioned upon such applicant paying to the State of Illinois all monies becoming due by reason of the sale or use of motor fuel by the applicant, together with all penalties and interest thereon. If a bond is required, it shall be equal to at least twice the estimated average tax liability of a quarterly return. The Department shall fix the penalty of such bond in each case taking into consideration the amount of motor fuel expected to be used by such applicant and the penalty fixed by the Department shall be such as, in its opinion, will protect the State of Illinois against failure to pay the amount hereinafter provided on motor fuel used. No person who is in default to the State for monies due under this Act for the sale, distribution or use of motor fuel shall receive such a license or decal.

Upon receipt of the application for license in proper form, and upon payment of any required $100 reinstatement fee, and upon approval by the Department of the bond furnished by the applicant, the Department may issue to such applicant a license which allows the operation of commercial motor vehicles in Illinois, and decals for each commercial motor vehicle operating in Illinois. Prior to January 1, 1985, motor fuel use tax licenses shall be conspicuously displayed in the cab of each commercial motor vehicle operating in Illinois. After January 1, 1986, motor fuel use tax licenses shall be carried in the cab of each commercial motor vehicle operating in Illinois.

The Department shall, by regulation, provide for the use of reproductions of original motor fuel use tax licenses in lieu of issuing multiple original motor fuel use tax licenses to licensees.

On and after January 1, 1985, external motor fuel tax decals shall be conspicuously displayed on the passenger side of each commercial motor vehicle propelled by motor fuel operating in Illinois, except buses, which may display such devices on the driver's side of the vehicle. Beginning with the effective date of this amendatory Act of 1993 or the membership of the State of Illinois in the International Fuel Tax Agreement, whichever is later, the decals issued to the licensee shall be placed on both exterior sides of the cab. In the case of transporters, manufacturers, dealers, or driveway operations, the decals need not be permanently affixed but may be temporarily displayed in a visible manner on the exterior sides of the cab. Failure to display the decals in the required locations may subject the vehicle operator to the purchase of a trip permit and a citation. Such motor fuel tax decals shall be issued by the Department and remain valid for a period of 2 calendar years, beginning January 1, 1985. The decals shall expire at the end of the regular 2 year issuance period, with new decals required to be displayed at that time. Beginning January 1, 1993, the motor fuel decals shall be issued by the Department and remain valid for a period of one calendar year. The decals shall expire at the end of the regular one year issuance period, with new decals required to be displayed at that time. Decals shall be no larger than 3 inches by 3 inches. Prior to January 1, 1993, a fee of $7.50 shall be charged by the Department for each decal issued prior to and during the 2 calendar years such decal is valid. Beginning January 1, 1993, a fee of $3.75 shall be charged by the Department for each decal issued

prior to and during the calendar year such decal is valid. Beginning January 1, 1994, $3.75 shall be charged for a set of 2 decals. The Department may also prescribe procedures for the issuance of replacement decals, with a maximum fee of $2 for each set of replacement decals issued. The transfer of decals from one vehicle to another vehicle or from one motor carrier to another motor carrier is prohibited. The fees paid for the decals issued under this Section shall be deposited in the Motor Fuel Tax Fund, and may be appropriated to the Department for administration of this Section and enforcement of the tax imposed by Section 13a of this Act [35 ILCS 505/13a].

To avoid duplicate reporting of mileage and payment of any tax arising therefrom under Section 13a.3 of this Act [35 ILCS 505/13a.3], the Department shall, by regulation, provide for the allocation between lessors and lessees of the same commercial motor vehicle or vehicles of the responsibility as a motor carrier for the reporting of mileage and the liability for tax arising under Section 13a.3 of this Act, and for registration, furnishing of bond, carrying of motor fuel use tax licenses, and display of decals under this Section, and for all other duties imposed upon motor carriers by this Act.

HISTORY:

P.A. 87-879; 88-480, § 50; 88-669, § 90-4; 94-1074, § 50; 96-1384, § 5; 2018 P.A. 100-1171, § 83, effective January 4, 2019.

35 ILCS 505/13a.5 [Single trip permit]

As to a commercial motor vehicle operated in Illinois in the course of interstate traffic by a motor carrier not holding a motor fuel use tax license issued under this Act, a single trip permit authorizing operation of such commercial motor vehicle for a single trip into the State of Illinois, through the State of Illinois, or from a point on the border of this State to a point within and return to the border may be issued by the Department or its agents after proper application.

The fee for each single trip permit shall be $40 and such single trip permit shall be valid for a period of 96 hours. This fee shall be in lieu of the tax required by Section 13a of this Act [35 ILCS 505/13a], all reports required by Section 13a.3 of this Act [35 ILCS 505/13a.3], and the registration, decal display and furnishing of bond required by Section 13a.4 of this Act [35 ILCS 505/13a.4]. Notwithstanding any other provision of this Section to the contrary, however, the Director of Revenue or his designee may, upon determining that a disaster exists in Illinois or in any other jurisdiction, temporarily waive the permit provisions of this Section for commercial motor vehicles that travel into the State of Illinois, through Illinois, or return to Illinois from a point outside Illinois, for the purpose of assisting in disaster relief efforts. Temporary waiver of the permit provisions of this Section shall not exceed a period of 30 days from the date the Director waives the permit provisions of this Section. For purposes of this Section, a disaster includes flood, tornado, hurricane, fire, earthquake, or any other disaster that causes or threatens loss of life or destruction or damage to property of such a magnitude as to endanger the public health, safety, and welfare. The permit provisions of this Section shall be temporarily waived only if the operator of the commercial motor vehicle can provide proof by manifest that the commercial motor vehicle is traveling through Illinois or returning to Illinois from a point outside Illinois for purposes of assisting in disaster relief efforts. Rules or regulations promulgated by the Department under this Section shall provide for reasonable and proper limitations and restrictions governing application for and issuance and use of, single trip permits, so as to preclude evasion of the license requirement in Section 13a.4.

HISTORY:

P.A. 83-12; 88-194, § 25; 88-480, § 50; 88-669, § 90-4; 88-670, § 2-26; 89-399, § 17; 94-1074, § 50; 96-1384, § 5; 2018 P.A. 100-1171, § 83, effective January 4, 2019.

35 ILCS 505/13a.6 [Penalty]

In addition to any other penalties imposed by this Act:

(a) If a commercial motor vehicle is found operating in Illinois (i) without displaying decals required by Section 13a.4 of this Act [35 ILCS 505/13a.4], or in lieu thereof only for the period specified on the temporary permit, a valid 30-day International Fuel Tax Agreement temporary permit, (ii) without carrying a motor fuel use tax license as required by Section 13a.4 of this Act, (iii) without carrying a single trip permit, when applicable, as provided in Section 13a.5 of this Act [35 ILCS 505/13a.5], or (iv) with a revoked motor fuel use tax license, the operator is guilty of a petty offense and must pay a minimum of $75. For each subsequent occurrence, the operator must pay a minimum of $150.

When a commercial motor vehicle is found operating in Illinois with a revoked motor fuel use tax license, the vehicle shall be placed out of service and not allowed to operate in Illinois until the motor fuel use tax license is reinstated.

(b) If a commercial motor vehicle is found to be operating in Illinois without a valid motor fuel use tax license and without properly displaying decals required by Section 13a.4 or without a valid single trip permit when required by Section 13a.5 of this Act or a valid 30-day International Fuel Tax Agreement temporary permit, the person required to obtain a license or permit under Section 13a.4 or 13a.5 of this Law [35 ILCS 505/13a.4 or 35 ILCS 505/13a.5] must pay a minimum of $1,000 as a penalty. For each subsequent occurrence, the person must pay a minimum of $2,000 as a penalty.

All penalties received under this Section shall be deposited into the Tax Compliance and Administration Fund.

Improper use of the motor fuel use tax license, single trip permit, or decals provided for in this Section may be cause for revocation of the license.

For purposes of this Section, "motor fuel use tax license" means (i) a motor fuel use tax license issued by the Department or by any member jurisdiction under the International Fuel Tax Agreement, or (ii) a valid 30-day International Fuel Tax Agreement temporary permit.

HISTORY:
P.A. 84-1076; 88-480, § 50; 88-669, § 90-4; 89-399, § 17; 91-173, § 5; 92-30, § 5; 94-1074, § 50.

35 ILCS 505/13a.7 [Return filed late; credit; erroneous refund]

Notwithstanding the provisions for credit memoranda, credits or refunds contained in Section 13a.3 of this Act [35 ILCS 505/13a.3], no credit memorandum, credit or refund shall be allowed or made based upon a return filed more than 4 years after the due date of the return or the date the return is filed, whichever is later. In any case in which there has been an erroneous refund of tax payable under this Section, a notice of tax liability may be issued at any time within 3 years from the making of that refund or within 5 years from the making of that refund if it appears that any part of the refund was induced by fraud or the misrepresentation of material fact. The amount of any proposed assessment set forth by the Department shall be limited to the amount of the erroneous refund.

HISTORY:
P.A. 85-293; 90-491, § 48; 91-173, § 5.

35 ILCS 505/13a.8 [Claim for credit]

Any receiver who has paid the tax imposed by Section 2a of this Law [35 ILCS 505/2a] (either directly to the Department or to another licensed receiver) upon fuel exported or sold under the exemptions provided in Section 2a may file a claim for credit to recover the amount so paid. The claims shall be made to the Department, duly verified by the claimant (or by the claimant's legal representative if the claimant has died or become a person under legal disability), upon forms prescribed by the Department. The claim shall state such facts relating to the purchase, importation, manufacture, production, export, or sale of the fuel by the claimant as the Department may deem necessary together with such other information as the Department may reasonably require. The Department may investigate the correctness of the facts stated in the claims as it deems necessary. When the Department approves a claim, the Department shall issue a credit memorandum to the receiver who made the payment for which the credit is being given or, if the receiver has died or become incompetent, to the receiver's legal representative. The amount of the credit memorandum shall be credited against any tax due or to become due under this Act from the receiver who made the payment for which credit has been given.

Any credit or refund that is allowed under this Section shall bear interest at the rate and in the manner specified in the Uniform Penalty and Interest Act [35 ILCS 735/3-1 et seq.].

In case the receiver requests and the Department determines that the claimant is entitled to a refund, the refund shall be made only from such appropriation as may be available for that purpose. If it appears unlikely that the amount appropriated would permit everyone having a claim allowed during the period covered by such appropriation to elect to receive a cash refund, the Department, by rule or regulation, shall provide for the payment of refunds in hardship cases and shall define what types of cases qualify as hardship cases.

If no tax is due and no proceeding is pending to determine whether the receiver is indebted to the Department for tax, the credit memorandum issued may be assigned and set over by the lawful holder thereof, subject to reasonable rules of the Department, to any other licensed receiver who is subject to this Act, and the amount thereof applied by the Department against any tax due or to become due under this Act from such assignee.

If the payment for which the receiver's claim is filed is held in the protest fund of the State Treasury during the pendency of the claim for credit proceedings under an order of the court in accordance with Section 2a of the State Officers and Employees Money Disposition Act [30 ILCS 230/2a] and if it is determined by the Department or by the final order of a reviewing court under the Administrative Review Law [735 ILCS 5/3-101 et seq.] that the claimant is entitled to all or a part of the credit claimed, the claimant, instead of receiving a credit memorandum from the Department, shall receive a cash refund from the protest fund as provided for in Section 2a of the State Officers and Employees Money Disposition Act.

If any person ceases to be licensed as a receiver while still holding an unused credit memorandum issued under this Act, that person may, at his or her election (instead of assigning the credit memorandum to a licensed receiver under this Act), surrender the unused credit memorandum to the Department and receive a refund of the amount to which such person is entitled.

HISTORY:
P.A. 90-491, § 48.

35 ILCS 505/14 [Rules and regulations]

The Department of Revenue is authorized to make such reasonable rules and regulations relating to the administration and enforcement of the provisions of this Act, as may be deemed expedient.

HISTORY:
Laws 1943, vol. 1, p. 1095.

35 ILCS 505/14a [Reciprocal agreements]

The Department of Revenue may enter into recip-

rocal agreements with the appropriate officials of any other state under which the Department may waive all or any part of the requirements imposed by the laws of this State upon those who use or consume motor fuel in Illinois upon which a tax has been paid to such other state, provided that the officials of such other state grant equivalent privileges with respect to motor fuel used in such other state but upon which the tax has been paid to Illinois.

The Department may enter the International Fuel Tax Agreement or other cooperative compacts or agreements with other states or jurisdictions to permit base state or base jurisdiction licensing of persons using motor fuel in this State. Those agreements may provide for the cooperation and assistance among member states in the administration and collection of motor fuel tax, including, but not limited to, exchanges of information, auditing and assessing of interstate carriers and suppliers, and any other activities necessary to further uniformity.

Pursuant to federal mandate, upon membership in the International Fuel Tax Agreement ("Agreement"), the motor fuel use tax imposed upon Commercial Motor Vehicles required to be registered under the terms of the Agreement shall be administered according to the terms of the Agreement, as now and hereafter amended. Illinois shall not establish, maintain, or enforce any law or regulation that has fuel use tax reporting requirements or that provides for the payment of a fuel use tax, unless that law or regulation is in conformity with the Agreement.

The Department shall adopt rules and regulations to implement the provisions of the Agreement.

HISTORY:
P.A. 86-1481; 88-480, § 50.

35 ILCS 505/15 [Failure to acquire license; failure to file return; failure to make payment; refusal to present books]

1. Any person who knowingly acts as a distributor of motor fuel or supplier of special fuel, or receiver of fuel without having a license so to do, or who knowingly fails or refuses to file a return with the Department as provided in Section 2b, Section 5, or Section 5a of this Act [35 ILCS 505/2b, 35 ILCS 505/5, or 35 ILCS 505/5a], or who knowingly fails or refuses to make payment to the Department as provided either in Section 2b, Section 6, Section 6a, or Section 7 of this Act [35 ILCS 505/2b, 35 ILCS 505/6, 35 ILCS 505/6a or 35 ILCS 505/7], shall be guilty of a Class 3 felony. Each day any person knowingly acts as a distributor of motor fuel, supplier of special fuel, or receiver of fuel without having a license so to do or after such a license has been revoked, constitutes a separate offense.

2. Any person who acts as a motor carrier without having a valid motor fuel use tax license, issued by the Department or by a member jurisdiction under the provisions of the International Fuel Tax Agreement, or a valid single trip permit is guilty of a Class A misdemeanor for a first offense and is guilty of a Class 4 felony for each subsequent offense. Any person (i) who fails or refuses to make payment to the Department as provided in Section 13a.1 [35 ILCS 505/13a.1] of this Act or in the International Fuel Tax Agreement referenced in Section 14a [35 ILCS 505/14a], or (ii) who fails or refuses to make the quarterly return as provided in Section 13a.3 [35 ILCS 505/13a.3] is guilty of a Class 4 felony; and for each subsequent offense, such person is guilty of a Class 3 felony.

3. In case such person acting as a distributor, receiver, supplier, or motor carrier is a corporation, then the officer or officers, agent or agents, employee or employees, of such corporation responsible for any act of such corporation, or failure of such corporation to act, which acts or failure to act constitutes a violation of any of the provisions of this Act as enumerated in paragraphs 1 and 2 of this Section, shall be punished by such fine or imprisonment, or by both such fine and imprisonment as provided in those paragraphs.

3.5. Any person who knowingly enters false information on any supporting documentation required to be kept by Section 6 or 6a of this Act [35 ILCS 505/6 or 35 ILCS 505/6a] is guilty of a Class 3 felony.

3.7. Any person who knowingly attempts in any manner to evade or defeat any tax imposed by this Act or the payment of any tax imposed by this Act is guilty of a Class 2 felony.

4. Any person who refuses, upon demand, to submit for inspection, books and records, or who fails or refuses to keep books and records in violation of Section 12 of this Act [35 ILCS 505/12], or any distributor, receiver, or supplier who violates any reasonable rule or regulation adopted by the Department for the enforcement of this Act is guilty of a Class A misdemeanor. Any person who acts as a blender in violation of Section 3 of this Act [35 ILCS 505/3] or who having transported reportable motor fuel within Section 7b of this Act [35 ILCS 505/7b] fails to make the return required by that Section, is guilty of a Class 4 felony.

5. Any person licensed under Section 13a.4, 13a.5 [35 ILCS 505/13a.4, 35 ILCS 505/13a.5], or the International Fuel Tax Agreement who: (a) fails or refuses to keep records and books, as provided in Section 13a.2 [35 ILCS 505/13a.2] or as required by the terms of the International Fuel Tax Agreement, (b) refuses upon demand by the Department to submit for inspection and examination the records required by Section 13a.2 of this Act or by the terms of the International Fuel Tax Agreement, or (c) violates any reasonable rule or regulation adopted by the Department for the enforcement of this Act, is guilty of a Class A misdemeanor.

6. Any person who makes any false return or report to the Department as to any material fact required by Sections 2b, 5, 5a, 7, 13, or 13a.3 of this

Act [35 ILCS 505/2b, 35 ILCS 505/5, 35 ILCS 505/5a, 35 ILCS 505/7, 35 ILCS 505/13, or 35 ILCS 505/13a.3] or by the International Fuel Tax Agreement is guilty of a Class 2 felony.

7. A prosecution for any violation of this Section may be commenced anytime within 5 years of the commission of that violation. A prosecution for tax evasion as set forth in paragraph 3.7 of this Section may be prosecuted any time within 5 years of the commission of the last act in furtherance of evasion. The running of the period of limitations under this Section shall be suspended while any proceeding or appeal from any proceeding relating to the quashing or enforcement of any grand jury or administrative subpoena issued in connection with an investigation of the violation of any provision of this Act is pending.

8. Any person who provides false documentation required by any Section of this Act is guilty of a Class 4 felony.

9. Any person filing a fraudulent application or order form under any provision of this Act is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

10. Any person who acts as a motor carrier and who fails to carry a manifest as provided in Section 5.5 [35 ILCS 505/5.5] is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

11. Any person who knowingly sells or attempts to sell dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State is guilty of a Class 4 felony. For each subsequent offense, the person is guilty of a Class 2 felony.

12. Any person who knowingly possesses dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

13. Any person who sells or transports dyed diesel fuel without the notice required by Section 4e [35 ILCS 505/4e] shall pay the following penalty:

First occurrence ..... $ 500
Second and each occurrence thereafter $1,000

14. Any person who owns, operates, or controls any container, storage tank, or facility used to store or distribute dyed diesel fuel without the notice required by Section 4f [35 ILCS 505/4f] shall pay the following penalty:

First occurrence ..... $ 500
Second and each occurrence thereafter $1,000

15. If a motor vehicle required to be registered for highway purposes is found to have dyed diesel fuel within the ordinary fuel tanks attached to the motor vehicle or if a recreational-type watercraft on the waters of this State is found to have dyed diesel fuel within the ordinary fuel tanks attached to the watercraft, the operator shall pay the following penalty:

First occurrence $1,000
Second and each occurrence thereafter $5,000

16. Any licensed motor fuel distributor or licensed supplier who sells or attempts to sell dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State shall pay the following penalty:

First occurrence $1,000
Second and each occurrence thereafter $5,000

17. Any person who knowingly sells or distributes dyed diesel fuel without the notice required by Section 4e is guilty of a petty offense. For each subsequent offense, the person is guilty of a Class A misdemeanor.

18. Any person who knowingly owns, operates, or controls any container, storage tank, or facility used to store or distribute dyed diesel fuel without the notice required by Section 4f is guilty of a petty offense. For each subsequent offense the person is guilty of a Class A misdemeanor.

For purposes of this Section, dyed diesel fuel means any dyed diesel fuel whether or not dyed pursuant to Section 4d of this Law [35 ILCS 505/4d].

Any person aggrieved by any action of the Department under item 13, 14, 15, or 16 of this Section may protest the action by making a written request for a hearing within 60 days of the original action. If the hearing is not requested in writing within 60 days, the original action is final.

All penalties received under items 13, 14, 15, and 16 of this Section shall be deposited into the Tax Compliance and Administration Fund.

HISTORY:

P.A. 86-125; 86-958; 87-149; 88-480, § 50; 88-669, § 90-4; 89-399, § 17; 91-173, § 5; 92-30, § 5; 92-232, § 5; 92-651, § 30; 94-1074, § 50; 96-1384, § 5.

35 ILCS 505/15 [Failure to acquire license; failure to file return; failure to make payment; refusal to present books]

1. Any person who knowingly acts as a distributor of motor fuel or supplier of special fuel, or receiver of fuel without having a license so to do, or who knowingly fails or refuses to file a return with the Department as provided in Section 2b, Section 5, or Section 5a of this Act [35 ILCS 505/2b, 35 ILCS 505/5, or 35 ILCS 505/5a], or who knowingly fails or refuses to make payment to the Department as provided either in Section 2b, Section 6, Section 6a, or Section 7 of this Act [35 ILCS 505/2b, 35 ILCS 505/6, 35 ILCS 505/6a or 35 ILCS 505/7], shall be guilty of a Class 3 felony. Each day any person knowingly acts as a distributor of motor fuel, supplier of special fuel, or receiver of fuel without having a license so to do or after such a license has been revoked, constitutes a separate offense.

2. Any person who acts as a motor carrier without having a valid motor fuel use tax license, issued by the Department or by a member jurisdiction under the provisions of the International Fuel Tax Agreement, or a valid single trip permit is guilty of a Class A misdemeanor for a first offense and is guilty of a Class 4 felony for each subsequent offense. Any person (i) who fails or refuses to make payment to the

Department as provided in Section 13a.1 [35 ILCS 505/13a.1] of this Act or in the International Fuel Tax Agreement referenced in Section 14a [35 ILCS 505/14a], or (ii) who fails or refuses to make the quarterly return as provided in Section 13a.3 [35 ILCS 505/13a.3] is guilty of a Class 4 felony; and for each subsequent offense, such person is guilty of a Class 3 felony.

3. In case such person acting as a distributor, receiver, supplier, or motor carrier is a corporation, then the officer or officers, agent or agents, employee or employees, of such corporation responsible for any act of such corporation, or failure of such corporation to act, which acts or failure to act constitutes a violation of any of the provisions of this Act as enumerated in paragraphs 1 and 2 of this Section, shall be punished by such fine or imprisonment, or by both such fine and imprisonment as provided in those paragraphs.

3.5. Any person who knowingly enters false information on any supporting documentation required to be kept by Section 6 or 6a of this Act [35 ILCS 505/6 or 35 ILCS 505/6a] is guilty of a Class 3 felony.

3.7. Any person who knowingly attempts in any manner to evade or defeat any tax imposed by this Act or the payment of any tax imposed by this Act is guilty of a Class 2 felony.

4. Any person who refuses, upon demand, to submit for inspection, books and records, or who fails or refuses to keep books and records in violation of Section 12 of this Act [35 ILCS 505/12], or any distributor, receiver, or supplier who violates any reasonable rule or regulation adopted by the Department for the enforcement of this Act is guilty of a Class A misdemeanor. Any person who acts as a blender in violation of Section 3 of this Act [35 ILCS 505/3] is guilty of a Class 4 felony.

5. Any person licensed under Section 13a.4, 13a.5 [35 ILCS 505/13a.4, 35 ILCS 505/13a.5], or the International Fuel Tax Agreement who: (a) fails or refuses to keep records and books, as provided in Section 13a.2 [35 ILCS 505/13a.2] or as required by the terms of the International Fuel Tax Agreement, (b) refuses upon demand by the Department to submit for inspection and examination the records required by Section 13a.2 of this Act or by the terms of the International Fuel Tax Agreement, or (c) violates any reasonable rule or regulation adopted by the Department for the enforcement of this Act, is guilty of a Class A misdemeanor.

6. Any person who makes any false return or report to the Department as to any material fact required by Sections 2b, 5, 5a, 7, 13, or 13a.3 of this Act [35 ILCS 505/2b, 35 ILCS 505/5, 35 ILCS 505/5a, 35 ILCS 505/7, 35 ILCS 505/13, or 35 ILCS 505/13a.3] or by the International Fuel Tax Agreement is guilty of a Class 2 felony.

7. A prosecution for any violation of this Section may be commenced anytime within 5 years of the commission of that violation. A prosecution for tax evasion as set forth in paragraph 3.7 of this Section may be prosecuted any time within 5 years of the commission of the last act in furtherance of evasion. The running of the period of limitations under this Section shall be suspended while any proceeding or appeal from any proceeding relating to the quashing or enforcement of any grand jury or administrative subpoena issued in connection with an investigation of the violation of any provision of this Act is pending.

8. Any person who provides false documentation required by any Section of this Act is guilty of a Class 4 felony.

9. Any person filing a fraudulent application or order form under any provision of this Act is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

10. Any person who acts as a motor carrier and who fails to carry a manifest as provided in Section 5.5 [35 ILCS 505/5.5] is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

11. Any person who knowingly sells or attempts to sell dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State is guilty of a Class 4 felony. For each subsequent offense, the person is guilty of a Class 2 felony.

12. Any person who knowingly possesses dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State is guilty of a Class A misdemeanor. For each subsequent offense, the person is guilty of a Class 4 felony.

13. Any person who sells or transports dyed diesel fuel without the notice required by Section 4e [35 ILCS 505/4e] shall pay the following penalty:

First occurrence ..... $ 500
Second and each occurrence thereafter $1,000

14. Any person who owns, operates, or controls any container, storage tank, or facility used to store or distribute dyed diesel fuel without the notice required by Section 4f [35 ILCS 505/4f] shall pay the following penalty:

First occurrence ..... $ 500
Second and each occurrence thereafter $1,000

15. If a motor vehicle required to be registered for highway purposes is found to have dyed diesel fuel within the ordinary fuel tanks attached to the motor vehicle or if a recreational-type watercraft on the waters of this State is found to have dyed diesel fuel within the ordinary fuel tanks attached to the watercraft, the operator shall pay the following penalty:

First occurrence $1,000
Second and each occurrence thereafter $5,000

16. Any licensed motor fuel distributor or licensed supplier who sells or attempts to sell dyed diesel fuel for highway use or for use by recreational-type watercraft on the waters of this State shall pay the following penalty:

First occurrence $1,000

Second and each occurrence thereafter …… $5,000

17. Any person who knowingly sells or distributes dyed diesel fuel without the notice required by Section 4e is guilty of a petty offense. For each subsequent offense, the person is guilty of a Class A misdemeanor.

18. Any person who knowingly owns, operates, or controls any container, storage tank, or facility used to store or distribute dyed diesel fuel without the notice required by Section 4f is guilty of a petty offense. For each subsequent offense the person is guilty of a Class A misdemeanor.

For purposes of this Section, dyed diesel fuel means any dyed diesel fuel whether or not dyed pursuant to Section 4d of this Law [35 ILCS 505/4d].

Any person aggrieved by any action of the Department under item 13, 14, 15, or 16 of this Section may protest the action by making a written request for a hearing within 60 days of the original action. If the hearing is not requested in writing within 60 days, the original action is final.

All penalties received under items 13, 14, 15, and 16 of this Section shall be deposited into the Tax Compliance and Administration Fund.

HISTORY:

P.A. 86-125; 86-958; 87-149; 88-480, § 50; 88-669, § 90-4; 89-399, § 17; 91-173, § 5; 92-30, § 5; 92-232, § 5; 92-651, § 30; 94-1074, § 50; 96-1384, § 5; 2022 P.A. 102-851, § 5, effective January 1, 2023.

35 ILCS 505/15.1 [Refunds; interest]

The Department shall pay all refunds due under this Act within 90 days after receipt of application for a refund. For commercial motor vehicles, refunds paid after the expiration of the 90 day period shall bear interest at the rate of 1% per month or fraction of a month. Refunds paid to all other persons subject to this Act shall be paid at the rate and in the manner set by the Uniform Penalty and Interest Act [35 ILCS 735/3-1 et seq.].

HISTORY:

P.A. 87-205; 87-1189, § 1-4; 88-480, § 50.

35 ILCS 505/16 [Revocation of license or permit]

The Department may, after 5 days' notice, revoke the distributor's, receiver's, or supplier's license or permit of any person (1) who does not operate as a distributor, receiver, supplier (a) under Sections 1.2, 1.14, or 1.20 [35 ILCS 505/1.2, 35 ILCS 505/1.14, or 35 ILCS 505/1.20], (2) who violates any provision of this Act or any rule or regulation promulgated by the Department under Section 14 of this Act [35 ILCS 505/14], or (3) who refuses to allow any inspection or test authorized by this Law.

Any person whose returns for 2 or more consecutive months do not show sufficient taxable sales to indicate an active business as a distributor, receiver, or supplier shall be deemed to not be operating as a distributor, receiver, or supplier as defined in Sections 1.2, 1.14 or 1.20.

The Department may, after 5 days notice, revoke any distributor's, receiver's, or supplier's license of a person who is registered as a reseller of motor fuel pursuant to Section 2a or 2c of the Retailers' Occupation Tax Act [35 ILCS 120/2a or 35 ILCS 120/2c] and who fails to collect such prepaid tax on invoiced gallons of motor fuel sold or who fails to deliver a statement of tax paid to the purchaser or to the Department as required by Sections 2d and 2e of the Retailers' Occupation Tax Act [35 ILCS 120/2d and 35 ILCS 120/2e].

The Department may, on notice given by registered mail, cancel a Blender's Permit for any violation of any provisions of this Act or for noncompliance with any rule or regulation made by the Department under Section 14 of this Act.

The Department, upon complaint filed in the circuit court, may, by injunction, restrain any person who fails or refuses to comply with the provisions of this Act from acting as a blender or distributor of motor fuel, supplier of special fuel, or receiver of fuel in this State.

The Department may revoke the motor fuel use tax license of a motor carrier registered under Section 13a.4 [35 ILCS 505/13a.4], or that is required to be registered under the terms of the International Fuel Tax Agreement, that violates any provision of this Act or any rule promulgated by the Department under Sections 14 or 14a of this Act [35 ILCS 505/14 or 35 ILCS 505/14a]. Motor fuel use tax licenses that have been revoked are subject to a $100 reinstatement fee.

Licensees registered or required to be registered under Section 13a.4, or persons required to obtain single trip permits under Section 13a.5 [35 ILCS 505/13a.5], may protest any action or audit finding made by the Department by making a written request for a hearing within 30 days after service of the notice of the original action or finding. If the hearing is not requested within 30 days in writing, the original finding or action is final. Once a hearing has been properly requested, the Department shall give at least 20 days written notice of the time and place of the hearing.

HISTORY:

P.A. 86-958; 87-149; 88-480, § 50; 88-669, § 90-4; 89-399, § 17; 91-173, § 5; 94-1074, § 50.

35 ILCS 505/17 [Purpose]

It is the purpose of Sections 2 and 13a of this Act [35 ILCS 505/2 and 35 ILCS 505/13a] to impose a tax upon the privilege of operating each motor vehicle as defined in this Act upon the public highways and the waters of this State, such tax to be based upon the consumption of motor fuel in such motor vehicle, so far as the same may be done, under the Constitution and statutes of the United States, and the Constitution of the State of Illinois. It is the purpose of Section

2a of this Act [35 ILCS 505/2a] to impose a tax upon the privilege of importing or receiving in this State fuel for sale or use, such tax to be used to fund the Underground Storage Tank Fund or the Transportation Renewal Fund. If any of the provisions of this Act include transactions which are not taxable or are in any other respect unconstitutional, it is the intent of the General Assembly that, so far as possible, the remaining provisions of the Act be given effect.

HISTORY:
P.A. 86-125; 2022 P.A. 102-700, § 45-5, effective April 19, 2022.

35 ILCS 505/17a Forms; electronic filing

All returns, applications, and other forms required by this Act must be in the form required by the Department. The Department is authorized to adopt rules to require the electronic payment of tax or fees under this Act, and the electronic filing of returns, applications or other forms required by this Act.

HISTORY:
P.A. 96-1384, § 5.

35 ILCS 505/18 [Illinois Administrative Procedure Act]

The Illinois Administrative Procedure Act is hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Revenue under this Act, except that (1) paragraph (b) of Section 5-10 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10] does not apply to final orders, decisions and opinions of the Department, (2) subparagraph (a)2 of Section 5-10 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10] does not apply to forms established by the Department for use under this Act, and (3) the provisions of Section 10-45 of the Illinois Administrative Procedure Act [5 ILCS 100/10-45] regarding proposals for decision are excluded and not applicable to the Department under this Act to the extent Section 10-45 applies to hearings not otherwise subject to the Illinois Independent Tax Tribunal Act of 2012 [35 ILCS 1010/1-1 et seq.]..

HISTORY:
P.A. 80-1172; 88-45, § 3-23; 97-1129, § 5-65.

35 ILCS 505/19 [Committee to advise Governor]

A committee is hereby established to advise the Governor on the administration of the Department's Disadvantaged Business Enterprise Program, and on the Department's compliance with workforce equal opportunity goals. The committee shall have 8 members appointed by the Governor with the concurrence of the Senate, as follows: one member shall be chosen from a civic organization whose purpose is to assure equal opportunity in the workforce; and 7 members shall be chosen from industry, 5 of whom shall be owners of certified disadvantaged business enterprises.

The committee shall report to the Governor semiannually, and shall advise the General Assembly annually of the status of the Department's administration of the Disadvantaged Business Enterprise Program and on the Department's compliance with workforce equal opportunity goals.

The activities of the committee shall encompass the review of issues, concerns, questions, policies and procedures pertaining to the administration of the Disadvantaged Business Enterprise Program and the Department's compliance with workforce equal opportunity goals.

Members' expenses associated with committee activities shall be reimbursed at the State rate.

HISTORY:
P.A. 86-16; 96-37, § 55-15.

35 ILCS 505/20 [Short title]

This act may be cited as the "Motor Fuel Tax Law."

HISTORY:
Laws 1929, p. 625.

35 ILCS 505/21 [Retailers' Occupation Tax Act]

The provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5i and 5j, 6, 6a, 6b, 6c (except to the extent that the time limitations for requesting an administrative hearing, the minimum notice requirement for hearings, and the provisions regarding penalties and interest are inconsistent with this Act), 8, 9, 10 and 12 of the Retailers' Occupation Tax Act [35 ILCS 120/4, 35 ILCS 120/5, 35 ILCS 120/5a, 35 ILCS 120/5b, 35 ILCS 120/5c, 35 ILCS 120/5d, 35 ILCS 120/5e, 35 ILCS 120/5f, 35 ILCS 120/5g, 35 ILCS 120/5i and 35 ILCS 120/5j, 35 ILCS 120/6, 35 ILCS 120/6a, 35 ILCS 120/6b, 35 ILCS 120/6c, 35 ILCS 120/8, 35 ILCS 120/9, 35 ILCS 120/10 and 35 ILCS 120/12] which are not inconsistent with this Act, and Section 3-7 of the Uniform Penalty and Interest Act [35 ILCS 735/3-7], shall apply as far as practicable to the subject matter of this Act to the same extent as if those provisions were included in this Act.

HISTORY:
P.A. 87-205; 87-1189, § 1-4; 88-480, § 50.

CHAPTER 50

LOCAL GOVERNMENT

OFFICERS AND EMPLOYEES

Public Officer Prohibited Activities Act

Public Officer Simultaneous Tenure Act

PUBLIC OFFICER PROHIBITED ACTIVITIES ACT

50 ILCS 105/0.01 Short title.

This Act may be cited as the Public Officer Prohibited Activities Act.

HISTORY:
P.A. 86-1324.

50 ILCS 105/1 County board.

No member of a county board, during the term of office for which he or she is elected, may be appointed to, accept, or hold any office other than (i) chairman of the county board or member of the regional planning commission by appointment or election of the board of which he or she is a member, (ii) alderperson of a city or member of the board of trustees of a village or incorporated town if the city, village, or incorporated town has fewer than 1,000 inhabitants and is located in a county having fewer than 50,000 inhabitants, or (iii) trustee of a forest preserve district created under Section 18.5 of the Conservation District Act [70 ILCS 410/18.5], unless he or she first resigns from the office of county board member or unless the holding of another office is authorized by law. Any such prohibited appointment or election is void. This Section shall not preclude a member of the county board from being appointed or selected to serve as (i) a member of a County Extension Board as provided in Section 7 of the County Cooperative Extension Law [505 ILCS 45/7], (ii) a member of an Emergency Telephone System Board as provided in Section 15.4 of the Emergency Telephone System Act [50 ILCS 750/15.4], (iii) a member of the board of review as provided in Section 6-30 of the Property Tax Code [35 ILCS 200/6-30], or (iv) a public administrator or public guardian as provided in Section 13-1 of the Probate Act of 1975 [755 ILCS 5/13-1]. Nothing in this Act shall be construed to prohibit an elected county official from holding elected office in another unit of local government so long as there is no contractual relationship between the county and the other unit of local government. This amendatory Act of 1995 is declarative of existing law and is not a new enactment.

HISTORY:
P.A. 87-146; 87-350; 87-847; 88-623, § 3; 89-89, § 40; 91-732, § 10; 92-111, § 10; 94-617, § 5; 2017 P.A. 100-290, § 5, effective August 24, 2017; 2021 P.A. 102-15, § 15, effective June 17, 2021.

50 ILCS 105/1.1 [County with under 550,000 in population]

A member of the county board in a county having fewer than 550,000 inhabitants, during the term of office for which he is elected, may also hold the office of township highway commissioner.

HISTORY:
P.A. 86-1330.

50 ILCS 105/1.2 County board member; education office.

A member of the county board in a county having fewer than 40,000 inhabitants, during the term of office for which he or she is elected, may also hold the office of member of the board of education, regional board of school trustees, board of school directors, board of a community college district, or board of school inspectors.

HISTORY:
P.A. 88-471, § 10; 97-460, § 5.

50 ILCS 105/1.3 Municipal board member; education office.

In a city, village, or incorporated town with fewer than 2,500 inhabitants, an alderperson of the city or a member of the board of trustees of a village or incorporated town, during the term of office for which

he or she is elected, may also hold the office of member of the board of education, regional board of school trustees, board of school directors, or board of school inspectors.

HISTORY:
P.A. 91-161, § 5; 2021 P.A. 102-15, § 15, effective June 17, 2021.

50 ILCS 105/2 [Alderman or board of trustees member]

No alderperson of any city, or member of the board of trustees of any village, during the term of office for which he or she is elected, may accept, be appointed to, or hold any office by the appointment of the mayor or president of the board of trustees, unless the alderperson or board member is granted a leave of absence from such office, or unless he or she first resigns from the office of alderperson or member of the board of trustees, or unless the holding of another office is authorized by law. The alderperson or board member may, however, serve as a volunteer fireman and receive compensation for that service. The alderperson may also serve as a commissioner of the Beardstown Regional Flood Prevention District board. Any appointment in violation of this Section is void. Nothing in this Act shall be construed to prohibit an elected municipal official from holding elected office in another unit of local government as long as there is no contractual relationship between the municipality and the other unit of local government. This amendatory Act of 1995 is declarative of existing law and is not a new enactment.

HISTORY:
P.A. 87-350; 87-847; 89-89, § 40; 97-309, § 50; 2021 P.A. 102-15, § 15, effective June 17, 2021.

50 ILCS 105/2a Township officials.

(a) No township supervisor or trustee, during the term of office for which he or she is elected, may accept, be appointed to, or hold any office by the appointment of the board of township trustees unless he or she first resigns from the office of supervisor or trustee or unless the appointment is specifically authorized by law. A supervisor or trustee may, however, serve as a volunteer firefighter and receive compensation for that service. Any appointment in violation of this Section is void. Nothing in this Act shall be construed to prohibit an elected township official from holding elected office in another unit of local government as long as there is no contractual relationship between the township and the other unit of local government. This amendatory Act of 1995 is declarative of existing law and is not a new enactment.

(b) On and after the effective date of this amendatory Act of the 100th General Assembly, a person elected to or appointed to fill a vacancy in an elected township position, including, but not limited to, a trustee, a supervisor, a highway commissioner, a clerk, an assessor, or a collector, shall not be employed by the township, except that a supervisor or trustee may serve as a volunteer firefighter and receive compensation for that service as provided in subsection (a).

HISTORY:
P.A. 86-717; 87-350; 89-89, § 40; 2018 P.A. 100-868, § 5, effective January 1, 2019.

50 ILCS 105/3 Prohibited interest in contracts.

(a) No person holding any office, either by election or appointment under the laws or Constitution of this State, may be in any manner financially interested directly in his own name or indirectly in the name of any other person, association, trust, or corporation, in any contract or the performance of any work in the making or letting of which such officer may be called upon to act or vote. No such officer may represent, either as agent or otherwise, any person, association, trust, or corporation, with respect to any application or bid for any contract or work in regard to which such officer may be called upon to vote. Nor may any such officer take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character. Any contract made and procured in violation hereof is void. This Section shall not apply to any person serving on an advisory panel or commission, to any director serving on a hospital district board as provided under subsection (a-5) of Section 13 of the Hospital District Law [70 ILCS 910/13], or to any person serving as both a contractual employee and as a member of a public hospital board as provided under Article 11 of the Illinois Municipal Code [65 ILCS 5/1-1-1 et seq.] in a municipality with a population between 13,000 and 16,000 that is located in a county with a population between 50,000 and 70,000.

(b) However, any elected or appointed member of the governing body may provide materials, merchandise, property, services, or labor, subject to the following provisions under either paragraph (1) or (2):

(1) If:

A. the contract is with a person, firm, partnership, association, corporation, or cooperative association in which such interested member of the governing body of the municipality has less than a 7 1/2% share in the ownership; and

B. such interested member publicly discloses the nature and extent of his interest prior to or during deliberations concerning the proposed award of the contract; and

C. such interested member abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum; and

D. such contract is approved by a majority vote of those members presently holding office; and

E. the contract is awarded after sealed bids to the lowest responsible bidder if the amount of

the contract exceeds $1500, or awarded without bidding if the amount of the contract is less than $1500; and

F. the award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed $25,000.

(2) If:

A. the award of the contract is approved by a majority vote of the governing body of the municipality provided that any such interested member shall abstain from voting; and

B. the amount of the contract does not exceed $2,000; and

C. the award of the contract would not cause the aggregate amount of all such contracts so awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed $4,000; and

D. such interested member publicly discloses the nature and extent of his interest prior to or during deliberations concerning the proposed award of the contract; and

E. such interested member abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum.

(b-5) In addition to the above exemptions, any elected or appointed member of the governing body may provide materials, merchandise, property, services, or labor if:

A. the contract is with a person, firm, partnership, association, corporation, or cooperative association in which the interested member of the governing body of the municipality, advisory panel, or commission has less than a 1% share in the ownership; and

B. the award of the contract is approved by a majority vote of the governing body of the municipality provided that any such interested member shall abstain from voting; and

C. such interested member publicly discloses the nature and extent of his interest before or during deliberations concerning the proposed award of the contract; and

D. such interested member abstains from voting on the award of the contract, though he shall be considered present for the purposes of establishing a quorum.

(c) A contract for the procurement of public utility services by a public entity with a public utility company is not barred by this Section by one or more members of the governing body of the public entity being an officer or employee of the public utility company or holding an ownership interest of no more than 7 1/2% in the public utility company, or holding an ownership interest of any size if the public entity is a municipality with a population of less than 7,500 and the public utility's rates are approved by the Illinois Commerce Commission. An elected or appointed member of the governing body of the public entity having such an interest shall be deemed not to have a prohibited interest under this Section.

(d) Notwithstanding any other provision of this Section or any other law to the contrary, until January 1, 1994, a member of the city council of a municipality with a population under 20,000 may purchase real estate from the municipality, at a price of not less than 100% of the value of the real estate as determined by a written MAI certified appraisal or by a written certified appraisal of a State certified or licensed real estate appraiser, if the purchase is approved by a unanimous vote of the city council members then holding office (except for the member desiring to purchase the real estate, who shall not vote on the question).

(e) For the purposes of this Section only, a municipal officer shall not be deemed interested if the officer is an employee of a company or owns or holds an interest of 1% or less in the municipal officer's individual name in a company, or both, that company is involved in the transaction of business with the municipality, and that company's stock is traded on a nationally recognized securities market, provided the interested member: (i) publicly discloses the fact that he or she is an employee or holds an interest of 1% or less in a company before deliberation of the proposed award of the contract; (ii) refrains from evaluating, recommending, approving, deliberating, or otherwise participating in negotiation, approval, or both, of the contract, work, or business; (iii) abstains from voting on the award of the contract though he or she shall be considered present for purposes of establishing a quorum; and (iv) the contract is approved by a majority vote of those members currently holding office.

A municipal officer shall not be deemed interested if the officer owns or holds an interest of 1% or less, not in the officer's individual name but through a mutual fund or exchange-traded fund, in a company, that company is involved in the transaction of business with the municipality, and that company's stock is traded on a nationally recognized securities market.

(f) Under either of the following circumstances, a municipal or county officer may hold a position on the board of a not-for-profit corporation that is interested in a contract, work, or business of the municipality or county:

(1) If the municipal or county officer is appointed by the governing body of the municipality or county to represent the interests of the municipality or county on a not-for-profit corporation's board, then the municipal or county officer may actively vote on matters involving either that board or the municipality or county, at any time, so long as the membership on the not-for-profit board is not a paid position, except that the municipal or county officer may be reimbursed by the not-for-profit board for expenses incurred as the result of membership on the not-for-profit board.

(2) If the municipal or county officer is not appointed to the governing body of a not-for-profit corporation by the governing body of the municipality or county, then the municipal or county officer may continue to serve; however, the municipal or county officer shall abstain from voting on any proposition before the municipal or county governing body directly involving the not-for-profit corporation and, for those matters, shall not be counted as present for the purposes of a quorum of the municipal or county governing body.

HISTORY:
P.A. 87-855; 87-1197, § 1; 90-197, § 5; 90-364, § 5; 90-655, § 50; 96-277, § 5; 96-1058, § 5; 97-520, § 5; 98-1083, § 5; 2017 P.A. 100-201, § 250, effective August 18, 2017.

50 ILCS 105/3.1 [Real property; disclosure required]

Before any contract relating to the ownership or use of real property is entered into by and between the State or any local governmental unit or any agency of either the identity of every owner and beneficiary having any interest, real or personal, in such property, and every member, shareholder, limited partner, or general partner entitled to receive more than 71/2% of the total distributable income of any limited liability company, corporation, or limited partnership having any interest, real or personal, in such property must be disclosed. The disclosure shall be in writing and shall be subscribed by a member, owner, authorized trustee, corporate official, general partner, or managing agent, or his or her authorized attorney, under oath. However, if the interest, stock, or shares in a limited liability company, corporation, or general partnership is publicly traded and there is no readily known individual having greater than a 71/2% interest, then a statement to that effect, subscribed to under oath by a member, officer of the corporation, general partner, or managing agent, or his or her authorized attorney, shall fulfill the disclosure statement requirement of this Section. As a condition of contracts entered into on or after the effective date of this amendatory Act of 1995, the beneficiaries of a lease shall furnish the trustee of a trust subject to disclosure under this Section with a binding non-revocable letter of direction authorizing the trustee to provide the State with an up-to-date disclosure whenever requested by the State. The letter of direction shall be binding on beneficiaries' heirs, successors, and assigns during the term of the contract. This Section shall be liberally construed to accomplish the purpose of requiring the identification of the actual parties benefiting from any transaction with a governmental unit or agency involving the procurement of the ownership or use of real property thereby.

For any entity that is wholly or partially owned by another entity, the names of the owners of the wholly or partially owning entity shall be disclosed under this Section, as well as the names of the owners of the wholly or partially owned entity.

HISTORY:
P.A. 83-257; 89-91, § 5; 91-361, § 5.

50 ILCS 105/3.2 Pecuniary interest allowed in contracts of deposit and financial service with local banks and savings and loan associations.

Nothing contained in this Act, including the restrictions set forth in subsections (b), (c), and (d) of Section 3 [50 ILCS 105/3], shall preclude a contract of deposit of monies, loans, or other financial services by a unit of local government, school district, community college district, State university, or a police or firefighter's pension fund established under Article 3 or 4 of the Illinois Pension Code [40 ILCS 5/3-101 et seq. or 40 ILCS 5/4-101 et seq.] with a local bank or local savings and loan association, regardless of whether a member or members of the governing body of the unit (including any director serving on a hospital district board as provided under subsection (a-5) of Section 13 of the Hospital District Law [70 ILCS 910/13]) are interested in the bank or savings and loan association as a director, an officer, employee, or holder of less than 7 1/2% of the total ownership interest. A member or members holding such an interest in such a contract shall not be deemed to be holding a prohibited interest for purposes of this Act. The interested member or members of the governing body must publicly state the nature and extent of their interest during deliberations concerning the proposed award of such a contract, but shall not participate in any further deliberations concerning the proposed award. The interested member or members shall not vote on such a proposed award. Any member or members abstaining from participation in deliberations and voting under this Section may be considered present for purposes of establishing a quorum. Award of such a contract shall require approval by a majority vote of those members presently holding office. Consideration and award of any such contract in which a member or members are interested may only be made at a regularly scheduled public meeting of the governing body of the unit or district.

HISTORY:
P.A. 86-1179; 87-1096, § 1; 90-197, § 5.

50 ILCS 105/4 [Penalty]

Any alderperson, member of a board of trustees, supervisor or county commissioner, or other person holding any office, either by election or appointment under the laws or constitution of this state, who violates any provision of the preceding sections, is guilty of a Class 4 felony and in addition thereto, any office or official position held by any person so convicted shall become vacant, and shall be so declared as part of the judgment of court. This Section does not apply to a violation of subsection (b) of Section 2a [50 ILCS 105/2a].

HISTORY:
P.A. 77-2721; 2018 P.A. 100-868, § 5, effective January 1, 2019; 2021 P.A. 102-15, § 15, effective June 17, 2021.

50 ILCS 105/4.1 Retaliation against a whistleblower.

(a) It is prohibited for a unit of local government, any agent or representative of a unit of local government, or another employee to retaliate against an employee or contractor who:

(1) reports an improper governmental action under this Section;

(2) cooperates with an investigation by an auditing official related to a report of improper governmental action; or

(3) testifies in a proceeding or prosecution arising out of an improper governmental action.

(b) To invoke the protections of this Section, an employee shall make a written report of improper governmental action to the appropriate auditing official. An employee who believes he or she has been retaliated against in violation of this Section must submit a written report to the auditing official within 60 days of gaining knowledge of the retaliatory action. If the auditing official is the individual doing the improper governmental action, then a report under this subsection may be submitted to any State's Attorney.

(c) Each auditing official shall establish written processes and procedures for managing complaints filed under this Section, and each auditing official shall investigate and dispose of reports of improper governmental action in accordance with these processes and procedures. If an auditing official concludes that an improper governmental action has taken place or concludes that the relevant unit of local government, department, agency, or supervisory officials have hindered the auditing official's investigation into the report, the auditing official shall notify in writing the chief executive of the unit of local government and any other individual or entity the auditing official deems necessary in the circumstances.

(d) An auditing official may transfer a report of improper governmental action to another auditing official for investigation if an auditing official deems it appropriate, including, but not limited to, the appropriate State's Attorney.

(e) To the extent allowed by law, the identity of an employee reporting information about an improper governmental action shall be kept confidential unless the employee waives confidentiality in writing. Auditing officials may take reasonable measures to protect employees who reasonably believe they may be subject to bodily harm for reporting improper government action.

(f) The following remedies are available to employees subjected to adverse actions for reporting improper government action:

(1) Auditing officials may reinstate, reimburse for lost wages or expenses incurred, promote, or provide some other form of restitution.

(2) In instances where an auditing official determines that restitution will not suffice, the auditing official may make his or her investigation findings available for the purposes of aiding in that employee or the employee's attorney's effort to make the employee whole.

(g) A person who engages in prohibited retaliatory action under subsection (a) is subject to the following penalties: a fine of no less than $500 and no more than $5,000, suspension without pay, demotion, discharge, civil or criminal prosecution, or any combination of these penalties, as appropriate.

(h) Every employee shall receive a written summary or a complete copy of this Section upon commencement of employment and at least once each year of employment. At the same time, the employee shall also receive a copy of the written processes and procedures for reporting improper governmental actions from the applicable auditing official.

(i) As used in this Section:

"Auditing official" means any elected, appointed, or hired individual, by whatever name, in a unit of local government whose duties are similar to, but not limited to, receiving, registering, and investigating complaints and information concerning misconduct, inefficiency, and waste within the unit of local government; investigating the performance of officers, employees, functions, and programs; and promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of the municipality. If a unit of local government does not have an "auditing official", the "auditing official" shall be a State's Attorney of the county in which the unit of local government is located.

"Employee" means anyone employed by a unit of local government, whether in a permanent or temporary position, including full-time, part-time, and intermittent workers. "Employee" also includes members of appointed boards or commissions, whether or not paid. "Employee" also includes persons who have been terminated because of any report or complaint submitted under this Section.

"Improper governmental action" means any action by a unit of local government employee, an appointed member of a board, commission, or committee, or an elected official of the unit of local government that is undertaken in violation of a federal, State, or unit of local government law or rule; is an abuse of authority; violates the public's trust or expectation of his or her conduct; is of substantial and specific danger to the public's health or safety; or is a gross waste of public funds. The action need not be within the scope of the employee's, elected official's, board member's, commission member's, or committee member's official duties to be subject to a claim of "improper governmental action". "Improper governmental action" does not include a unit of local government personnel actions, including, but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment,

performance evaluations, reductions in pay, dismissals, suspensions, demotions, reprimands, or violations of collective bargaining agreements, except to the extent that the action amounts to retaliation.

"Retaliate", "retaliation", or "retaliatory action" means any adverse change in an employee's employment status or the terms and conditions of employment that results from an employee's protected activity under this Section. "Retaliatory action" includes, but is not limited to, denial of adequate staff to perform duties; frequent staff changes; frequent and undesirable office changes; refusal to assign meaningful work; unsubstantiated letters of reprimand or unsatisfactory performance evaluations; demotion; reduction in pay; denial of promotion; transfer or reassignment; suspension or dismissal; or other disciplinary action made because of an employee's protected activity under this Section.

HISTORY:
2020 P.A. 101-652, § 10-135, effective July 1, 2021; 2022 P.A. 102-813, § 270, effective May 13, 2022.

50 ILCS 105/4.5 False verification; perjury.

A person is guilty of perjury who:

(1) In swearing on oath or otherwise affirming a statement in writing as required under this Act, knowingly makes a false statement as to, or knowingly omits a material fact relating to, the identification of an individual or entity that has an ownership interest in real property, or that is material to an issue or point in question in the written disclosure pertaining to a contract for the ownership or use of real property.

(2) Having taken a lawful oath or made affirmation, testifies willfully and falsely as to any of those matters for the purpose of inducing the State or any local governmental unit or any agency of either to enter into a contract for the ownership or use of real property.

(3) Suborns any other person to so swear, affirm, or testify.

Upon conviction of perjury, a person shall be sentenced as provided in Section 32-2 or 32-3, respectively, of the Criminal Code of 2012 [720 ILCS 5/32-2 or 720 ILCS 5/32-3] for those offenses.

This Section applies to written statements made or testimony given on or after the effective date of this amendatory Act of 1995.

HISTORY:
P.A. 89-91, § 5; 97-1150, § 170.

PUBLIC OFFICER SIMULTANEOUS TENURE ACT

50 ILCS 110/2 Simultaneous tenure declared to be lawful.

It is lawful for any person to hold the office of county board member and township supervisor, and in counties of less than 100,000 population the office of county board member and township trustee, simultaneously. It is lawful for any person to hold the office of county board member and the office of township assessor or town clerk, simultaneously, in counties of less than 300,000 population.

HISTORY:
P.A. 82-948; 90-748, § 10.

FINANCES

Investment of Municipal Funds Act

INVESTMENT OF MUNICIPAL FUNDS ACT

50 ILCS 340/0.01 Short title.

This Act may be cited as the Investment of Municipal Funds Act.

HISTORY:
P.A. 86-1324.

50 ILCS 340/1 [Purchase of tax anticipation warrants; interest]

Every county, park district, sanitary district, or other municipal corporation, holding in its treasury funds which are set aside for use for particular purposes, including any funds that are disbursed to a county or municipality as their share of the taxes collected under the "Motor Fuel Tax Law" [35 ILCS 505/1 et seq.], but which are not immediately necessary for those purposes, by ordinance, may use those funds, or any of them, in the purchase of tax anticipation warrants issued by the county, park district, sanitary district, or other municipal corporation possessing the funds against taxes levied by that county, park district, sanitary district, or other municipal corporation. These warrants shall bear interest not to exceed four percent annually. All interest upon these warrants, and all money paid in redemption of these warrants, or received from the resale thereof, shall at once be credited to and placed in the particular fund used to purchase the specified warrants. Likewise, every county, park district, sanitary district, or other municipal corporation, by resolution or ordinance may use the money in the specified funds in the purchase of municipal bonds issued by the county, park district, sanitary district, or other municipal corporation, possessing the funds and representing an obligation and pledging the credit of that county, park district, sanitary district, or other municipal corporation, or bonds and other interest bearing obligations of the United States, of the State of

Illinois, or of any other state or of any political subdivision or agency of the State of Illinois or of any other state, whether the interest earned thereon is taxable or tax-exempt under federal law, including savings accounts and savings certificates of deposit of any State or National Bank if such accounts and certificates are fully insured by the Federal Deposit Insurance Corporation, withdrawable capital accounts or deposits of State or federal chartered savings and loan associations which are fully insured by the Federal Savings and Loan Insurance Corporation, or treasury notes and other securities issued by agencies of the United States. All interest upon these bonds or obligations and all money paid in redemption of these bonds or obligations or realized from the sale thereof, if afterwards sold, shall at once be credited to and placed in the particular fund used to purchase the specified bonds or obligations.

No bank or savings and loan association shall receive public funds as permitted by this Section, unless it has complied with the requirements established pursuant to Section 6 [30 ILCS 235/6] of "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended.

This amendatory Act of 1975 is not a limit on any home rule unit.

HISTORY:
P.A. 84-1308; 93-360, § 10.

50 ILCS 340/2 [Tax anticipation warrants]

If at any time it is deemed expedient to convert into money any tax anticipation warrants theretofore issued and purchased with public funds pursuant to the provisions of Section 1 of this Act [50 ILCS 340/1] before receipt of the taxes in anticipation of which the warrants were issued, the governing body of the county, park district, sanitary district, or other municipal corporation, by ordinance or resolution, may authorize a resale of such warrants and adjust the interest rate thereon or may authorize the issuance and sale of a like principal amount of any warrants for the same purpose and in anticipation of the same taxes as the original warrants were issued. These new warrants may have any date subsequent to the date of the original tax anticipation warrants. The new tax anticipation warrants shall be of the denomination and shall bear interest at the rate, not to exceed the statutory rate, that is authorized by the ordinance or resolution specified in this section.

Simultaneously with the delivery of these new tax anticipation warrants a like principal amount of the original warrants that were issued against the same tax that is anticipated by the new warrants shall be paid and cancelled. The proceeds of the sale of these new tax anticipation warrants shall be used first to restore to the fund or funds so invested in the original tax anticipation warrants, money equivalent to the par value and accrued interest of the original tax anticipation warrants and the balance, if any, shall revert to the fund for the creation of which the tax so anticipated was levied.

When tax anticipation warrants are reissued they shall bear the index numerical designation of the original warrants and shall be subnumbered consecutively in the order of reissuance, and shall be paid in the direct order of reissuance, beginning with the earliest subnumber.

In determining the priority of payment of more than one series of tax anticipation warrants against the collection of the same tax the various series shall be treated as having been issued on the date of the original issue of each series of warrants. The series prior in point of time as thus determined shall be paid first.

This Act shall not apply to cities, villages, and incorporated towns.

HISTORY:
Laws 1941, p. 473.

PURCHASES AND CONTRACTS

Local Government Prompt Payment Act

Local Government Professional Services Selection Act

LOCAL GOVERNMENT PROMPT PAYMENT ACT

50 ILCS 505/1 [Short title]

This Act shall be known and may be cited as the "Local Government Prompt Payment Act".

HISTORY:
P.A. 84-731.

50 ILCS 505/2 [Application]

This Act shall apply to every county, township, municipality, municipal corporation, school district, school board, forest preserve district, park district,

fire protection district, sanitary district and all other local governmental units. It shall not apply to the State or any office, officer, department, division, bureau, board, commission, university or similar agency of the State, except as provided in Section 7 [50 ILCS 505/7].

HISTORY:
P.A. 85-1159.

50 ILCS 505/3 [Period for approval or disapproval; period for testing; notice on disapproval]

The appropriate local governmental official or agency receiving goods or services must approve or disapprove a bill from a vendor or contractor for goods or services furnished the local governmental agency within 30 days after the receipt of such bill or within 30 days after the date on which the goods or services were received, whichever is later. If one or more items on a construction related bill or invoice are disapproved, but not the entire bill or invoice, then the portion that is not disapproved shall be paid. When safety or quality assurance testing of goods by the local governmental agency is necessary before the approval or disapproval of a bill and such testing cannot be completed within 30 days after receipt of the goods, approval or disapproval of the bill must be made immediately upon completion of the testing or within 60 days after receipt of the goods, whichever occurs first. Written notice shall be mailed to the vendor or contractor immediately if a bill is disapproved.

HISTORY:
P.A. 87-773; 94-972, § 10.

50 ILCS 505/4 [Period for payment]

Any bill approved for payment pursuant to Section 3 [50 ILCS 505/3] shall be paid within 30 days after the date of approval. If payment is not made within such 30 day period, an interest penalty of 1% of any amount approved and unpaid shall be added for each month or fraction thereof after the expiration of such 30 day period, until final payment is made.

HISTORY:
P.A. 84-731.

50 ILCS 505/5 [Failure to approve or disapprove; penalty for late payment]

If the local governmental official or agency whose approval is required for any bill fails to approve or disapprove that bill within the period provided for approval by Section 3 [50 ILCS 505/3], the penalty for late payment of that bill shall be computed from the date 60 days after the receipt of that bill or the date 60 days after the goods or services are received, whichever is later.

HISTORY:
P.A. 84-731.

50 ILCS 505/6 [Time periods set by contract]

The time periods specified in Sections 3, 4 and 5 [50 ILCS 505/3, 50 ILCS 505/4 and 50 ILCS 505/5], as they pertain to particular goods or services, are superseded by any greater time periods as agreed to by the local government agency and the particular vendor or contractor.

HISTORY:
P.A. 87-773.

50 ILCS 505/7 [Distribution of appropriated funds]

If the funds from which the local governmental official or agency is to pay for goods or services are funds appropriated or controlled by the State, then the local governmental official or agency may certify to the State Treasurer, Comptroller and State agency responsible for administering such funds that a specified amount is anticipated to be necessary within 45 days after certification to pay for specified goods or services and that such amount is not currently available to the local governmental official or agency. The State Treasurer, Comptroller and State agency shall than expedite distribution of funds to the local governmental unit to make such payments. The certification shall be mailed on the date of certification by certified U. S. mail, return receipt requested. Any interest penalty incurred by the local governmental unit under Section 3 or 4 [50 ILCS 505/3 or 50 ILCS 505/4] because of the failure of funds to be distributed from the State to the local governmental unit within the 45 day period shall be reimbursed by the State to the local governmental unit as an amount in addition to the funds to be otherwise distributed from the State.

HISTORY:
P.A. 85-1159.

50 ILCS 505/9 Payments to subcontractors and material suppliers; failure to make timely payments; additional amount due.

When a contractor receives any payment, the contractor shall pay each subcontractor and material supplier in proportion to the work completed by each subcontractor and material supplier their application less any retention. If the contractor receives less than the full payment due under the public construction contract, the contractor shall be obligated to disburse on a pro rata basis those funds received, with the contractor, subcontractors and material suppliers each receiving a prorated portion based on the amount of payment. All interest payments received pursuant to Section 4 [50 ILCS 505/4] also shall be disbursed to subcontractors and material

suppliers to whom payment has been delayed, on a pro rata basis. When, however, the public owner does not release the full payment due under the contract because there are specific areas of work or materials the contractor is rejecting or because the contractor has otherwise determined such areas are not suitable for payment, then those specific subcontractors or suppliers involved shall not be paid for that portion of the work rejected or deemed not suitable for payment and all other subcontractors and suppliers shall be paid in full.

If the contractor, without reasonable cause, fails to make any payment to his subcontractors and material suppliers within 15 days after receipt of payment under the public construction contract, the contractor shall pay to his subcontractors and material suppliers, in addition to the payment due them, interest in the amount of 2% per month, calculated from the expiration of the 15-day period until fully paid. This Section shall also apply to any payments made by subcontractors and material suppliers to their subcontractors and material suppliers and to all payments made to lower tier subcontractors and material suppliers throughout the contracting chain.

HISTORY:
P.A. 87-773; 94-972, § 10.

LOCAL GOVERNMENT PROFESSIONAL SERVICES SELECTION ACT

50 ILCS 510/0.01 Short title.

This Act may be cited as the Local Government Professional Services Selection Act.

HISTORY:
P.A. 86-1324.

50 ILCS 510/1 Policy.

It shall be the policy of the political subdivisions of the State of Illinois to negotiate and enter into contracts for architectural, engineering and land surveying services on the basis of demonstrated competence and qualifications for the type of services required and at fair and reasonable compensation.

HISTORY:
P.A. 85-854.

50 ILCS 510/2 Federal Requirements.

In the procurement of architectural, engineering and land surveying services and in the awarding of contracts, a political subdivision of the State of Illinois may comply with federal law and regulations and take all necessary steps to adapt its rules, specifications, policies and procedures accordingly to remain eligible for federal aid.

HISTORY:
P.A. 85-854.

50 ILCS 510/3 Definitions.

As used in this Act unless the context specifically requires otherwise:

(1) "Firm" means any individual, firm, partnership, corporation, association or other legal entity permitted by law to practice the profession of architecture, engineering or land surveying and provide architectural, engineering or land surveying services.

(2) "Architectural services" means any professional service as defined in Section 5 of the Illinois Architecture Practice Act of 1989 [225 ILCS 305/5].

(3) "Engineering services" means any professional service as defined in Section 4 of the Professional Engineering Practice Act of 1989 [225 ILCS 325/4] or Section 5 of the Structural Engineering Practice Act of 1989 [225 ILCS 340/5].

(4) "Land surveying services" means any professional service as defined in Section 5 of the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330/5].

(5) "Political subdivision" means any school district and any unit of local government of fewer than 3,000,000 inhabitants, except home rule units.

(6) "Project" means any capital improvement project or any study, plan, survey or new or existing program activity of a political subdivision, including development of new or existing programs which require architectural, engineering or land surveying services.

HISTORY:
P.A. 86-711; 86-987; 86-1028; 86-1475; 91-91, § 15.

50 ILCS 510/4 Public notice.

Present provisions of law notwithstanding, in the procurement of architectural, engineering or land surveying services, each political subdivision which utilizes architectural, engineering or land surveying services shall permit firms engaged in the lawful practice of their professions to annually file a statement of qualifications and performance data with the political subdivision. Whenever a project requiring architectural, engineering or land surveying services is proposed for a political subdivision, the political subdivision shall, unless it has a satisfactory relationship for services with one or more firms:

(1) mail or e-mail a notice requesting a statement of interest in the specific project to all firms who have a current statement of qualifications and performance data on file with the political subdivision;

(2) place an advertisement in a secular English language daily newspaper of general circulation throughout such political subdivision, requesting a statement of interest in the specific project and further requesting statements of qualifications and

performance data from those firms which do not have such a statement on file with the political subdivision. Such advertisement shall state the day, hour and place the statement of interest and the statements of qualifications and performance data shall be due; or

(3) place an advertisement for professional services on the political subdivision's website requesting a statement of interest in the specific project. The professional services advertisement shall include a description of each project and state the time and place for interested firms to submit its letter of interest, statement of qualifications, and performance data, as required.

HISTORY:
P.A. 85-854; 98-420, § 5.

50 ILCS 510/5 Evaluation Procedure.

A political subdivision shall, unless it has a satisfactory relationship for services with one or more firms, evaluate the firms submitting letters of interest, taking into account qualifications, ability of professional personnel, past record and experience, performance data on file, willingness to meet time requirements, location, workload of the firm, and such other qualifications-based factors as the political subdivision may determine in writing are applicable. The political subdivision may conduct discussions with and require public presentations by firms deemed to be the most qualified regarding their qualifications, approach to the project, and ability to furnish the required services. In no case shall a political subdivision, prior to selecting a firm for negotiation under Section 7 [50 ILCS 510/7], seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation.

HISTORY:
P.A. 85-854; 94-1097, § 5.

50 ILCS 510/6 Selection procedure.

On the basis of evaluations, discussions and presentations, the political subdivision shall, unless it has a satisfactory relationship for services with one or more firms, select no less than 3 firms which it determines to be the most qualified to provide services for the project and rank them in order of qualifications to provide services regarding the specific project. The political subdivision shall then contact the firm ranked most preferred and attempt to negotiate a contract at a fair and reasonable compensation, taking into account the estimated value, scope, complexity, and professional nature of the services to be rendered. If fewer than 3 firms submit letters of interest and the political subdivision determines that one or both of those firms are so qualified, the political subdivision may proceed to negotiate a contract pursuant to this Section and Section 7 [50 ILCS 510/7].

HISTORY:
P.A. 85-854.

50 ILCS 510/7 Contract negotiation.

(1) The political subdivision shall prepare a written description of the scope of the proposed services to be used as a basis for negotiations and shall negotiate a contract with the highest qualified firm at compensation that the political subdivision determines in writing to be fair and reasonable. In making this decision the political subdivision shall take into account the estimated value, scope, complexity and professional nature of the services to be rendered.

(2) If the political subdivision is unable to negotiate a satisfactory contract with the firm which is most preferred, negotiations with that firm shall be terminated. The political subdivision shall then begin negotiations with the firm which is next preferred. If the political subdivision is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be terminated. The political subdivision shall then begin negotiations with the firm which is next preferred.

(3) If the political subdivision is unable to negotiate a satisfactory contract with any of the selected firms, the political subdivision shall re-evaluate the architectural, engineering or land surveying services requested, including the estimated value, scope, complexity and fee requirements. The political subdivision shall then compile a second list of not less than three qualified firms and proceed in accordance with the provisions of this Act.

HISTORY:
P.A. 85-854.

50 ILCS 510/8 Waiver of competition.

A political subdivision may waive the requirements of Sections 4, 5, and 6 [50 ILCS 510/4, 50 ILCS 510/5, and 50 ILCS 510/6] if it determines, by resolution, that an emergency situation exists and a firm must be selected in an expeditious manner, or the cost of architectural, engineering, and land surveying services for the project is expected to be less than $40,000. This amount shall be increased annually by a percentage equal to the annual unadjusted percentage increase, if any, as determined by the consumer price index-u.

For purposes of this Section, "consumer price index-u" means the index published by the Bureau of Labor Statistics of the United States Department of Labor that measures the average change in prices of goods and services purchased by all urban consumers, United States city average, all items, 1982-84=100.

HISTORY:
P.A. 87-1034, § 1; 2018 P.A. 100-968, § 5, effective January 1, 2019.

PROPERTY

Local Government Property Transfer Act

LOCAL GOVERNMENT PROPERTY TRANSFER ACT

50 ILCS 605/0.01 Short title.

This Act may be cited as the Local Government Property Transfer Act.

HISTORY:
P.A. 86-1324.

50 ILCS 605/1 [Definitions]

When used in this Act:

(a) The term "transferor municipality" shall mean a municipal corporation transferring real estate or any interest therein, under the provisions of this Act.

(b) The term "transferee municipality" shall mean a municipal corporation or 2 or more school districts operating a cooperative or joint educational program pursuant to Section 10-22.31 of the School Code [105 ILCS 5/10-22.31] receiving a transfer of real estate or any interest therein under provisions of this Act.

(c) The term "municipality" whether used by itself or in conjunction with other words, as in (a) or (b) above, shall mean and include any municipal corporation or political subdivision organized and existing under the laws of the State of Illinois and including, but without limitation, any city, village, or incorporated town, whether organized under a special charter or under the General Act, or whether operating under the commission or managerial form of government, county, school districts, trustees of schools, boards of education, 2 or more school districts operating a cooperative or joint educational program pursuant to Section 10-22.31 of the School Code, sanitary district or sanitary district trustees, forest preserve district or forest preserve district commissioner, park district or park commissioners, airport authority and township.

(d) The term "restriction" shall mean any condition, limitation, qualification, reversion, possibility of reversion, covenant, agreement or restraint of whatever kind or nature, the effect of which is to restrict the use or ownership of real estate by a municipality as defined in (c) above.

(e) The term "corporate authorities" shall mean the members of the legislative body of any municipality as defined in (c) above.

(f) The term "held" or any form thereof, when used in reference to the interest of a municipality in real estate shall be taken and construed to refer to and include all of the right, title and interest of such municipality of whatever kind or nature, in and to such real estate.

(g) Each of the terms above defined and the terms contained in the definition of each of said terms shall be taken and construed to include the plural form thereof.

(h) The term "Local Improvement Act" shall mean an Act of the General Assembly of the State of Illinois entitled "An Act concerning local improvements," [65 ILCS 5/9-2-1 et seq.] approved June 14, 1897, and the amendments thereto.

(i) The term "State of Illinois" shall mean the State of Illinois or any department, commission, board or other agency of the State.

HISTORY:
P.A. 82-783; 96-783, § 3.

50 ILCS 605/2 [Power to transfer; restriction; easement; special assessments; damage]

If the territory of any municipality shall be wholly within, coextensive with, or partly within and partly without the corporate limits of any other municipality, or if the municipality is a school district and the territory of the school district is adjacent to the boundaries of any other school district, and the first mentioned municipality (herein called "transferee municipality"), shall by ordinance declare that it is necessary or convenient for it to use, occupy or improve any real estate held by the last mentioned municipality (herein called the "transferor municipality") in the making of any public improvement or for any public purpose, the corporate authorities of the transferor municipality shall have the power to transfer all of the right, title and interest held by it immediately prior to such transfer, in and to such real estate, whether located within or without either or both of said municipalities, to the transferee municipality upon such terms as may be agreed upon by the corporate authorities of both municipalities, in the manner and upon the conditions following:

(a) If such real estate shall be held by the transferor municipality without restriction, the said municipality shall have power to grant or convey such real estate or any portion thereof to the transferee municipality upon such terms as may be agreed upon by the corporate authorities of both municipalities, by an instrument of conveyance signed by the mayor, president or other chief executive of the transferor municipality, attested by its clerk or secretary and sealed with its corporate seal, all duly authorized by a resolution passed by the vote of ⅔ of the members of the

legislative body of the transferor municipality then holding office, and duly recorded in the office of the recorder in the county in which said real estate is located. Provided, however, that any municipality may, in the manner above provided, convey real estate to a Public Building Commission organized and existing pursuant to "An Act to authorize the creation of Public Building Commissions and to define their rights, powers and duties", approved July 5, 1955, as amended [50 ILCS 20/1 et seq.], when duly authorized by a majority vote of the members of the legislative body of such municipality then holding office whenever provision is made in the conveyance for a reverter of the real estate to such transferor municipality. The transferee municipality shall thereafter have the right to use, occupy or improve the real estate so transferred for any municipal or public purpose and shall hold said real estate by the same right, title and interest by which the transferor municipality held said real estate immediately prior to said transfer.

(b) If any such real estate shall be held by the transferor municipality subject to or limited by any restriction, and the transferee municipality shall desire the use, occupation or improvement thereof free from said restriction, the transferor municipality (or the transferee municipality, in the name of and for and on behalf of the transferor municipality, but without subjecting the transferor municipality to any expense without the consent of its corporate authorities), shall have the power to secure from its grantor, or grantors, their heirs, successors, assigns, or others, a release of any or all of such restrictions upon such terms as may be agreed upon between either of said municipalities and the person or persons entitled to the benefit of said restrictions. Upon the recording of any such release the transferor municipality shall then have the powers granted in paragraph (a) of this Section.

(c) If either the transferor municipality or the transferee municipality shall be unable to secure a release of any restriction as above provided, the transferor municipality (or the transferee municipality in the name of and for and in behalf of the transferor municipality, but without subjecting the transferor municipality to any expense without the consent of its corporate authorities), shall have the power to file in any circuit court a petition for the purpose of removing or releasing said restriction and determining the compensation, if any, to be paid in consequence thereof to the owner or owners of said real estate, for any right, title or interest which they or any of them may or might have in and to any such real estate arising out of said restriction. If any compensation shall be awarded, the same shall be measured by the actual damage, if any, to the owner or owners of said real estate, resulting from the removal or release of said restriction, and shall be determined as of the date of the filing of said petition. Upon the payment of such compensation as may be awarded, if any, the transferor municipality shall have the powers granted in paragraph (a) of this Section, and said transferor municipality shall grant and convey the said real estate to the transferee municipality upon the terms and conditions theretofore agreed upon by the said municipalities and in the manner provided for in paragraph (a) of this Section.

(d) If the transferor municipality shall hold an easement in any real estate for a particular purpose different from the purpose for which the transferee municipality shall desire to use, occupy or improve said real estate, the transferor municipality (or the transferee municipality in the name of and for and in behalf of the transferor municipality, but without subjecting the transferor municipality to any expense without the consent of its corporate authorities), shall have the power to file in any circuit court a petition for the purpose of terminating said easement and securing the right to use, occupy and improve any such real estate for the purpose or purposes set forth in said petition, and for determining the compensation, if any, to be paid in consequence thereof to the owner, or owners of said real estate. If any compensation shall be awarded, the same shall be measured by the actual damage, if any, to the owner or owners of said real estate, resulting from the termination of the said easement and the granting of the right sought in said petition, and shall be determined as of the date of the filing of said petition. Upon the payment of such compensation as may be awarded, if any, the easement held by the transferor municipality shall in the final order entered in such proceeding be declared terminated and the right of the transferee municipality in said real estate shall be declared. If the transferee municipality shall desire to use, occupy or improve said real estate for the same purpose authorized by the easement held by the transferor municipality, the transferor municipality shall have the power to transfer said easement to the transferee municipality by instrument of conveyance as provided for in paragraph (a).

(e) If such real estate shall have been acquired or improved by the transferor municipality under the Local Improvements Act [65 ILCS 5/9-2-1 et seq.], or under the said Act in conjunction with any other Act, and the times fixed for the payment of all installments of the special assessments therefor have not elapsed at the time the transferor and transferee municipalities shall have reached an agreement for the transfer of said real estate, the transferee municipality shall deposit with the transferor municipality to be placed in the special assessment funds authorized to be collected to pay the cost of acquiring or improving said real estate, an amount sufficient to pay (1) the installments of said special assessments not due and payable at the time of the agreement for said transfer, and (2) the amounts paid in advance by any property

owner on account of said special assessments, which, had such amounts not been paid in advance, would have been due and payable after the date of such agreement, and the transferor municipality shall upon the receipt of such amount cause orders to be entered in the courts in which said special assessments were confirmed, cancelling the installments becoming due and payable after the said time at which the transferor and transferee municipalities shall have reached an agreement for the transfer of said real estate, and releasing the respective lots, tracts, and parcels of real estate assessed in any such proceedings from the installments of the said assessments in this paragraph authorized to be cancelled. The transferor municipality shall after the entry of such orders of cancellation refund to any property owner who has paid the same in advance, any amounts which otherwise would have been due and payable after the said time at which the transferor and transferee municipalities shall have reached an agreement for the transfer of said real estate. Upon the entry of such orders of cancellation the transferor municipality shall then have the powers granted in paragraph (a) of this Section.

(f) The procedure, for the removal of any restriction upon the real estate of the transferor municipality, for the termination of any easement of the transferor municipality in said real estate and the declaration of another or different right in the transferee municipality in said real estate, and for the ascertainment of just compensation therefor, shall be as near as may be like that provided for the exercise of the power of eminent domain under the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.].

(g) If any property shall be damaged by the release or removal of any restrictions upon, or the termination of any easement in, or the granting of a new right in any real estate held by the transferor municipality, the same shall be ascertained and paid as provided by law.

HISTORY:
P.A. 83-358; 94-1055, § 95-10-50.

50 ILCS 605/3 [Transfer of two or more parcels]

The powers conferred in sections one (1) and two (2) of this Act shall also be taken to authorize the transfer of two or more parcels of real estate at the same time and in the same proceeding in the manner provided in this Act.

HISTORY:
Laws 1925, p. 246.

50 ILCS 605/3.1 [Lease]

Any municipality may lease for any term not exceeding 50 years to any other municipality real property owned or held by the transferor municipality, or any part thereof or interest therein, upon such terms and conditions and for such uses as may be agreed upon by the corporate authorities of both the transferor and transferee municipalities in the same manner as is provided in paragraph (a) of Section 2 of this Act [50 ILCS 605/2] for the conveyance of real estate to a transferee municipality.

This amendatory Act of 1975 is not a limit on any home rule unit. This amendatory Act of 1975 is not a limit on the associational or contractual powers granted in Article VII, Section 10 of the Illinois Constitution.

HISTORY:
P.A. 79-1093.

50 ILCS 605/4 [Resolution to transfer]

Any municipality shall have the power upon resolution passed by a two-thirds vote of the members of its legislative body then holding office, to transfer all of the right, title and interest held by it immediately prior to such transfer, in and to any real estate, whether located within or without such municipality, to the State of Illinois, for any authorized purpose of state government, upon such terms and conditions as may be agreed upon by the transferor municipality and the State of Illinois, and the State of Illinois is authorized to accept the title or interest in such real estate so conveyed; except that a majority vote of the members of such legislative body then holding office is sufficient for the dedication by any municipality of any area as a nature preserve as provided in the "Illinois Natural Areas Preservation Act" [525 ILCS 30/1 et seq.] as now or hereafter amended. If such real estate is held by the transferor municipality subject to or limited by any restriction, the State of Illinois, by the Secretary of Transportation or by the Director of any state department, or the Chairman or President of any commission, board or agency of the State vested by law with the power, duty or function of the State Government for which said property is to be used by the State after its acquisition, may remove such restriction through purchase, agreement or condemnation. Any such condemnation proceedings shall be brought and maintained by the State of Illinois and shall conform, as nearly as may be, with the procedure provided for the exercise of the power of eminent domain under the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.].

HISTORY:
P.A. 82-783; 94-1055, § 95-10-50.

50 ILCS 605/5 Eminent domain.

Notwithstanding any other provision of this Act, any power granted under this Act to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.].

HISTORY:
P.A. 94-1055, § 95-5-85.

CHAPTER 55

COUNTIES

Counties Code

COUNTIES CODE

Article
3. Officers and Employees
5. Powers and Duties of County Boards

ARTICLE 3.

OFFICERS AND EMPLOYEES

Division 3-2. Clerk

Section

DIVISION 3-2.

CLERK

55 ILCS 5/3-2001 Election of county clerk.

In all counties there shall be an elected county clerk who shall hold office until the clerk's successor is qualified. The functions and powers of the county clerks shall be uniform in the various counties of this State. The clerk shall enter upon the duties of the clerk's office on the first day in the month of December following the clerk's election on which the office of the county clerk is required, by statute or by action of the county board, to be open.

HISTORY:
P.A. 86-962; 2019 P.A. 101-253, § 5, effective August 9, 2019.

55 ILCS 5/3-2002 Oath.

Each county clerk, before entering upon the duties of the clerk's office, shall take and subscribe to the oath or affirmation prescribed by Section 3, Article XIII of the Constitution which shall be entered at large upon the records of the clerk's office.

HISTORY:
P.A. 86-962; 2019 P.A. 101-253, § 5, effective August 9, 2019.

55 ILCS 5/3-2003 Functions, powers and duties of clerk

The county clerk shall have those functions, powers and duties as provided in the Sections following this Section and preceding Section 3-2004 [55 ILCS 5/3-2004].

HISTORY:
P.A. 86-962.

55 ILCS 5/3-2003.1 Appointment of deputies, assistants and personnel.

The county clerk shall appoint deputies, assistants and personnel to assist in the performance of the clerk's duties.

HISTORY:
P.A. 86-962; 2019 P.A. 101-253, § 5, effective August 9, 2019.

55 ILCS 5/3-2003.2 Internal operations of office.

The county clerk shall have the right to control the internal operations of the clerk's office and to procure necessary equipment, materials and services to perform the duties of the clerk's office.

HISTORY:
P.A. 86-962; 2019 P.A. 101-253, § 5, effective August 9, 2019.

55 ILCS 5/3-2003.3 Monthly report of financial status.

The county clerk shall file a monthly report summarizing the financial status of the clerk's office in such form as shall be determined by the county board.

HISTORY:
P.A. 86-962; 2019 P.A. 101-253, § 5, effective August 9, 2019.

55 ILCS 5/3-2003.4 Deposit of fee income; special funds.

The county clerk shall deposit in the office of the county treasurer monthly by the 10th day of the month following, all fee income. The county clerk may maintain the following special funds from which the county board shall authorize payments by voucher between board meetings:

(a) Overpayments.

(b) Reasonable amount needed during the succeeding accounting period to pay office expenses, postage, freight, express or similar charges.

(c) Excess earnings from the sale of revenue stamps to be maintained in a fund to be used for the purchase of additional stamps from the Illinois Department of Revenue.

(d) Fund to pay necessary travel, dues and other expenses incurred in attending workshops, educational seminars and organizational meetings established for the purpose of providing in-service training.

(e) Trust funds, for tax redemptions, or for such other purposes as may be provided for by law.

(f) Such other funds as may be authorized by the county board.

The county clerk shall make accounting monthly to the county board of all special funds maintained by the clerk in the discharge of the clerk's duties.

HISTORY:
P.A. 86-962; 2019 P.A. 101-253, § 5, effective August 9, 2019.

55 ILCS 5/3-2003.5 Compensation of deputies and employees

Compensation of deputies and employees shall be fixed by the county clerk subject to budgetary limitations established by the county board.

HISTORY:
P.A. 86-962.

55 ILCS 5/3-2004 Prompt payment

Purchases made pursuant to this Division shall be made in compliance with the "Local Government Prompt Payment Act" [50 ILCS 505/1 et seq.].

HISTORY:
P.A. 86-962.

55 ILCS 5/3-2005 Bond.

Each county clerk shall, before entering upon the duties of the clerk's office, give bond (or, if the county is self-insured, the county through its self-insurance program may provide bonding) in such penalty and with such security as the county board shall deem sufficient, which bond shall be substantially in the following form, and shall be recorded in full in the records of the clerk's office, and when so recorded shall be deposited with the clerk of the circuit court for safe keeping:

We, (A B) principal, and (C D) and (E F), sureties, all of the county of .... and State of Illinois, are obligated to the People of the State of Illinois, in the penal sum of $...., for the payment of which, we obligate ourselves, each of us, our heirs, executors and administrators.

The condition of the above bond is such, that if the above obligated (A B) shall perform all the duties which are or may be required by law to be performed by the county clerk of the county of .... in the time and manner prescribed or to be prescribed by law, and when the clerk is succeeded in office, shall surrender and deliver over to the clerk's successor in office all books, papers, moneys, and other things belonging to the county, and appertaining to the clerk's office, then the above bond to be void; otherwise to remain in full force.

Dated (insert date).

Signed and delivered in the presence of (G H).

Signature A B,

Signature C D,

Signature E F.

HISTORY:
P.A. 86-962; 88-387, § 5; 91-357, § 73; 2019 P.A. 101-253, § 5, effective August 9, 2019.

55 ILCS 5/3-2006 Commission

County clerks shall be commissioned by the governor.

HISTORY:
P.A. 86-962.

55 ILCS 5/3-2007 Office quarters and hours; violation.

The county clerk shall keep the clerk's office at the court house of the county, or at such other place as may be provided for the clerk by the authorities of such county seat and shall keep the office open and attend to the duties thereof:

(a) In counties of 500,000 or more population from 9 a. m. to 5 p. m. of each working day except Saturday afternoons and legal holidays, but the clerk may open the office at 8 a. m. on each working day:

(b) In counties of less than 500,000 population from 8 a. m. to 5 p. m. of each working day except Saturdays and legal holidays, but in such counties the office shall remain open until noon the Saturday before general, primary or special election days.

Provided, that the days on which such office shall be open and the hours of opening and closing of the office of the county clerk may be changed and otherwise fixed and determined by the county board of any county. Any such action taken by the county board shall be by an appropriate resolution passed at a regular meeting.

Notwithstanding any other provision of this Section, when any election is held and the results of such election are required by law to be returned to the county clerk, the office of the county clerk shall remain open for the purpose of receiving such results from the time of opening of the polls until the returns from each precinct have been received.

Any county clerk who fails to keep the clerk's office open for the purpose of receiving election returns as required by this Section commits a business offense,

and shall be fined not less than $500 nor more than $5,000.

HISTORY:
P.A. 86-962; 2019 P.A. 101-253, § 5, effective August 9, 2019.

55 ILCS 5/3-2008 Seal.

The county clerk shall be keeper of the seal of the county, which shall be used by the clerk in all cases where the clerk is required to use an official seal.

HISTORY:
P.A. 86-962; 2019 P.A. 101-253, § 5, effective August 9, 2019.

55 ILCS 5/3-2009 Deputies.

The county clerk shall appoint a chief deputy and may appoint additional deputies, who shall take and subscribe the same oath for the discharge of their duties as is required of the county clerk, which shall be entered of record in the clerk's office.

HISTORY:
P.A. 86-962; 2019 P.A. 101-253, § 5, effective August 9, 2019.

55 ILCS 5/3-2010 Responsibility.

The principal clerk shall in all cases be responsible for the acts of the principal clerk's deputies. Whenever a vacancy occurs in the office of the county clerk in any county, including counties with a population of less than 60,000 inhabitants, the chief deputy clerk shall perform all the duties appertaining to the office of county clerk until the successor of such clerk is elected or appointed and qualified as provided in Section 3-2011 [55 ILCS 5/3-2011].

HISTORY:
P.A. 86-962; 2019 P.A. 101-253, § 5, effective August 9, 2019.

55 ILCS 5/3-2011 Vacancies; military service

Whenever a vacancy occurs in the office of any county clerk and the unexpired term exceeds one year, the vacancy shall be filled as provided by The Election Code [10 ILCS 5/1-1 et seq.] by appointment of a clerk pro tempore, who shall qualify by giving bond and taking the oath as required of the county clerk, and shall thereupon perform all the duties and be entitled to all the emoluments and be subject to all the penalties appertaining to the office of county clerk until the successor of such clerk is elected or appointed and qualified; Provided, that in case the county clerk is called into the active military service of the United States, the appointee shall perform and discharge all the duties of the county clerk during the time such county clerk is in the active military service of the United States, and such county clerk so appointed shall possess all the powers and discharge all the duties of a regularly elected county clerk under the laws of this State, and shall be paid the same compensation as provided by law for the county clerk of that county, apportioned as to the time of service, and such appointment and all authority thereunder shall cease upon the discharge of the said county clerk from such active military service of the United States; and provided further, that the office of county clerk shall not be deemed to be vacant during the time the said county clerk is in the active military service of the United States.

HISTORY:
P.A. 86-962.

55 ILCS 5/3-2012 Custody of records; public inspection.

The county clerk shall have the care and custody of all the records, books and papers appertaining to and filed or deposited in the clerk's offices, and the same, except as otherwise provided in the Vital Records Act [410 ILCS 535/1 et seq.], shall be open to the inspection of all persons without reward.

HISTORY:
P.A. 86-962; 87-895; 2019 P.A. 101-253, § 5, effective August 9, 2019.

55 ILCS 5/3-2013 General duties of clerk.

Subject to the provisions of the Local Records Act [50 ILCS 205/1 et seq.], the duties of the county clerk shall be-

1st. To act as clerk of the county board of the county and to keep an accurate record of the proceedings of said board, file and preserve all bills of account acted upon by the board, and when any account is allowed or disallowed, the clerk shall note that fact thereon, and when a part of any account is allowed, the clerk shall note particularly the items allowed.

2nd. To keep a book in which the clerk shall enter the number, date and amount of each order upon the county treasurer, and the name of the person in whose favor the same is drawn, and when such order is canceled, the clerk shall note the date of cancellation opposite such entry.

3rd. Before any such order is delivered to the person for whose benefit it is drawn, the county clerk shall present the same to the county treasurer, who shall personally countersign the same.

4th. To keep a book, in which shall be entered in alphabetical order, by name of the principal, a minute of all official bonds filed in the clerk's office, giving the name of the office, amount and date of bond, names of sureties and date of filing, with such reference to the number or other designation of the bond, that the same may be easily found.

5th. To keep proper alphabetical indexes of all records and papers in the clerk's office.

6th. To give any person requiring the same, and paying the lawful fees therefor, a copy of any record, paper or account in the clerk's office.

7th. Such other duties as are or may be required by law.

HISTORY:
P.A. 86-962; 2019 P.A. 101-253, § 5, effective August 9, 2019.

55 ILCS 5/3-2014 Local government and school district registry.

Within 60 days following the creation or dissolution of a unit of local government or school district, each county clerk shall provide to the Comptroller information for the registry required under Section 23.7 of the State Comptroller Act [15 ILCS 405/23.7] in a manner prescribed by the Comptroller.

History.
2019 P.A. 101-34, § 20, effective June 28, 2019.

ARTICLE 5.

POWERS AND DUTIES OF COUNTY BOARDS

Division 5-1. In General

Division 5-13. Building or Setback Lines

Division 5-45. County Design-Build Authorization [Effective January 1, 2023]

DIVISION 5-1.
IN GENERAL

55 ILCS 5/5-1014 Powers generally

The county board of each county has the powers enumerated in the Sections following this Section and preceding Section 5-1105 [55 ILCS 5/5-1105], subject to conditions therein stated. Powers conferred on counties are in addition to and not in limitation of their existing powers.

It is the policy of this State that all powers granted, either expressly or by necessary implication, by this Code, other Illinois statute, or the Illinois Constitution to non-home rule counties may be exercised by those counties notwithstanding effects on competition. It is the intention of the General Assembly that the "State action exemption" to the application of federal antitrust statutes be fully available to counties to the extent their activities are authorized by law as stated herein.

HISTORY:
P.A. 86-962.

55 ILCS 5/5-1020 Trust agreements for funds retained pending construction completion

Whenever any county has entered into a contract for the repair, remodeling, renovation or construction of a building or structure or the construction or maintenance of a road or highway (including any contract to which Section 5-409 of the Illinois Highway Code [605 ILCS 5/5-409] is applicable) or of a local improvement as defined in Division 5-32, as amended, which provides for retention of a percentage of the contract price until final completion and acceptance of the work, upon the request of the contractor and with the approval of the county, the amount so retained may be deposited under a trust agreement with an Illinois bank or savings and loan association of the contractor's choice and subject to the approval of the county. The contractor shall receive any interest thereon.

Upon application by the contractor, the trust agreement must contain, as a minimum, the following provisions:

a. The amount to be deposited subject to the trust;

b. The terms and conditions of payment in case of default of the contractor;

c. The termination of the trust agreement upon completion of the contract; and

d. The contractor shall be responsible for obtaining the written consent of the bank trustee, and any costs or service fees shall be borne by the contractor.

The trust agreement may, at the discretion of the county and upon request of the contractor, become operative at the time of the first partial payment in accordance with existing statutes, ordinances and county procedures.

No bank or savings and loan association shall receive public funds as permitted by this Section, unless it has complied with the requirements established pursuant to Section 6 of "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended [30 ILCS 235/6].

HISTORY:
P.A. 86-962.

55 ILCS 5/5-1022 Competitive bids

(a) Any purchase by a county with fewer than 2,000,000 inhabitants of services, materials, equipment or supplies in excess of $30,000, other than professional services, shall be contracted for in one of the following ways:

(1) by a contract let to the lowest responsible bidder after advertising for bids in a newspaper published within the county or, if no newspaper is published within the county, then a newspaper having general circulation within the county; or

(2) by a contract let without advertising for bids in the case of an emergency if authorized by the county board.

(b) In determining the lowest responsible bidder, the county board shall take into consideration the qualities of the articles supplied; their conformity with the specifications; their suitability to the requirements of the county, availability of support services; uniqueness of the service, materials, equipment, or supplies as it applies to networked, integrated computer systems; compatibility to existing equipment; and the delivery terms. The county board also may take into consideration whether a bidder is a private enterprise or a State-controlled enterprise and, notwithstanding any other provision of this Section or a lower bid by a State-controlled enterprise, may let a contract to the lowest responsible bidder that is a private enterprise.

(c) This Section does not apply to contracts by a county with the federal government or to purchases of used equipment, purchases at auction or similar transactions which by their very nature are not suitable to competitive bids, pursuant to an ordinance adopted by the county board.

(d) Notwithstanding the provisions of this Section, a county may let without advertising for bids in the case of purchases and contracts, when individual orders do not exceed $35,000, for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and inter-connect equipment, software, and services.

(e) A county may require, as a condition of any contract for goods and services, that persons awarded a contract with the county and all affiliates of the person collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act [35 ILCS 105/1 et seq.] regardless of whether the person or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act [35 ILCS 105/2]. For purposes of this subsection (e), the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (e), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (e), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

(f) Bids submitted to, and contracts executed by, the county may require a certification by the bidder or contractor that the bidder or contractor is not barred from bidding for or entering into a contract under this Section and that the bidder or contractor acknowledges that the county may declare the contract void if the certification completed pursuant to this subsection (f) is false.

HISTORY:
P.A. 86-962; 87-1208, § 3; 88-150, § 5; 90-517, § 5; 93-25, § 30-20; 93-157, § 5; 95-331, § 465; 96-170, § 5.

55 ILCS 5/5-1035.1 County Motor Fuel Tax Law.

(a) The county board of the counties of DuPage, Kane, Lake, Will, and McHenry may, by an ordinance or resolution adopted by an affirmative vote of a majority of the members elected or appointed to the county board, impose a tax upon all persons engaged in the county in the business of selling motor fuel, as now or hereafter defined in the Motor Fuel Tax Law [35 ILCS 505/1 et seq.], at retail for the operation of motor vehicles upon public highways or for the operation of recreational watercraft upon waterways. The collection of a tax under this Section based on gallonage of gasoline used for the propulsion of any aircraft is prohibited, and the collection of a tax based on gallonage of special fuel used for the propulsion of any aircraft is prohibited on and after December 1, 2019. Kane County may exempt diesel fuel from the tax imposed pursuant to this Section. The initial tax rate may not be less than 4 cents per gallon of motor fuel sold at retail within the county for the purpose of use or consumption and not for the purpose of resale and may not exceed 8 cents per gallon of motor fuel sold at retail within the county for the purpose of use or consumption and not for the purpose of resale. The proceeds from the tax shall be used by the county solely for the purposes of operating, constructing, and improving public highways, waterways, shared-use paths for nonvehicular public travel, sidewalks, and bike paths and acquiring real

property and rights-of-way for public highways, waterways, shared-use paths for nonvehicular public travel, sidewalks, and bike paths within the county imposing the tax.

(a-5) By June 1, 2020, and by June 1 of each year thereafter, the Department of Revenue shall determine an annual rate increase to take effect on July 1 of that calendar year and continue through June 30 of the next calendar year. Not later than June 1 of each year, the Department of Revenue shall publish on its website the rate that will take effect on July 1 of that calendar year. The rate shall be equal to the rate in effect increased by an amount equal to the percentage increase, if any, in the Consumer Price Index for All Urban Consumers for all items, published by the United States Department of Labor for the 12 months ending in March of each year. The rate shall be rounded to the nearest one-tenth of one cent. Each new rate may not exceed the rate in effect on June 30 of the previous year plus one cent.

(b) A tax imposed pursuant to this Section, and all civil penalties that may be assessed as an incident thereof, shall be administered, collected, and enforced by the Illinois Department of Revenue in the same manner as the tax imposed under the Retailers' Occupation Tax Act [35 ILCS 120/1 et seq.], as now or hereafter amended, insofar as may be practicable; except that in the event of a conflict with the provisions of this Section, this Section shall control. The Department of Revenue shall have full power: to administer and enforce this Section; to collect all taxes and penalties due hereunder; to dispose of taxes and penalties so collected in the manner hereinafter provided; and to determine all rights to credit memoranda arising on account of the erroneous payment of tax or penalty hereunder.

(b-5) Persons subject to any tax imposed under the authority granted in this Section may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which sellers are required to collect under the Use Tax Act [35 ILCS 105/1 et seq.], pursuant to such bracket schedules as the Department may prescribe.

(c) Whenever the Department determines that a refund shall be made under this Section to a claimant instead of issuing a credit memorandum, the Department shall notify the State Comptroller, who shall cause the order to be drawn for the amount specified, and to the person named, in the notification from the Department. The refund shall be paid by the State Treasurer out of the County Option Motor Fuel Tax Fund.

(d) The Department shall forthwith pay over to the State Treasurer, ex officio, as trustee, all taxes and penalties collected hereunder, which shall be deposited into the County Option Motor Fuel Tax Fund, a special fund in the State Treasury which is hereby created. On or before the 25th day of each calendar month, the Department shall prepare and certify to the State Comptroller the disbursement of stated sums of money to named counties for which taxpayers have paid taxes or penalties hereunder to the Department during the second preceding calendar month. The amount to be paid to each county shall be the amount (not including credit memoranda) collected hereunder from retailers within the county during the second preceding calendar month by the Department, but not including an amount equal to the amount of refunds made during the second preceding calendar month by the Department on behalf of the county; less 2% of the balance, which sum shall be retained by the State Treasurer to cover the costs incurred by the Department in administering and enforcing the provisions of this Section. The Department, at the time of each monthly disbursement to the counties, shall prepare and certify to the Comptroller the amount so retained by the State Treasurer, which shall be transferred into the Tax Compliance and Administration Fund.

(e) Nothing in this Section shall be construed to authorize a county to impose a tax upon the privilege of engaging in any business which under the Constitution of the United States may not be made the subject of taxation by this State.

(f) Until January 1, 2020, an ordinance or resolution imposing a tax hereunder or effecting a change in the rate thereof shall be effective on the first day of the second calendar month next following the month in which the ordinance or resolution is adopted and a certified copy thereof is filed with the Department of Revenue, whereupon the Department of Revenue shall proceed to administer and enforce this Section on behalf of the county as of the effective date of the ordinance or resolution.

On and after January 1, 2020, an ordinance or resolution imposing or discontinuing the tax hereunder or effecting a change in the rate thereof shall either: (i) be adopted and a certified copy thereof filed with the Department on or before the first day of April, whereupon the Department shall proceed to administer and enforce this Section as of the first day of July next following the adoption and filing; or (ii) be adopted and a certified copy thereof filed with the Department on or before the first day of October, whereupon the Department shall proceed to administer and enforce this Section as of the first day of January next following the adoption and filing.

(g) This Section shall be known and may be cited as the County Motor Fuel Tax Law.

HISTORY:

P.A. 86-1028; 87-289; 96-845, § 10; 98-1049, § 5; 2019 P.A. 101-10, § 15-40, effective June 5, 2019; 2019 P.A. 101-32, § 25-5, effective June 28, 2019; 2019 P.A. 101-275, § 70, effective August 9, 2019; 2019 P.A. 101-604, § 10-60, effective December 13, 2019; 2021 P.A. 102-452, § 5, effective August 20, 2021.

55 ILCS 5/5-1035.2 County economic development tax

(a) A county with a population under 100,000 may levy an annual tax on all the taxable property in the

county, as equalized or assessed by the Department of Revenue, for the purpose of promoting economic development, upon approval of the tax at a referendum held in accordance with the general election law.

(b) The referendum may be initiated by either (i) adoption of a resolution by the county board or (ii) filing a petition with the county board signed by at least 5% of the electors of the county as determined by the number of electors voting at the most recent presidential election. Upon adoption of the resolution or filing of the petition, as the case may be, the county board shall certify the question to the appropriate election officials.

(c) The resolution or petition, as the case may be, shall set forth the maximum rate at which the tax may be levied, expressed as a percentage of the value, as equalized or assessed by the Department of Revenue, of all the taxable property in the county.

(d)

The question shall be submitted to the electors in substantially the following form: Shall an annual tax of not to exceed ....% be levied in ..... County for the purpose of promoting economic development? The question is approved if a majority of the electors voting on the question vote in favor of it.

(e) The proceeds of the tax authorized by this Section shall be deposited into a separate fund in the county treasury, to be expended by the county board solely for the purpose of promoting economic development.

(f) The tax authorized by this Section shall be in addition to and shall not be subject to any limitation on the maximum rate of taxes otherwise provided by law.

HISTORY:
P.A. 86-1028.

55 ILCS 5/5-1067 Names of streets and highways; numbers of buildings and lots

A county board may name or may change the name of any street, lane, road or highway and may regulate the numbering of buildings and lots adjacent to any street, lane, road or highway in the unincorporated area of the county.

In counties under 1,000,000 population, a county board may name or change the name of any road in the county highway system or any trail under its jurisdiction.

HISTORY:
P.A. 86-962; 86-1028; 88-387, § 10.

55 ILCS 5/5-1079 Liability insurance

A county board may insure against any loss or liability of any officer, employee or agent of the county resulting from the wrongful or negligent act of any such officer, employee or agent while discharging and engaged in his duties and functions and acting within the scope of his duties and functions as an officer, employee or agent of the county. Such insurance shall be carried with a company authorized by the Department of Insurance to write such coverage in Illinois.

HISTORY:
P.A. 86-962.

55 ILCS 5/5-1104 Removal of obstructions from streams, lakes, ponds, and other water courses—stream maintenance

The county boards of the several counties in this State which have adopted by ordinance a Storm Water Management Plan may, in their respective counties:

(1) Cause the removal of, in such manner as they may direct, the driftwood and other obstructions from streams, lakes, ponds, natural and other water courses or from the channel, the banks, or within 10 feet inland from the top of the banks thereof;

(2) Provide that streams and other water courses that have been cleared of debris and obstructions will be maintained so that the flow of water will not be further impeded by causing:

(A) The regular removal of accumulations of rocks, boulders, construction materials, beaver dams, dead or diseased trees, logs, branches, twigs, refuse, wastes, and debris of any kind from the channel, the banks, or within 10 feet inland from the top of the banks of any streams, lakes, ponds, or water courses;

(B) The regular removal of accumulations of rocks, boulders, construction materials, beaver dams, dead or diseased trees, logs, branches, twigs, vegetation, refuse, wastes, and debris of any kind from the openings of bridges, culverts, sewer outfalls or any other man-made obstruction; and

(C) The regular removal of accumulations of sediment by dredging or other means;

(3) Provide for any inspection or survey required to clear or maintain any streams, lakes, ponds, or water courses; and

(4) For all of these purposes, after notice in writing to the owner at least 30 days prior thereto, enter upon the lands, streams, lakes, ponds, or waters of any such person, but subject to responsibility for all damages which shall be occasioned thereby.

HISTORY:
P.A. 86-962; 87-847.

55 ILCS 5/5-1104.1 [Agreement with forest preserve district]

If a forest preserve district organized under the Downstate Forest Preserve District Act [70 ILCS 805/0.001 et seq.] has, either before or after the effective date of this amendatory Act of 1991, adopted

a comprehensive policy for the management and maintenance of the streams, lakes, ponds and water courses located on the property owned by the district, the power conferred on a county board under Section 5-1104 [55 ILCS 5/5-1104] shall be exercised in a manner consistent with such comprehensive policy and only pursuant to an intergovernmental agreement between the forest preserve district and the county specifying in detail the respective obligations of the parties.

A county may, either before or after the effective date of this amendatory Act of the 97th General Assembly [P.A. 97-1016], enter into an intergovernmental agreement with any forest preserve district within the county that exempts the forest preserve district from compliance with county zoning ordinances.

HISTORY:
P.A. 87-847; 97-1016, § 5.

55 ILCS 5/5-1121 Demolition, repair, or enclosure.

(a) The county board of each county may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the county, but outside the territory of any municipality, and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those buildings. If a township within the county makes a formal request to the county board as provided in Section 85-50 of the Township Code [60 ILCS 1/85-50] that the county board commence specified proceedings under this Section with respect to property located within the township but outside the territory of any municipality, then, at the next regular county board meeting occurring at least 10 days after the formal request is made to the county board, the county board shall either commence the requested proceedings or decline to do so (either formally or by failing to commence the proceedings within 60 days after the request) and shall notify the township board making the request of the county board's decision. In any county having adopted, by referendum or otherwise, a county health department as provided by Division 5-25 of the Counties Code [55 ILCS 5/5-25001 et seq.] or its predecessor, the county board of any such county may upon a formal request by the city, village, or incorporated town demolish, repair or cause the demolition or repair of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of any city, village, or incorporated town having a population of less than 50,000.

The county board shall apply to the circuit court of the county in which the building is located (i) for an order authorizing action to be taken with respect to a building if the owner or owners of the building, including the lien holders of record, after at least 15 days' written notice by mail to do so, have failed to commence proceedings to put the building in a safe condition or to demolish it or (ii) for an order requiring the owner or owners of record to demolish, repair, or enclose the building or to remove garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from the building. It is not a defense to the cause of action that the building is boarded up or otherwise enclosed, although the court may order the defendant to have the building boarded up or otherwise enclosed. Where, upon diligent search, the identity or whereabouts of the owner or owners of the building, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed and the posting of such notice upon the premises sought to be demolished or repaired is sufficient notice under this Section.

The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits.

The cost of the demolition, repair, enclosure, or removal incurred by the county, by an intervenor, or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is recoverable from the owner or owners of the real estate or the previous owner or both if the property was transferred during the 15 day notice period and is a lien on the real estate; the lien is superior to all prior existing liens and encumbrances, except taxes, if, within 180 days after the repair, demolition, enclosure, or removal, the county, the lien holder of record, or the intervenor who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act [765 ILCS 35/0.01 et seq.].

The notice must consist of a sworn statement setting out (1) a description of the real estate sufficient for its identification, (2) the amount of money representing the cost and expense incurred, and (3) the date or dates when the cost and expense was incurred by the county, the lien holder of record, or the intervenor. Upon payment of the cost and expense by the owner of or persons interested in the property after the notice of lien has been filed, the lien shall be released by the county, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien. Unless the lien is enforced under subsection (b), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure [735 ILCS 5/15-1101 et seq.] or mechanics' lien foreclosures. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the county, including court

costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the county from the owner or owners of the real estate.

All liens arising under this subsection (a) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (b).

If the appropriate official of any county determines that any dangerous and unsafe building or uncompleted and abandoned building within its territory fulfills the requirements for an action by the county under the Abandoned Housing Rehabilitation Act [310 ILCS 50/1 et seq.], the county may petition under that Act in a proceeding brought under this subsection.

(b) In any case where a county has obtained a lien under subsection (a), the county may enforce the lien under this subsection (b) in the same proceeding in which the lien is authorized.

A county desiring to enforce a lien under this subsection (b) shall petition the court to retain jurisdiction for foreclosure proceedings under this subsection. Notice of the petition shall be served, by certified or registered mail, on all persons who were served notice under subsection (a). The court shall conduct a hearing on the petition not less than 15 days after the notice is served. If the court determines that the requirements of this subsection (b) have been satisfied, it shall grant the petition and retain jurisdiction over the matter until the foreclosure proceeding is completed. The costs of foreclosure incurred by the county, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the county from the owner or owners of the real estate. If the court denies the petition, the county may enforce the lien in a separate action as provided in subsection (a).

All persons designated in Section 15-1501 of the Code of Civil Procedure [735 ILCS 5/15-1501] as necessary parties in a mortgage foreclosure action shall be joined as parties before issuance of an order of foreclosure. Persons designated in Section 15-1501 of the Code of Civil Procedure as permissible parties may also be joined as parties in the action.

The provisions of Article XV of the Code of Civil Procedure applicable to mortgage foreclosures shall apply to the foreclosure of a lien under this subsection (b), except to the extent that those provisions are inconsistent with this subsection. For purposes of foreclosures of liens under this subsection, however, the redemption period described in subsection (b) of Section 15-1603 of the Code of Civil Procedure [735 ILCS 5/15-1603] shall end 60 days after the date of entry of the order of foreclosure.

(c) In addition to any other remedy provided by law, the county board of any county may petition the circuit court to have property declared abandoned under this subsection (c) if:

(1) the property has been tax delinquent for 2 or more years or bills for water service for the property have been outstanding for 2 or more years;

(2) the property is unoccupied by persons legally in possession; and

(3) the property's condition impairs public health, safety, or welfare for reasons specified in the petition.

All persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, shall be named as defendants in the petition and shall be served with process. In addition, service shall be had under Section 2-206 of the Code of Civil Procedure [735 ILCS 5/2-206] as in other cases affecting property, including publication in a newspaper that is in circulation in the county in which the action is pending. At least 30 days prior to any declaration of abandonment, the county or its agent shall post a notice not less than 1 foot by 1 foot in size on the front of the subject building or property. The notice shall be dated as of the date of the posting and state that the county is seeking a declaration of abandonment for the property. The notice shall also include the case number for the underlying circuit court petition filed pursuant to this subsection and a notification that the owner should file an appearance in the matter if the property is not abandoned.

The county, however, may proceed under this subsection in a proceeding brought under subsection (a). Notice of the petition shall be served by certified or registered mail on all persons who were served notice under subsection (a).

If the county proves that the conditions described in this subsection exist and the owner of record of the property does not enter an appearance in the action, or, if title to the property is held by an Illinois land trust, if neither the owner of record nor the owner of the beneficial interest of the trust enters an appearance, the court shall declare the property abandoned.

If that determination is made, notice shall be sent by certified or registered mail to all persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, stating that title to the property will be transferred to the county unless, within 30 days of the notice, the owner of record enters an appearance in the action, or unless any other person having an interest in the property files with the court a request to demolish any or all dangerous or unsafe buildings or to put the property in safe condition.

If the owner of record enters an appearance in the action within the 30 day period, the court shall vacate its order declaring the property abandoned. In that case, the county may amend its complaint in order to initiate proceedings under subsection (a).

If a request to demolish any or all dangerous or unsafe buildings or to otherwise put the property in

safe condition is filed within the 30 day period, the court shall grant permission to the requesting party to demolish the building within 30 days or to restore the property to safe condition within 60 days after the request is granted. An extension of that period for up to 60 additional days may be given for good cause. If more than one person with an interest in the property files a timely request, preference shall be given to the person with the lien or other interest of the highest priority.

If the requesting party proves to the court that the building has been demolished or put in a safe condition within the period of time granted by the court, the court shall issue a quitclaim judicial deed for the property to the requesting party, conveying only the interest of the owner of record, upon proof of payment to the county of all costs incurred by the county in connection with the action, including but not limited to court costs, attorney's fees, administrative costs, the costs, if any, associated with property maintenance, and receiver's certificates. The interest in the property so conveyed shall be subject to all liens and encumbrances on the property. In addition, if the interest is conveyed to a person holding a certificate of purchase for the property under the Property Tax Code [35 ILCS 200/1-1 et seq.], the conveyance shall be subject to the rights of redemption of all persons entitled to redeem under that Act, including the original owner of record.

If no person with an interest in the property files a timely request or if the requesting party fails to demolish the building or put the property in safe condition within the time specified by the court, the county may petition the court to issue a judicial deed for the property to the county or another governmental body designated by the county in the petition. A conveyance by judicial deed shall operate to extinguish all existing ownership interests in, liens on, and other interest in the property, including tax liens.

(d) Each county may use the provisions of this subsection to expedite the removal of certain buildings that are a continuing hazard to the community in which they are located.

If the official designated to be in charge of enforcing the county's building code determines that a building is open and vacant and an immediate and continuing hazard to the community in which the building is located, then the official shall be authorized to post a notice not less than 2 feet by 2 feet in size on the front of the building. The notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials may be removed, by the county.

Not later than 30 days following the posting of the notice, the county shall do both of the following:

(1) Cause to be sent, by certified mail, return receipt requested, a notice to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the county to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if that action is not taken by the owner or owners.

(2) Cause to be published, in a newspaper published or circulated in the county where the building is located, a notice setting forth (i) the permanent tax index number and the address of the building, (ii) a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community, and (iii) a statement that the county intends to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner or owners or lienholders of record fail to do so. This notice shall be published for 3 consecutive days.

A person objecting to the proposed actions of the county board may file his or her objection in an appropriate form in a court of competent jurisdiction.

If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed, within 30 days of mailing the notice to the owners of record, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, or within 30 days of the last day of publication of the notice, whichever is later, the county board shall have the power to demolish, repair, or enclose the building or to remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

The county may proceed to demolish, repair, or enclose a building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection within a 120-day period following the date of the mailing of the notice if the appropriate official determines that the demolition, repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard. If, however, before the county proceeds with any of the actions authorized by this subsection, any person has sought a hearing under this subsection before a court and has served a copy of the complaint on the chief executive officer of the county, then the county shall not proceed with the demolition, repair, enclosure, or removal of garbage, debris, or other substances until the court determines that that action is necessary to remedy the hazard and issues an order authorizing the county to do so.

The county must maintain documentation submitted from a contractor on the disposal of any demoli-

tion debris, clean or general, or uncontaminated soil generated during the demolition, repair, or enclosure of a building for a period of 3 years identifying the hauler, generator, place of origin of the debris or soil, the weight or volume of the debris or soil, and the location, owner, and operator of the facility where the debris or soil was transferred, disposed, recycled, or treated. The documentation required by this paragraph does not apply to a permitted pollution control facility that transfers or accepts construction or demolition debris, clean or general, or uncontaminated soil for final disposal, recycling, or treatment.

Following the demolition, repair, or enclosure of a building, or the removal of garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection, the county may file a notice of lien against the real estate for the cost of the demolition, repair, enclosure, or removal within 180 days after the repair, demolition, enclosure, or removal occurred, for the cost and expense incurred, in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act. The notice of lien shall consist of a sworn statement setting forth (i) a description of the real estate, such as the address or other description of the property, sufficient for its identification; (ii) the expenses incurred by the county in undertaking the remedial actions authorized under this subsection; (iii) the date or dates the expenses were incurred by the county; (iv) a statement by the official responsible for enforcing the building code that the building was open and vacant and constituted an immediate and continuing hazard to the community; (v) a statement by the official that the required sign was posted on the building, that notice was sent by certified mail to the owners of record, and that notice was published in accordance with this subsection; and (vi) a statement as to when and where the notice was published. The lien authorized by this subsection may thereafter be released or enforced by the county as provided in subsection (a).

(e) In any case where a county has obtained a lien under subsection (a), the county may also bring an action for a money judgment against the owner or owners of the real estate in the amount of the lien in the same manner as provided for bringing causes of action in Article II of the Code of Civil Procedure [735 ILCS 5/2-101 et seq.] and, upon obtaining a judgment, file a judgment lien against all of the real estate of the owner or owners and enforce that lien as provided for in Article XII of the Code of Civil Procedure [735 ILCS 5/12-101 et seq.].

(f) In addition to any other remedy provided by law, if a county finds that within a residential property of 1 acre or less there is an accumulation or concentration of: garbage; organic materials in an active state of decomposition including, but not limited to, carcasses, food waste, or other spoiled or rotting materials; human or animal waste; debris; or other hazardous, noxious, or unhealthy substances or materials, which present an immediate threat to the public health or safety or the health and safety of the occupants of the property, the county may, without any administrative procedure to bond, petition the court for immediate injunctive relief to abate or cause the abatement of the condition that is causing the threat to health or safety, including an order causing the removal of any unhealthy or unsafe accumulations or concentrations of the material or items listed in this subsection from the structure or property. The county shall file with the circuit court in which the property is located a petition for an order authorizing the abatement of the condition that is causing the threat to health or safety. A hearing on the petition shall be set within 5 days, not including weekends or holidays, from the date of filing. To provide notice of such hearing, the county shall make every effort to serve the property's owners of record with the petition and summons and, if such service cannot be had, shall provide an affidavit to the court at the hearing showing the service could not be had and the efforts taken to locate and serve the owners of record. The county shall also post a sign at the property notifying all persons of the court proceeding. Following the abatement actions, the county may file a notice of lien for the cost and expense of actions taken under this subsection as provided in subsection (a).

HISTORY:

P.A. 89-585, § 5; 90-14, § 2-105; 90-517, § 5; 91-533, § 25; 91-561, § 5; 92-347, § 5; 97-549, § 5; 98-138, § 5; 2019 P.A. 101-200, § 5, effective January 1, 2020; 2021 P.A. 102-363, § 10, effective January 1, 2022; 2022 P.A. 102-847, § 10, effective May 13, 2022.

55 ILCS 5/5-1184 Certification for airport-related purposes. [As added by P.A. 101-10] [Repealed]

HISTORY:

2019 P.A. 101-10, § 15-40, effective June 5, 2019; repealed by 2019 P.A. 101-604, § 10-65, effective December 13, 2019; repealed by 2021 P.A. 102-558, § 305, effective August 20, 2021.

DIVISION 5-13.

BUILDING OR SETBACK LINES

55 ILCS 5/5-13001 Establishment of building or set-back lines

In addition to the existing power and to the end that adequate safety may be secured and the congestion of public roads, streets, traffic-ways, drives and parkways may be lessened or avoided, the county board of each county is authorized and empowered to establish, regulate and limit the building or set-back lines on or along any road, street, traffic-way, drive or parkway in the county outside the corporate limits of any city, village or incorporated town, as may be deemed best suited to carry out the provisions of this Division. The powers given by this Division shall not

be exercised so as to deprive the owner of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted.

HISTORY:
P.A. 86-962.

55 ILCS 5/5-13002 Enforcing officer

All resolutions passed under the terms of this Division shall be enforced by such officer of the county as may be designated by resolution.

HISTORY:
P.A. 86-962.

55 ILCS 5/5-13003 Amendments to regulations

The regulations imposed under the authority of this Division may be amended from time to time by resolution after the resolution establishing the same has gone into effect, but no such amendments shall be made without a hearing before some committee designated by the county board. At least fifteen days notice of the time and place of such hearing shall be published in an official newspaper, or a newspaper of general circulation, in such county. Such amendment shall not be passed except by a favorable vote of two-thirds of all the members of the county board.

HISTORY:
P.A. 86-962.

55 ILCS 5/5-13004 Proceedings to restrain violation

In case any building or structure is erected or constructed in violation of this Division, or any resolution or other regulation made under the authority conferred thereby, the proper authorities of the county, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection or construction to restrain, correct or abate such violation, to prevent the occupancy of said building or structure or to prevent any illegal act, conduct, business or use in or about such premises.

HISTORY:
P.A. 86-962.

DIVISION 5-45.

COUNTY DESIGN-BUILD AUTHORIZATION [EFFECTIVE JANUARY 1, 2023]

History.
2022 P.A. 102-954, § 5, effective January 1, 2023.

55 ILCS 5/5-45001. Short title. [Effective January 1, 2023]

This Division may be cited as the County Design-Build Authorization Act.

History.
2022 P.A. 102-954, § 5, effective January 1, 2023.

55 ILCS 5/5-45005. Purpose. [Effective January 1, 2023]

The purpose of this Division is to authorize counties to use design-build processes to increase the efficiency and effectiveness of delivering public projects.

History.
2022 P.A. 102-954, § 5, effective January 1, 2023.

55 ILCS 5/5-45010. Definitions. [Effective January 1, 2023]

As used in this Division:

"Delivery system" means the design and construction approach used to develop and construct a project.

"Design-bid-build" means the traditional delivery system used on public projects that incorporates the competitive bidding process set forth in this Code.

"Design-build" means a delivery system that provides responsibility within a single contract for the furnishing of architecture, engineering, land surveying, and related services as required and the labor, materials, equipment, and other construction services for the project.

"Design-build contract" means a contract for a public project under this Division between a county and a design-build entity to furnish: architecture, engineering, land surveying, public art or interpretive exhibits, and related services, as required; and the labor, materials, equipment, and other construction services for the project.

"Design-build entity" means an individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that proposes to design and construct any public project under this Division.

"Design professional" means an individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that offers services under the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, the Structural Engineering Practice Act of 1989, or the Illinois Professional Land Surveyor Act of 1989.

"Evaluation criteria" means the requirements for the separate phases of the selection process as defined in this Division and may include the specialized experience, technical qualifications and competence, capacity to perform, past performance, experience with similar projects, assignment of personnel to the project, and other appropriate factors.

"Proposal" means the offer to enter into a design-build contract as submitted by a design-build entity in accordance with this Division.

"Public art designer" means an individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity

that has demonstrated experience with the design and fabrication of public art including any media that has been planned and executed with the intention of being staged in the physical public domain outside and accessible to all or any art which is exhibited in a public space including publicly accessible buildings, or interpretive exhibits including communication media that is designed to engage, excite, inform, relate, or reveal the intrinsic nature or indispensable quality of a topic or story being presented.

"Request for proposal" means the document used by the county to solicit proposals for a design-build contract.

"Scope and performance criteria" means the requirements for the public project, including, but not limited to, the intended usage, capacity, size, scope, quality and performance standards, life-cycle costs, and other programmatic criteria that are expressed in performance-oriented and quantifiable specifications and drawings that can be reasonably inferred and are suited to allow a design-build entity to develop a proposal.

History.
2022 P.A. 102-954, § 5, effective January 1, 2023.

55 ILCS 5/5-45015. Solicitation of proposals. [Effective January 1, 2023]

(a) A county may enter into design-build contracts. In addition to the requirements set forth in its local ordinances, when the county elects to use the design-build delivery method, it must issue a notice of intent to receive proposals for the project at least 14 days before issuing the request for the proposal. The county must publish the advance notice in the manner prescribed by ordinance, which shall include posting the advance notice online on its website. The county may publish the notice in construction industry publications or post the notice on construction industry websites. A brief description of the proposed procurement must be included in the notice. The county must provide a copy of the request for proposal to any party requesting a copy.

(b) The request for proposal shall be prepared for each project and must contain, without limitation, the following information:

(1) The name of the county.

(2) A preliminary schedule for the completion of the contract.

(3) The proposed budget for the project, the source of funds, and the currently available funds at the time the request for proposal is submitted.

(4) Prequalification criteria for design-build entities wishing to submit proposals. The county shall include, at a minimum, its normal qualifications, licensing, registration, and other requirements; however, nothing precludes the use of additional prequalification criteria by the county.

(5) Material requirements of the contract, including, but not limited to, the proposed terms and conditions, required performance and payment bonds, insurance, and the entity's plan to comply with the utilization goals for business enterprises established in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and with Section 2-105 of the Illinois Human Rights Act.

(6) The performance criteria.

(7) The evaluation criteria for each phase of the solicitation. Price may not be used as a factor in the evaluation of Phase I proposals.

(8) The number of entities that will be considered for the technical and cost evaluation phase.

(c) The county may include any other relevant information that it chooses to supply. The design-build entity shall be entitled to rely upon the accuracy of this documentation in the development of its proposal.

(d) The date that proposals are due must be at least 21 calendar days after the date of the issuance of the request for proposal. If the cost of the project is estimated to exceed $12,000,000, then the proposal due date must be at least 28 calendar days after the date of the issuance of the request for proposal. The county shall include in the request for proposal a minimum of 30 days to develop the Phase II submissions after the selection of entities from the Phase I evaluation is completed.

History.
2022 P.A. 102-954, § 5, effective January 1, 2023.

55 ILCS 5/5-45020. Development of scope and performance criteria. [Effective January 1, 2023]

(a) The county shall develop, with the assistance of a licensed design professional or public art designer, a request for proposal, which shall include scope and performance criteria. The scope and performance criteria must be in sufficient detail and contain adequate information to reasonably apprise the qualified design-build entities of the county's overall programmatic needs and goals, including criteria and preliminary design plans, general budget parameters, schedule, and delivery requirements.

(b) Each request for proposal shall also include a description of the level of design to be provided in the proposals. This description must include the scope and type of renderings, drawings, and specifications that, at a minimum, will be required by the county to be produced by the design-build entities.

(c) The scope and performance criteria shall be prepared by a design professional or public art designer who is an employee of the county, or the county may contract with an independent design professional or public art designer selected under the Local Government Professional Services Selection Act to provide these services.

(d) The design professional or public art designer that prepares the scope and performance criteria is

prohibited from participating in any design-build entity proposal for the project.

(e) The design-build contract may be conditioned upon subsequent refinements in scope and price and may allow the county to make modifications in the project scope without invalidating the design-build contract.

History.
2022 P.A. 102-954, § 5, effective January 1, 2023.

55 ILCS 5/5-45025. Procedures for Selection. [Effective January 1, 2023]

(a) The county must use a two-phase procedure for the selection of the successful design-build entity. Phase I of the procedure will evaluate and shortlist the design-build entities based on qualifications, and Phase II will evaluate the technical and cost proposals.

(b) The county shall include in the request for proposal the evaluating factors to be used in Phase I. These factors are in addition to any prequalification requirements of design-build entities that the county has set forth. Each request for proposal shall establish the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the county. The county must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The county shall include the following criteria in every Phase I evaluation of design-build entities: (i) experience of personnel; (ii) successful experience with similar project types; (iii) financial capability; (iv) timeliness of past performance; (v) experience with similarly sized projects; (vi) successful reference checks of the firm; (vii) commitment to assign personnel for the duration of the project and qualifications of the entity's consultants; and (viii) ability or past performance in meeting or exhausting good faith efforts to meet the utilization goals for business enterprises established in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and with Section 2-105 of the Illinois Human Rights Act. The county may include any additional relevant criteria in Phase I that it deems necessary for a proper qualification review.

The county may not consider any design-build entity for evaluation or award if the entity has any pecuniary interest in the project or has other relationships or circumstances, including, but not limited to, long-term leasehold, mutual performance, or development contracts with the county, that may give the design-build entity a financial or tangible advantage over other design-build entities in the preparation, evaluation, or performance of the design-build contract or that create the appearance of impropriety. No proposal shall be considered that does not include an entity's plan to comply with the requirements established in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, for both the design and construction areas of performance, and with Section 2-105 of the Illinois Human Rights Act.

Upon completion of the qualifications evaluation, the county shall create a shortlist of the most highly qualified design-build entities. The county, in its discretion, is not required to shortlist the maximum number of entities as identified for Phase II evaluation, provided that no less than 2 design-build entities nor more than 6 are selected to submit Phase II proposals.

The county shall notify the entities selected for the shortlist in writing. This notification shall commence the period for the preparation of the Phase II technical and cost evaluations. The county must allow sufficient time for the shortlist entities to prepare their Phase II submittals considering the scope and detail requested by the county.

(c) The county shall include in the request for proposal the evaluating factors to be used in the technical and cost submission components of Phase II. Each request for proposal shall establish, for both the technical and cost submission components of Phase II, the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the county. The county must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The county shall include the following criteria in every Phase II technical evaluation of design-build entities: (i) compliance with objectives of the project; (ii) compliance of proposed services to the request for proposal requirements; (iii) quality of products or materials proposed; (iv) quality of design parameters; (v) design concepts; (vi) innovation in meeting the scope and performance criteria; and (vii) constructability of the proposed project. The county may include any additional relevant technical evaluation factors it deems necessary for proper selection.

The county shall include the following criteria in every Phase II cost evaluation: the total project cost, the construction costs, and the time of completion. The county may include any additional relevant technical evaluation factors it deems necessary for proper selection. The total project cost criteria weighing factor shall not exceed 30%.

The county shall directly employ or retain a licensed design professional or a public art designer to evaluate the technical and cost submissions to determine if the technical submissions are in accordance with generally accepted industry standards. Upon completion of the technical submissions and cost submissions evaluation, the county may award the design-build contract to the highest overall ranked entity.

History.
2022 P.A. 102-954, § 5, effective January 1, 2023.

55 ILCS 5/5-45030. Small projects. [Effective January 1, 2023]

In any case where the total overall cost of the

project is estimated to be less than $12,000,000, the county may combine the two-phase procedure for selection described in Section 5-45025 into one combined step, provided that all the requirements of evaluation are performed in accordance with Section 5-45025.

History.
2022 P.A. 102-954, § 5, effective January 1, 2023.

55 ILCS 5/5-45035. Submission of proposals. [Effective January 1, 2023]

Proposals must be properly identified and sealed. Proposals may not be reviewed until after the deadline for submission has passed as set forth in the request for proposals.

Proposals shall include a bid bond in the form and security as designated in the request for proposals. Proposals shall also contain a separate sealed envelope with the cost information within the overall proposal submission. Proposals shall include a list of all design professionals, public art designers, and other entities to which any work may be subcontracted during the performance of the contract.

Proposals must meet all material requirements of the request for proposal or they may be rejected as non-responsive. The county shall have the right to reject any and all proposals.

The drawings and specifications of the proposal may remain the property of the design-build entity.

The county shall review the proposals for compliance with the performance criteria and evaluation factors.

Proposals may be withdrawn prior to evaluation for any cause. After evaluation begins by the county, clear and convincing evidence of error is required for withdrawal.

History.
2022 P.A. 102-954, § 5, effective January 1, 2023.

55 ILCS 5/5-45040. Award; performance. [Effective January 1, 2023]

The county may award the contract to the highest overall ranked design-build entity. Notice of award shall be made in writing. Unsuccessful design-build entities shall also be notified in writing. The county may not request a best and final offer after the receipt of proposals of all qualified design-build entities. The county may negotiate with the selected design-build entity after award but prior to contract execution for the purpose of securing better terms than originally proposed, provided that the salient features of the request for proposal are not diminished.

A design-build entity and associated design professionals shall conduct themselves in accordance with the relevant laws of this State and the related provisions of the Illinois Administrative Code.

History.
2022 P.A. 102-954, § 5, effective January 1, 2023.

55 ILCS 5/5-45045. Reports and evaluation. [Effective January 1, 2023]

At the end of every 6-month period following the contract award, and again prior to final contract payout and closure, a selected design-build entity shall detail, in a written report submitted to the county, its efforts and success in implementing the entity's plan to comply with the utilization goals for business enterprises established in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and the provisions of Section 2-105 of the Illinois Human Rights Act.

History.
2022 P.A. 102-954, § 5, effective January 1, 2023.

55 ILCS 5/5-45047. Exception. [Effective January 1, 2023]

Nothing in this Division shall prevent a county from using a qualification-based selection process for design professionals or construction managers for design-build projects.

History.
2022 P.A. 102-954, § 5, effective January 1, 2023.

55 ILCS 5/5-45050. Severability. [Effective January 1, 2023]

The provisions of this Division are severable under Section 1.31 of the Statute on Statutes.

History.
2022 P.A. 102-954, § 5, effective January 1, 2023.

CHAPTER 60
TOWNSHIPS

Township Code

TOWNSHIP CODE

Article 1. Short Title and General Provisions

Section
60 ILCS 1/1-1 Short title
60 ILCS 1/1-5 Use of terms

Article 5. Adoption of Township Organization

60 ILCS 1/5-5 Vote on organization
60 ILCS 1/5-10 Referendum
60 ILCS 1/5-15 Form of proposition
60 ILCS 1/5-20 Abstract of election returns
60 ILCS 1/5-25 Effect of vote
60 ILCS 1/5-30 Appointment of commissioners to divide county into townships
60 ILCS 1/5-35 Division of county into townships
60 ILCS 1/5-40 Township names
60 ILCS 1/5-45 Commissioners' report
60 ILCS 1/5-50 Abstract of commissioners' report
60 ILCS 1/5-55 Duplicate township names.
60 ILCS 1/5-60 Record of township names and boundaries
60 ILCS 1/5-65 Township election
60 ILCS 1/5-70 Refusal to organize township; annexation
60 ILCS 1/5-75 Township co-extensive with city or village

Article 10. Alteration of Township Boundaries by County Board

60 ILCS 1/10-5 County board powers
60 ILCS 1/10-10 Election in new township
60 ILCS 1/10-15 Terms of officers of new township
60 ILCS 1/10-20 Detachment of part of township
60 ILCS 1/10-25 Plan for changes in townships.
60 ILCS 1/10-30 Election after alteration of township boundaries
60 ILCS 1/10-35 Assessment and collection of taxes
60 ILCS 1/10-40 Disposition of township property
60 ILCS 1/10-45 Meeting of supervisors and assessors
60 ILCS 1/10-50 Apportionment of township personal property
60 ILCS 1/10-55 Notice of supervisors and assessors meeting
60 ILCS 1/10-60 Cemetery exempt
60 ILCS 1/10-65 Apportionment of township debts
60 ILCS 1/10-70 Apportionment by court
60 ILCS 1/10-75 Inapplicability

Article 15. Township Within a City

60 ILCS 1/15-5 Township within city; organization; petition; hearing
60 ILCS 1/15-10 Disconnection of territory from township; annexation to adjacent township
60 ILCS 1/15-15 Annexation of territory by coterminous city; referendum
60 ILCS 1/15-17 Township officer after disconnection
60 ILCS 1/15-20 Failure of proposition to disconnect; status quo
60 ILCS 1/15-25 Parcel annexed less than 1% of total equalized assessed value of adjacent township
60 ILCS 1/15-30 Payment for property taxes collected by coterminous city
60 ILCS 1/15-35 Automatic annexation of certain territory; exception; reconnection to adjacent township
60 ILCS 1/15-40 Parcel with township hall and maintenance building; reconnection to adjacent township
60 ILCS 1/15-45 Territory deemed a township
60 ILCS 1/15-50 Powers exercised by city council
60 ILCS 1/15-55 Combining offices

Section
60 ILCS 1/15-60 Vacancies
60 ILCS 1/15-65 Inapplicability
60 ILCS 1/15-70 City council meetings; township business

Article 20. Consolidation of Townships Within City

60 ILCS 1/20-5 Consolidation of townships within city; petition and referendum
60 ILCS 1/20-10 Election results
60 ILCS 1/20-15 Assessor

Article 22. Consolidation of Multiple Townships

60 ILCS 1/22-5 Resolution for consolidation; notice.
60 ILCS 1/22-10 Referendum.
60 ILCS 1/22-15 Transition.
60 ILCS 1/22-20 Consolidated township.

Article 23. Merger of a Single Township Into 2 Other Townships

60 ILCS 1/23-5 Definitions.
60 ILCS 1/23-10 Resolution for merger; notice.
60 ILCS 1/23-15 Referendum and notices.
60 ILCS 1/23-20 Transition.
60 ILCS 1/23-25 Merged township.

Article 24. Dissolution of Townships in McHenry County

60 ILCS 1/24-10 Definition.
60 ILCS 1/24-15 Dissolving a township in McHenry County.
60 ILCS 1/24-20 Petition requirements; notice.
60 ILCS 1/24-25 Ballot placement.
60 ILCS 1/24-30 Referendum; voting.
60 ILCS 1/24-35 Dissolution; transfer of rights and duties.

Article 25. Discontinuance of Township Organization

60 ILCS 1/25-5 Petition and referendum to discontinue township organization
60 ILCS 1/25-10 Cessation of township organization
60 ILCS 1/25-15 Selection of county governing body; election.
60 ILCS 1/25-20 County commissioners' assumption of duties
60 ILCS 1/25-25 Disposal of township records and property.

Article 27. Discontinuance of Township Organization Within Coterminous Municipality: County Population of 3 Million or More

60 ILCS 1/27-5 Applicability
60 ILCS 1/27-10 Petition and referendum to discontinue and abolish a township organization within a coterminous municipality
60 ILCS 1/27-15 Cessation of township organization
60 ILCS 1/27-20 Township officers
60 ILCS 1/27-25 Business, records, and property of discontinued township organization

Article 28. Discontinuance of Township Organization Within Coterminous Municipality: Specified Townships

60 ILCS 1/28-5 Applicability
60 ILCS 1/28-10 Ordinance to discontinue and abolish a township organization within a coterminous municipality; cessation of township organization.
60 ILCS 1/28-15 Coterminous municipality's duties and responsibilities.
60 ILCS 1/28-20 Business, records, and property of discontinued township organization.

Article 29. Discontinuance of Township Within Coterminous Municipality: All Townships

60 ILCS 1/29-5 Resolutions to discontinue and abolish a township.

ARTICLE 1.

SHORT TITLE AND GENERAL PROVISIONS

60 ILCS 1/1-1 Short title

This Act may be cited as the Township Code.

HISTORY:
P.A. 82-783; 88-62, § 1-1.

60 ILCS 1/1-5 Use of terms

(a) A reference in another Act to a town (other than an incorporated town) shall be deemed a reference to a township as that term is used in this Code.

(b) A reference in another Act to the board of trustees of a town (other than an incorporated town) or township, the board of town trustees, or the board of township trustees shall be deemed a reference to the township board as that term is used in this Code.

(c) A reference in another Act to an officer of a town (other than an incorporated town) shall be deemed a reference to a township officer as that term is used in this Code.

HISTORY:
P.A. 88-62, § 1-5.

ARTICLE 5.

ADOPTION OF TOWNSHIP ORGANIZATION

60 ILCS 1/5-5 Vote on organization

At any general election held in the several counties in this State, the qualified voters in any county may vote for or against township organization in the county.

HISTORY:
P.A. 82-783; 88-62, § 5-5.

60 ILCS 1/5-10 Referendum

Whenever a proposition or public question is required to be submitted under this Code for approval or rejection by the electors at an election, the time and manner of conducting the referendum shall be in accordance with the general election law.

HISTORY:
P.A. 82-783; 88-62, § 5-10.

60 ILCS 1/5-15 Form of proposition

The county board, on the petition of 10% or more of the legal voters of the county, shall certify and cause to be submitted to the voters of the county the question of township organization under this Article. The proposition shall be substantially in the form: "For township organization" or "Against township organization".

HISTORY:
P.A. 82-783; 88-62, § 5-15; 89-365, § 5.

60 ILCS 1/5-20 Abstract of election returns

The county clerk shall enter an abstract of the returns of the election, prepared and certified as in elections for county officers, file the abstract in the records of the county, and certify an exact copy of the abstract and cause it to be delivered to the State Comptroller.

HISTORY:
P.A. 83-343; 88-62, § 5-20.

60 ILCS 1/5-25 Effect of vote

If it appears by the returns of the election that a majority of the legal voters of the county are for township organization, then, the county so voting in

favor of adopting township organization shall be governed by and subject to the provisions of this Code on and after the first Tuesday of April of the next succeeding odd-numbered year. A majority of the voters voting at the election shall be deemed a majority of the voters of the county.

HISTORY:
P.A. 82-783; 88-62, § 5-25.

60 ILCS 1/5-30 Appointment of commissioners to divide county into townships

The presiding officer of the county board, with the advice and consent of the county board, shall at the next session of the county board appoint 3 commissioners to divide the county into townships. The commissioners shall be residents of the county. The commissioners shall be paid for their services by the county.

HISTORY:
P.A. 82-783; 88-62, § 5-30.

60 ILCS 1/5-35 Division of county into townships

The commissioners shall proceed to divide the county into townships, making them conform to the townships according to government surveys. Fractional townships may be attached to adjoining townships if the number of the inhabitants or the amount of territory of a fractional township is not sufficient for a separate township. If a township has too few inhabitants for a separate organization, then the township may be added to some adjoining township or divided between 2 or more townships for the time being. When a creek or river so divides a township that it is inconvenient for transacting township business, the creek or river may be made the township boundary, and the fractions so formed may be disposed of as other fractional townships.

HISTORY:
P.A. 82-783; 88-62, § 5-35.

60 ILCS 1/5-40 Township names

Townships shall be named in accordance with the express wish of the inhabitants of the township. If there is not a degree of unanimity as to the name, the commissioners may designate the name. The county board may change the name of any township in its county upon a petition of a majority of the voters of the township. No 2 townships in the State shall have the same name.

HISTORY:
P.A. 82-783; 88-62, § 5-40.

60 ILCS 1/5-45 Commissioners' report

The commissioners shall make a written report of their proceedings, giving the names and bounds of each township. They shall present the report to the county clerk on or before the first day of March next succeeding.

HISTORY:
P.A. 82-783; 88-62, § 5-45.

60 ILCS 1/5-50 Abstract of commissioners' report

The county clerk shall, within 30 days after receiving the commissioners' report, transmit by mail to the Secretary of State an abstract of the report. The abstract shall give the bounds of each township and the name designated for each township. The clerk shall record the commissioners' report in a book kept for that purpose.

HISTORY:
P.A. 82-783; 88-62, § 5-50.

60 ILCS 1/5-55 Duplicate township names.

If the Secretary of State, on comparing the abstracts of the reports from the several counties, finds that any 2 or more townships within a single county are named alike, he or she shall so inform the clerk of the county. The county board of that county shall, at its next meeting, adopt for one of the townships a different name. When the name is adopted, the county clerk shall inform the Secretary of State as provided in Section 5-50 [60 ILCS 1/5-50].

HISTORY:
P.A. 82-783; 88-62, § 5-55; 2021 P.A. 102-148, § 5, effective July 23, 2021.

60 ILCS 1/5-60 Record of township names and boundaries

The Secretary of State shall keep a record of the names and boundaries of the several townships.

HISTORY:
P.A. 82-783; 88-62, § 5-60.

60 ILCS 1/5-65 Township election

The township election shall be scheduled in accordance with and conducted in the manner required by the Election Code [10 ILCS 5/1-1 et seq.].

HISTORY:
P.A. 87-471; 88-62, § 5-65.

60 ILCS 1/5-70 Refusal to organize township; annexation

(a) If any township refuses or neglects to organize and elect township officers, the county board of the county may order another election for that purpose at the time of the next regular election scheduled under the general election law. The county board shall appoint qualified residents of the township to serve in the township offices and to perform the duties and

possess all the rights and powers of those offices until the regular election of officers provided in this Code.

(b) If the township does not then organize and elect officers, the county board may, at any regular or special meeting, appoint the necessary officers for the township. The persons so appointed shall hold their offices until the next annual township meeting and until their successors are elected or appointed and qualified.

(c) If the persons appointed under subsection (b) fail to qualify as required by law or if, at any time after the organization of the township, the electors of the township refuse to elect or appoint officers or to exercise the powers required by law, the county board may annex the township to an adjoining township. The township so annexed shall thereafter constitute a part of the township to which it is annexed.

HISTORY:
P.A. 82-783; 88-62, § 5-70.

60 ILCS 1/5-75 Township co-extensive with city or village

When, in any county under township organization, there is any territory co-extensive with the limits of a city or village situated in the county and not included within any organized township, that territory shall constitute a township by the name of the city or village. All provisions of this Code shall apply to the township so constituted, the same as if it had been organized under this Article in the case of the organization of new townships.

HISTORY:
P.A. 82-783; 88-62, § 5-75.

ARTICLE 10.

ALTERATION OF TOWNSHIP BOUNDARIES BY COUNTY BOARD

60 ILCS 1/10-5 County board powers

The county board of each county, except as provided in Article 15, may (i) alter the boundaries of townships, (ii) change township lines, (iii) divide, enlarge, consolidate, and create new townships in its county, (iv) make alterations of the township boundaries, and (v) create a new township whenever, in any territory of not less than 36 square miles or possessing an equalized assessed valuation for taxation purposes of not less than $6,000,000 for the preceding 2 years, three-fourths or more of the voters residing in the territory petition for a new township. The new territory proposed to be organized into a new township shall, however, contain at least 200 legal voters, and the respective remaining portions of each of the townships from which the new township is taken shall also contain at least 200 legal voters and shall either contain not less than 36 square miles or possess an equalized assessed valuation for taxation purposes of not less than $6,000,000 for the preceding 2 years. The county board, however, before taking any final action in any of the matters relating to any of these townships, shall hold a public hearing on those matters after notice of the hearing has been published at least 3 times in a newspaper having a general circulation in the townships affected. The first of the notices shall be published at least 60 days before the date of the hearing. No incorporated town, however, may be divided unless the proposition has been certified to the appropriate election authorities, the referendum is held in accordance with the general election law, and consent to the division is given by a majority of all the electors in the incorporated town voting on the proposition.

HISTORY:
P.A. 82-783; 88-62, § 10-5.

60 ILCS 1/10-10 Election in new township

When 2 or more townships are united into one, or when a township is divided into 2 or more townships, a new election shall be ordered in the new township or townships by the county board and held at the time scheduled under the general election law for the holding of township elections. The election shall be conducted in the manner prescribed by the general election law. When parts of several townships are taken to make a new township, an election need not be ordered in the townships from which territory is taken. If, however, any officer of one of those townships continues to reside in the new township, his or her office shall be declared vacant and filled as in other cases of vacancy.

HISTORY:
P.A. 82-783; 88-62, § 10-10.

60 ILCS 1/10-15 Terms of officers of new township

The officers elected or appointed at a township meeting shall hold their offices until the next annual township meeting and until their successors are elected and qualified.

HISTORY:
P.A. 82-783; 88-62, § 10-15.

60 ILCS 1/10-20 Detachment of part of township

(a) If any township lies partly within and partly without any city, village, or incorporated town and both the city, village, or incorporated town and the township are charged with the duty of providing relief and support to poor and indigent persons in the territory lying within both the township and the city, village, or incorporated town, the county board may upon its own motion detach the part of the township within the city, village, or incorporated town and may

annex the detached part to one or more townships wholly within the city, village, or incorporated town.

(b) The township officers of any township from which territory is detached shall continue as officers of the township until the expiration of the respective terms for which they were elected or appointed and until their successors are elected or appointed and qualified, without regard to whether they reside in the township or the territory detached from the township.

(c) All property belonging to the township from which territory is detached and all debts of that township before the detachment shall respectively remain the sole property and obligations of that township.

HISTORY:
P.A. 82-783; 88-62, § 10-20.

60 ILCS 1/10-25 Plan for changes in townships.

(a) The county board of each county may, subject to a referendum in the townships affected as provided in this Section, adopt a plan for altering the boundaries of townships, changing township lines, dividing, enlarging, or consolidating townships, or creating new townships, so that each township shall possess an equalized assessed valuation of not less than $10,000,000 as of the 1982 assessment year.

(b) No alteration or change in boundaries shall be effective unless approved by a referendum in each township affected. The election authority shall submit to the voters of each township affected, at a regular election to be held not less than 60 days after the plan is adopted, the question of approving the alteration or change. The alterations or changes, if approved by the voters, shall take effect on the date of the next township election and shall be applicable to that election. If there is doubt as to the township clerk with whom nomination papers for that election should be filed, the county board shall designate the clerk. In the alteration of boundaries, a county board may not disturb urban or coterminous townships in existence on October 1, 1978.

HISTORY:
P.A. 84-1308; 88-62, § 10-25; 2017 P.A. 100-107, § 15, effective January 1, 2018.

60 ILCS 1/10-30 Election after alteration of township boundaries

When township boundaries have been altered under this Article, an election for township officers shall be held in the new townships at the time scheduled under the general election law for the election of township officers. The election shall be conducted in the manner prescribed by the general election law.

HISTORY:
P.A. 82-783; 88-62, § 10-30.

60 ILCS 1/10-35 Assessment and collection of taxes

The union of 2 or more townships or the division or alteration of a township after the assessor's books have been made out in any year shall not in any manner affect the assessment or collection of taxes assessable and collectible in that year, and those taxes may be assessed and collected in the same manner and by the same officers as if no division, union, or alteration had taken place. If any township has territory detached from it under Section 10-20 [60 ILCS 1/10-20], however, any tax previously levied by the township for the purpose of caring for poor and indigent persons for the present fiscal year shall be abated and shall not be extended by the county clerk.

HISTORY:
P.A. 82-783; 88-62, § 10-35.

60 ILCS 1/10-40 Disposition of township property

When a township possessing real estate is divided into 2 or more townships, the supervisors and assessors of the several townships constituted by the division shall meet as soon as may be practicable after the first township meeting subsequently held in those townships. They may make an agreement concerning the disposition of the township property and the apportionment of the proceeds as is equitable and may take all measures and execute all conveyances necessary to carry the agreement into effect.

HISTORY:
P.A. 82-783; 88-62, § 10-40.

60 ILCS 1/10-45 Meeting of supervisors and assessors

Except as provided by Section 10-20 [60 ILCS 1/10-20], when 2 or more townships possessing real estate are united, or when a part of any township possessing real estate is annexed to another township or townships or taken to form a part of a new township, the supervisors and assessors of the township so united or the township from which the territory is taken and the supervisors and assessors of the township or townships to which the territory is annexed or of which it constitutes a part shall, as soon as may be practicable after the alteration, meet for the purpose and possess the powers provided in Section 10-40 [60 ILCS 1/10-40].

HISTORY:
P.A. 82-783; 88-62, § 10-45.

60 ILCS 1/10-50 Apportionment of township personal property

Except as provided by Section 10-20 [60 ILCS 1/10-20], when 2 or more townships, any one or more of which possess or are entitled to moneys, rights or credits, or other personal estate, are united, or when a township possessing or entitled to moneys, rights or credits, or other personal estates is divided or altered, the personal estate, including moneys, shall be apportioned between the townships interested in

that personal estate by the supervisors and assessors of the townships according to the amount of taxable property in the township or townships united, divided, or altered as that amount existed immediately before the union, division, or alteration. That amount shall be ascertained by the last assessment list of the township or townships. The supervisors and assessors shall meet for this purpose as soon as may be practicable after the union, division, or alteration.

HISTORY:
P.A. 82-783; 88-62, § 10-50.

60 ILCS 1/10-55 Notice of supervisors and assessors meeting

Whenever a meeting of the supervisors and assessors of 2 or more townships is required to carry into effect the provisions of this Article, the meeting may be called by either of the supervisors. The supervisor calling the meeting shall give to all the other officers at least 10 days' written notice of the time and place at which the meeting is to be held.

HISTORY:
P.A. 82-783; 88-62, § 10-55.

60 ILCS 1/10-60 Cemetery exempt

Section 10-55 [60 ILCS 1/10-55] shall not apply to any cemetery or burial ground. A cemetery or burial ground shall belong to the township within which it is situated after a division is made.

HISTORY:
P.A. 82-783; 88-62, § 10-60.

60 ILCS 1/10-65 Apportionment of township debts

Except as provided by Section 10-20 [60 ILCS 1/10-20], debts owed by a township or townships united, divided, or altered under this Article shall be apportioned in the same manner as the personal property of the township or townships, and each township shall thereafter be charged with its share of those debts according to the apportionment.

HISTORY:
P.A. 82-783; 88-62, § 10-65.

60 ILCS 1/10-70 Apportionment by court

If the several townships cannot agree on a division or apportionment of the real or personal property or debts or any part of the property or debts as provided in Sections 10-40 through 10-65 [60 ILCS 1/10-40 through 60 ILCS 1/10-65], the dispute shall be submitted to the circuit court of the county. The court shall hear and determine the matter in a summary manner, without pleadings, and shall pronounce judgment as the right of the case may be.

HISTORY:
P.A. 82-783; 88-62, § 10-70.

60 ILCS 1/10-75 Inapplicability

This Article does not apply to multi-township jurisdictions for assessment purposes as provided in Sections 2-5 through 2-30 and Sections 2-70 and 9-30 of the Property Tax Code [35 ILCS 200/2-5 through 35 ILCS 2-30 and 35 ILCS 200/2-70 and 35 ILCS 200/9-30], and the establishment or discontinuance of or withdrawal from a multi-township assessment district is not an alteration of the boundaries of any township, a change in township lines, a division, enlargement, or consolidation of any township, or the creation of a new township for purposes of this Code.

HISTORY:
P.A. 84-1051; 88-62, § 10-75; 88-670, § 3-27.

ARTICLE 15.

TOWNSHIP WITHIN A CITY

60 ILCS 1/15-5 Township within city; organization; petition; hearing

(a) The county board in any county under township organization, by resolution, may provide (i) that the territory embraced within any city in the county, if the territory has a population of not less than 3,000, shall be organized as a township or (ii) that the territory of any city having a population of not less than 15,000 and composed of portions of 2 or more townships may be organized into a new township under the name designated in a petition under subsection (b). The city shall be known as a coterminous city.

(b) The county board shall take no action by way of resolution as to any territory under the provisions of clause (i) or (ii) of subsection (a) unless a petition requesting that action, signed by at least 200 voters of the city, has been presented to the county board and the board has held a public hearing on the petition. Notice of the hearing shall be published at least 3 times in a newspaper published in the city or, if there is none, in a newspaper published in the county and having a general circulation in the territory described in the petition. The first notice shall be published at least 60 days before the date of the hearing.

HISTORY:
P.A. 85-1353; 86-1299; 87-1197, § 1-3; 88-62, § 15-5.

60 ILCS 1/15-10 Disconnection of territory from township; annexation to adjacent township

Until the effective date of this amendatory Act of 1997, whenever a township is organized under this Article and any of the territory of the city not more than one-half square mile in extent and containing not more than 50 inhabitants is disconnected from the city, the county board may, by resolution, upon receiving a certified copy of the resolution or ordi-

nance of the city disconnecting the territory and after a public hearing on the matter following notice given as provided in Section 15-5 [60 ILCS 1/15-5], disconnect the territory from the township and annex it to an adjacent township or townships.

Whenever a township is organized under this Article and any of the territory of the city is, after the effective date of this amendatory Act of 1997, disconnected from the city by court order or ordinance, the territory shall automatically be disconnected from the otherwise coterminous township and connected to the adjacent township, and the transfer of the territory shall not affect the city's status as a city with a coterminous township. If disconnection is pursuant to court order, the petitioning party in the cause shall, within 30 days of the entry of an order permitting disconnection, serve a copy of the order upon the coterminous township, the adjacent township, and the county clerk by certified mail, return receipt requested, and shall file proof of the service with the circuit clerk. Upon objection by either the coterminous township or the adjacent township within 180 days after the enactment of the ordinance or after service of the court order, the county board may, after receiving a certified copy of the court order or ordinance and after a public hearing on the matter following notice given as provided in Section 15-5, pass an ordinance annulling the automatic disconnection of territory from the coterminous township. The action by the county board shall not affect the disconnection of territory from the city, but shall cause the territory to remain in the coterminous township. The annulling by the county board of the automatic disconnection of territory from the coterminous township shall not affect the city's status as a city with a coterminous township.

HISTORY:
P.A. 85-1353; 86-1299; 87-1197, § 1-3; 88-62, § 15-10; 90-481, § 10.

60 ILCS 1/15-15 Annexation of territory by coterminous city; referendum

(a) Whenever a city that is coterminous with a township has voted to annex any territory in an adjacent township, the city clerk shall, by registered or certified mail, file a certified copy of the annexation ordinance with the clerk of the township in which the proposed disconnection is to take place. Except as otherwise provided in this Article, if, within 45 days after the date of mailing notification, the township board of the township from which the territory is to be disconnected determines by a majority vote of those board members then holding office that the disconnection would not be in the best interests of that township, the board may request that a referendum approving or disapproving the disconnection be held in that township. The city, its coterminous township, and the adjacent township may, however, agree by intergovernmental agreement and without the necessity of a referendum that the territory shall remain part of the adjacent township and shall not become part of the township that is coterminous with the municipality.

(b) The township clerk of the adjacent township shall, within 30 days after the vote of the township board of the adjacent township, certify the proposition to disconnect the territory from the adjacent township to the proper election officials and the city clerk of the annexing city. The election officials shall submit the proposition to the voters of the township requesting the referendum at an election in accordance with the general election law. The proportionate cost of the election shall be borne by the township requesting the election.

(c) The proposition shall be substantially in the following form:

Shall (name of township) include the following described territory that is presently included in (name of township)? (Insert description of territory.)

The votes shall be recorded as "Yes" or "No".

(d) If a majority of those voting on the proposition in the township vote in favor thereof, the territory shall be disconnected from the adjacent township and connected to the township that is coterminous with the city. Only upon that connection shall any debts and liabilities of the territory be taken over by the coterminous township.

(e) If a majority of those voting on the proposition do not vote in favor of it, the territory shall remain with the adjacent township. If, however, at any time after a majority of those voting do not vote in favor of the proposition, the township board of the township in which the proposed disconnection was to take place determines that the disconnection would be in the best interest of that township, the board may request that another referendum approving or disapproving that same disconnection be held in that township. The referendum shall be conducted in accordance with the general election law.

HISTORY:
P.A. 85-1353; 86-1299; 87-1197, § 1-3; 88-62, § 15-15.

60 ILCS 1/15-17 Township officer after disconnection

A township officer of a township from which territory is disconnected shall continue as an officer of the township until the expiration of the term for which he or she was elected or appointed and until a successor is elected or appointed and qualified, without regard to whether the township officer resides in the township or the territory disconnected from the township.

HISTORY:
P.A. 94-529, § 5.

60 ILCS 1/15-20 Failure of proposition to disconnect; status quo

Where the proposition to disconnect the territory fails and it remains with the adjacent township, the

status quo and operation of a township and the officers of a township coterminous with a city at the time provided for in this Article is not to be affected. Where the proposition to disconnect fails, the status quo of a council of a city that is coterminous with a township at the time provided for in this Article and that already is vested with the authority to exercise all powers vested in that township is not affected. Where a city coterminous at the time provided for in this Article has provided by operation of law that certain offices of the city and the coterminous township shall be united in the same person, or that the office and election of highway commissioners shall be discontinued, that provision shall continue to be the case after the proposition to disconnect the territory fails. Where the proposition to disconnect fails, vacancies in any of the township offices in a township coterminous at the time provided for in this Section may continue to be filled by the city council. Where the proposition to disconnect fails or the city, its coterminous township, and the adjacent township agree by intergovernmental cooperation agreement that the territory shall remain part of the adjacent township, the city may annex the territory and by doing so does not relinquish its status as a city with a coterminous township.

HISTORY:
P.A. 85-1353; 86-1299; 87-1197, § 1-3; 88-62, § 15-20.

60 ILCS 1/15-25 Parcel annexed less than 1% of total equalized assessed value of adjacent township

Within any 12 month period beginning on the date of a coterminous city's first annexation after August 11, 1986, when any parcel of territory lying in an adjacent township is annexed by the city and the parcel constitutes less than 1% of the total equalized assessed value of the adjacent township, and until all such parcels annexed during each such annual period constitute 1% or more of the total equalized assessed value of the adjacent township, each separate parcel shall become disconnected from that township and included in the coterminous township without having the proposition to disconnect submitted to the voters in the adjacent township.

HISTORY:
P.A. 85-1353; 86-1299; 87-1197, § 1-3; 88-62, § 15-25.

60 ILCS 1/15-30 Payment for property taxes collected by coterminous city

After August 11, 1986, whenever territory is disconnected from a township and connected to a coterminous township before the effective date of this amendatory Act of the 94th General Assembly [P.A. 94-529], the coterminous city shall provide, on or before December 31 of each year for a period of 10 years, to the township from which the territory was disconnected an amount equal to the real estate tax that was collected on the property in the tax year immediately preceding the disconnection. Whenever territory is disconnected from a township and connected to a coterminous township on or after the effective date of this amendatory Act of the 94th General Assembly, the coterminous city shall provide to the township from which the territory was disconnected, for a period of 10 years: (i) no later than 60 days after the first due date for real estate taxes in that county for that tax year, an amount equal to at least 50% of the real estate tax that was collected on the property in the tax year immediately preceding the disconnection and (ii) on or before December 31 of each year an amount equal to 50% of the real estate tax that was collected on the property in the tax year immediately preceding the disconnection.

HISTORY:
P.A. 85-1353; 86-1299; 87-1197, § 1-3; 88-62, § 15-30; 94-529, § 5.

60 ILCS 1/15-35 Automatic annexation of certain territory; exception; reconnection to adjacent township

(a) If, on August 11, 1986, any unincorporated territory in a township that is adjacent to a township that is coterminous with a city (i) is wholly bounded by the coterminous township or (ii) is bounded solely by the coterminous township and (A) a river or lake, (B) property owned by the State of Illinois (except highway right-of-way owned in fee by the State), (C) a forest preserve district, or (D) the Illinois State boundary, that territory shall automatically, by operation of law, become annexed to the city, disconnected from the adjacent township, and included in the coterminous township without having the proposition to disconnect submitted to the voters in the adjacent township, except that when the unincorporated territory is, and as long as it remains, predominantly agricultural in nature, the automatic annexation shall not occur.

(b) Any territory automatically annexed by operation of law to a city coterminous with a township under this Section, if the sale of alcoholic beverages is permitted in the territory and that sale is not permitted in the coterminous township and city, shall, on June 30, 1987, be disconnected from the city and its coterminous township and reconnected to the township from which it was originally disconnected.

HISTORY:
P.A. 85-1353; 86-1299; 87-1197, § 1-3; 88-62, § 15-35.

60 ILCS 1/15-40 Parcel with township hall and maintenance building; reconnection to adjacent township

Any parcel of land owned by a township on which both a township hall and a maintenance building are located and that consists of the entire territory that was annexed by operation of law to a city coterminous with a different township under this Article shall, on September 1, 1988, be disconnected from the city and its coterminous township and recon-

nected to the township from which it was originally disconnected.

HISTORY:
P.A. 85-1353; 86-1299; 87-1197, § 1-3; 88-62, § 15-40.

60 ILCS 1/15-45 Territory deemed a township

The territory of any organized city, within the limits of any county under township organization and not situated within any township, shall be deemed a township.

HISTORY:
Laws 1877, p. 212; P.A. 88-62, § 15-45.

60 ILCS 1/15-50 Powers exercised by city council

All the powers vested in the township described in Section 15-45 [60 ILCS 1/15-45], including all the powers now vested by law in the highway commissioners of the township and in the township board of the township, shall be exercised by the city council. The city council shall perform the duties of a township or multi-township board in relation to the township or multi-township assessor as provided in the Property Tax Code [35 ILCS 200/1-1 et seq.].

By a resolution passed by a three-fourths vote, the city council of any home rule municipality may cease to exercise the powers of the township board. Vacancies within the offices of township clerk, township collector, and board of trustees resulting from the city council's action shall be filled in accordance with the general election law for the holding of township elections. Any action taken under this Section shall not alter the rights and duties of the township supervisor as chief executive officer of the township or of any other duly elected township officials.

HISTORY:
P.A. 82-783; 88-62, § 15-50; 88-670, § 3-27; 90-698, § 10.

60 ILCS 1/15-55 Combining offices

The city council in a city and township described in Section 15-45 [60 ILCS 1/15-45] may by ordinance provide (i) that the offices of city and township clerk are united in the same person, (ii) that the offices of city treasurer and township collector are united in the same person, and (iii) that the office and election of highway commissioners shall be discontinued. In any combination of offices under this Section, the combined office shall be filled in the manner provided by law for filling the office of city clerk or city treasurer, as the case may be. The township supervisor shall be, ex officio, supervisor of general assistance.

HISTORY:
Laws 1951, p. 2014; P.A. 88-62, § 15-55.

60 ILCS 1/15-60 Vacancies

Vacancies in any township office within a city and township described in Section 15-45 [60 ILCS 1/15-45] may be filled by the city council as provided in Section 60-5 [60 ILCS 1/60-5].

HISTORY:
P.A. 82-783; 88-62, § 15-60.

60 ILCS 1/15-65 Inapplicability

Notwithstanding any provisions of this Article to the contrary, this Article has no application to the office of township assessor in townships organized under this Article that are situated in counties of 500,000 or more.

HISTORY:
Laws 1947, p. 1729; P.A. 88-62, § 15-65.

60 ILCS 1/15-70 City council meetings; township business

The city council of any coterminous city located in a county with a population of less than 1,000,000 may, by the affirmative vote of three-fourths of its members, authorize the township supervisor to preside over portions of city council meetings when the city council is exercising powers that would ordinarily be exercised by the township board in a township not organized under this Article. While the township supervisor is presiding, the supervisor has one vote and the mayor has no vote.

HISTORY:
P.A. 96-241, § 5.

ARTICLE 20.

CONSOLIDATION OF TOWNSHIPS WITHIN CITY

60 ILCS 1/20-5 Consolidation of townships within city; petition and referendum

When the territory of any city in a county under township organization is composed of 5 or more congressional townships or fractional parts of congressional townships and the legal voters of the city want to organize the territory into one township, upon a petition of at least one-tenth of the legal voters of the city (to be ascertained by the votes cast at the last preceding presidential election), the county board of the county shall order submitted to the voters of the city, in accordance with the general election law, at the next general election, the question of consolidation of the territory included in the city into one township. The board shall certify the proposition to the proper election officials, who shall submit the proposition at the general election in accordance with the general election law. The proposition shall be in substantially the following form:

Shall (names or descriptions of congressional townships or parts of congressional townships) contained

within (name of city) be consolidated into one township?
The votes shall be recorded as "Yes" or "No".

HISTORY:
P.A. 81-1489; 88-62, § 20-5.

60 ILCS 1/20-10 Election results

(a) The county clerk shall enter an abstract of the returns of the election held under Section 20-5 [60 ILCS 1/20-5], made out and certified as in an election for county officers, and shall record the abstract at length upon the records of the county.

(b) If a majority of the votes are in favor of consolidating all of the townships and fractional parts of townships in the city into one organized township, then at the next regular election for township officers there shall be elected one set of township officers for the territory in the city.

HISTORY:
P.A. 81-1490; 88-62, § 20-10.

60 ILCS 1/20-15 Assessor

For purposes of the election or appointment of a township or multi-township assessor, a township organized under this Article is subject to Sections 2-5 through 2-30 and Sections 2-70 and 9-30 of the Property Tax Code [35 ILCS 200/2-5 through 35 ILCS 200/2-30 and 35 ILCS 200/2-70 and 35 ILCS 200/9-30].

HISTORY:
P.A. 81-1490; 88-62, § 20-15; 88-670, § 3-27.

ARTICLE 22.

CONSOLIDATION OF MULTIPLE TOWNSHIPS

HISTORY:
2017 P.A. 100-107, § 15, effective January 1, 2018.

60 ILCS 1/22-5 Resolution for consolidation; notice.

(a) Notwithstanding any other provision of law to the contrary, the township boards of any 2 or more adjacent townships may, by identical resolutions of each board, propose consolidation by referendum: (i) into a new township; or (ii) into an existing township. Each resolution shall include, but is not limited to, the following:

(1) the name of the proposed new consolidated township or the name of the existing township into which all townships will be consolidated;

(2) a description of how each road district or road districts of a dissolving township shall comply with subsection (c) of Section 22-20 [60 ILCS 1/22-20] if a township will be consolidating into an existing township;

(3) the names of all townships that will be consolidating and a description of the area of consolidation; and

(4) the date of the general election at which the referendum shall be held.

All resolutions shall be passed not less than 79 days before the general election stated in the resolutions. For purposes of this Section, 3 or more townships are adjacent when each township shares a boundary with at least one of the other townships which are to be consolidated.

(b) Before passing a resolution under subsection (a), each township board shall hold a public hearing on those matters after notice of the hearing has been published on the main page of the townships' websites, if any, and in a newspaper having a general circulation in the townships affected. The notice shall be published at least 30 days before the date of the hearing. The notice shall contain, at a minimum, the name of all townships that will be consolidating and a description of the area of consolidation.

HISTORY:
2017 P.A. 100-107, § 15, effective January 1, 2018.

60 ILCS 1/22-10 Referendum.

(a) Upon the adoption of resolutions under Section 22-5 [60 ILCS 1/22-5] by each township, the township boards shall certify the question to the election authority and the authority shall cause to be submitted to the voters of each township at the general election specified in the resolutions a referendum to consolidate the townships. The referendum shall be substantially in the following form:

Shall (names of townships) be consolidated into [a new township called (name of proposed consolidated township)/the township of (name of existing township)]?

The votes shall be recorded as "Yes" or "No".

The referendum is approved when a majority of the voters, in each of the affected townships, approve the referendum.

(b) Before a referendum appears on the ballot under subsection (a), each township board shall publish a copy of the adopted resolution on the main page of the townships' websites, if any, and in a newspaper having a general circulation in each of the townships affected. The notice shall be published at least 30 days before the date of the general election in which the referendum will appear.

Each township board shall additionally mail a copy of the adopted resolution, along with a copy of the referendum language and a list of all taxes levied for general township purposes in the affected townships, to every registered voter in each township affected. The notice shall be mailed at least 30 days before the date of the general election in which the referendum will appear.

(c) Notwithstanding any provision of law to the contrary, no tax rate may be extended for any fund of the consolidated district for the first levy year of the

consolidated district that exceeds any statutory maximum set forth for that fund, unless the referendum also conforms to the requirements of the Property Tax Extension Limitation Law [now repealed] or other statutory provision setting forth that limitation.

HISTORY:
2017 P.A. 100-107, § 15, effective January 1, 2018.

60 ILCS 1/22-15 Transition.

Notwithstanding any other provision of law to the contrary, upon the approval of a referendum under Section 22-10 [60 ILCS 1/22-10]:

(a) There shall be no further nominations or elections for clerks, assessors, collectors, highway commissioners, supervisors, or trustees of any of the separate townships or highway commissions, and the terms of all such officers currently serving shall continue until the third Monday of May of the year in which township officials are elected next following the approval of a referendum under Section 22-10.

(b) A Transition Township Board is formed and is composed of the members of the separate townships boards. The Transition Township Board has only the following powers: (1) to propose and approve the compensation of all officials of the consolidated township that will be elected at the consolidated election next following the passage of the referendum under Section 22-10; and (2) to propose and approve additional debt to be taken on by any of the separate townships.

(c) The Transition Township Board shall hold a public hearing no later than the last Tuesday in December before the consolidated township board of trustees are elected next following the approval of a referendum under Section 22-10. If the Board cannot agree on the compensation for an official by the first Tuesday in April before the consolidated election of township officials next following the approval of a referendum under Section 22-10, then the compensation for that official shall be equal to the lowest compensation for the same office between the separate townships in the preceding calendar year.

(d) The separate townships shall not incur any additional debt without the approval of the Transition Township Board. For purposes of this Section, "debt" has the meaning ascribed to that term in Section 23-5 [60 ILCS 1/23-5].

(e) Section 3-7 of the Election Code [10 ILCS 5/3-7] shall govern those individuals entitled to caucus, vote for, be nominated for, and run for offices for the consolidated township at the consolidated election of township officials next following the approval of a referendum under Section 22-10.

HISTORY:
2017 P.A. 100-107, § 15, effective January 1, 2018.

60 ILCS 1/22-20 Consolidated township.

(a) On the third Monday of May of the year in which township officials are elected following the approval of a referendum under Section 22-10 [60 ILCS 1/22-10], the following shall occur:

(1) the separate townships cease and the consolidated township is created;

(2) all rights, powers, duties, assets, and property, together with all personnel, contractual obligations, other obligations, responsibilities, and liabilities of the separate townships are transferred to the consolidated township; those rights include, but are not limited to, the authority to continue to collect, receive, and expend the proceeds of any tax levied by any of the separate townships prior to the creation of the consolidated township without an additional ordinance, resolution, or referendum; the proceeds of any tax levied by any of the separate townships prior to the creation of the consolidated township shall be expended or disposed of by the consolidated township in the same manner as such assessments might have been expended or disposed of by the separate townships; however, if the consolidated township board determines that there is a surplus in the fund for general township purposes on December 31 of the calendar year in which the consolidation occurs, then any portion of the surplus that is solely attributable to the consolidation shall be refunded to the owners of record of taxable property within the consolidated district on a pro rata basis; and

(3) road districts located within the separate townships are abolished.

(b) When a new township is created, a new road district encompassing the consolidated township is created. All the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the separate road districts shall vest in and be assumed by the new road district as provided for in the resolutions adopted under Section 22-5 [60 ILCS 1/22-5]. The new township board of trustees shall exercise the taxing authority of a road district abolished under this Section. The highway commissioners of the abolished road districts shall cease to hold office on the date the road district is abolished. The new township board shall exercise all duties and responsibilities of the highway commissioner as provided in the Illinois Highway Code [605 ILCS 5/1-201 et seq.]. For purposes of distribution of revenue, the new township shall assume the powers, duties, and obligations of the road district of the dissolving road district. The new township board may enter into a contract with the county, a municipality, or a private contractor to administer the roads under the new road district.

(c) When a township consolidates into an existing township, all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the abolished road districts shall vest in and be assumed by the existing township's road district as provided for in the resolutions adopted under Section

22-5. The consolidated township board of trustees shall exercise the taxing authority of a road district abolished under this Section. Highway commissioners of the abolished road districts shall cease to hold office on the date the road district is abolished. The consolidated township shall exercise all duties and responsibilities of the highway commissioner as provided in the Illinois Highway Code. For purposes of distribution of revenue, the existing township's road district or districts shall assume the powers, duties, and obligations of the road district of the dissolving road district.

HISTORY:
2017 P.A. 100-107, § 15, effective January 1, 2018.

ARTICLE 23.

MERGER OF A SINGLE TOWNSHIP INTO 2 OTHER TOWNSHIPS

HISTORY:
2017 P.A. 100-107, § 15, effective January 1, 2018.

60 ILCS 1/23-5 Definitions.

As used in this Article:

"Dissolving road district" means a road district in a dissolving township, which is dissolved under subsection (c) of Section 23-25 [60 ILCS 1/23-25].

"Dissolving township" means a township which is proposed to be dissolved into and be merged with 2 other adjacent townships.

"Equalized assessed value" has the meaning provided in Section 18-213 of the Property Tax Code [35 ILCS 200/18-213].

"Debt" means indebtedness incurred by a dissolving township including, but not limited to, mortgages, judgments, and moneys due through the issuance and sale of bonds, or through an equivalent manner of borrowing for which notes or other evidences of indebtedness are issued fixing the amount of principal and interest from time to time payable to retire the indebtedness.

"Receiving township" means a township into which a portion of the dissolving township will be merged.

HISTORY:
2017 P.A. 100-107, § 15, effective January 1, 2018.

60 ILCS 1/23-10 Resolution for merger; notice.

(a) Notwithstanding any other provision of law to the contrary, the township boards of any 3 adjacent townships may, by identical resolutions of each board, propose that a township which borders the other 2 townships be dissolved by referendum and all rights, powers, duties, assets, and property, together with all personnel, contractual obligations, other obligations, responsibilities, and liabilities of the dissolving township transferred to the receiving townships. Each resolution shall include, but is not limited to, the following:

(1) a legal description of the former territory of the dissolving township each receiving township will take upon the dissolution of the dissolving township;

(2) a description of how all assets and property, together with all personnel, contractual obligations, other obligations, responsibilities, and liabilities of the dissolving township will be transferred to the receiving townships;

(3) the tax rates for general township purposes for the immediately preceding levy year, as extended and collected in the year in which the resolution is adopted, for the dissolving township and each receiving township;

(4) a description and amount of all debt each receiving township shall assume after the dissolving township dissolves. The debt shall be assumed by each receiving township in equal proportion to the equalized assessed value of the land and property that will be received by each receiving township from the dissolving township unless otherwise agreed to in the resolutions;

(5) a description of how each road district or road districts of a dissolving township shall comply with subsection (c) of Section 23-25 [60 ILCS 1/23-25]; and

(6) the date of the general election at which the referendum shall be held.

All resolutions shall be passed not less than 79 days before the general election stated in the resolutions.

(b) Before passing a resolution under this Section, each township board shall hold a public hearing on those matters after notice of the hearing has been published on the main page of the townships' websites, if any, and in a newspaper having a general circulation in the townships affected. The notice shall be published at least 30 days before the date of the hearing. The notice shall contain, at a minimum, the name of the dissolving township and receiving townships and a description of the area each receiving township will receive from the dissolving township.

HISTORY:
2017 P.A. 100-107, § 15, effective January 1, 2018.

60 ILCS 1/23-15 Referendum and notices.

(a) Upon the adoption of resolutions under Section 23-10 [60 ILCS 1/23-10] by all townships, the township boards shall certify the question to the election authority and the authority shall cause to be submitted to the voters of all townships at the general election specified in the resolutions a referendum to consolidate the townships. The referendum shall be substantially in the following form:

Shall (name of dissolving township) be dissolved into (names of receiving townships)?

The votes shall be recorded as "Yes" or "No".

The referendum is approved when a majority of the voters, in each of the affected townships, approve the referendum.

(b) Before a referendum appears on the ballot under subsection (a), the township boards shall publish a copy of the adopted resolution on the main page of the townships' websites, if any, and in a newspaper having a general circulation in each of the townships affected. The notice shall be published at least 30 days before the date of the general election.

Each township board shall additionally mail a copy of the adopted resolution, along with a copy of the referendum language and a list of all taxes levied for general township purposes in the affected townships, to every registered voter in each township affected. The notice shall be mailed at least 30 days before the date of the general election in which the referendum will appear.

(c) Notwithstanding any provision of law to the contrary, no tax rate may be extended for any fund of the consolidated district for the first levy year of the consolidated district that exceeds any statutory maximum set forth for that fund, unless the referendum also conforms to the requirements of the Property Tax Extension Limitation Law [repealed] or other statutory provision setting forth that limitation.

HISTORY:
2017 P.A. 100-107, § 15, effective January 1, 2018.

60 ILCS 1/23-20 Transition.

(a) Notwithstanding any other provision of law to the contrary, upon the approval of a referendum under Section 23-15 [60 ILCS 1/23-15]:

(1) there shall be no further nominations or elections for clerks, assessors, collectors, highway commissioners, supervisors, or trustees of the dissolving township or highway commissions and the terms of all such officers currently serving shall continue until the third Monday of May of the year in which township officials are elected following the approval of a referendum under Section 23-15;

(2) a Transition Township Board is formed for each receiving township. Each Transition Township Board shall be composed of the members of the dissolving township boards plus the members of the receiving township board. The Transition Township Board shall only have authority to do the following under paragraphs (3) and (4) of this Section: provide for the compensation for all receiving township officials that will be elected at the consolidated election next following the approval of a referendum under Section 23-15; and approving additional debt to be taken on by the dissolving township;

(3) each Transition Township Board shall hold a public meeting no later than the first Tuesday in April before the receiving townships' boards of trustees are elected at the consolidated election next following the approval of a referendum under Section 23-15. At this public meeting, the Transition Township Board shall provide for the compensation for all township officials that will be elected at the consolidated election. If the Board cannot agree on the compensation for an official, then the compensation for the same office between the receiving and dissolving townships shall be the lower compensation for the office in the dissolving township or receiving township;

(4) the dissolving township shall not incur any additional debt without the approval of the Transition Township Board of each receiving township that would assume such debt after dissolution of the dissolving township; and

(5) Section 3-7 of the Election Code [10 ILCS 5/3-7] shall govern those individuals entitled to caucus, vote for, be nominated for, and run for offices for the receiving townships at the consolidated election of township officials next following the approval of a referendum under Section 23-15.

(b) Upon the approval of a referendum under Section 23-15, the receiving townships may enter into an intergovernmental agreement under the Intergovernmental Cooperation Act [5 ILCS 220/1 et seq.] for any lawful purpose relating to the land or property contained in the dissolving township after the township is dissolved.

HISTORY:
2017 P.A. 100-107, § 15, effective January 1, 2018.

60 ILCS 1/23-25 Merged township.

On the third Monday of May of the year in which township officials are elected following the approval of a referendum under Section 23-15 [60 ILCS 1/23-15], the following shall occur:

(a) The dissolving township ceases.

(b) All rights, powers, duties, assets, and property, together with all personnel, contractual obligations, other obligations, responsibilities, and liabilities of the dissolving township are transferred to the receiving townships as provided in the resolution adopted under Section 23-10 [60 ILCS 1/23-10]. The rights include, but are not limited to, the authority to continue to collect and receive any tax levied prior to the creation of the merged townships without an additional ordinance, resolution, or referendum.

(c) Road districts located within the dissolving township are abolished and all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the dissolving road districts shall vest in and be assumed by the receiving townships' road districts as provided for in the resolutions adopted under Section 23-10; the boards of trustees of the receiving townships shall exercise the taxing authority of a road district dissolved under this Section and shall exercise all duties and responsibilities of the highway commissioner as provided in the Illinois Highway Code [605 ILCS 5/1-101 et seq.] unless a road district in

the receiving township has a highway commissioner who shall assume all duties and responsibilities of the highway commissioner of the dissolving road districts if so resolved by the receiving township board; highway commissioners of the dissolving road districts shall cease to hold office on the date the road district is abolished; and for purposes of distribution of revenue, the receiving townships' road districts, or the township board if no road districts exist, shall assume the powers, duties, and obligations of the dissolving road district.

HISTORY:
2017 P.A. 100-107, § 15, effective January 1, 2018.

ARTICLE 24.

DISSOLUTION OF TOWNSHIPS IN MCHENRY COUNTY

HISTORY:
2019 P.A. 101-230, § 20, effective August 9, 2019.

60 ILCS 1/24-10 Definition.

As used in this Article, "electors" means the registered voters of any single township in McHenry County.

HISTORY:
2019 P.A. 101-230, § 20, effective August 9, 2019.

60 ILCS 1/24-15 Dissolving a township in McHenry County.

By resolution, the board of trustees of any township located in McHenry County may submit a proposition to dissolve the township to the electors of that township at the election next following in accordance with the general election law. The ballot shall be as provided for in Section 24-30 [60 ILCS 1/24-30].

HISTORY:
2019 P.A. 101-230, § 20, effective August 9, 2019.

60 ILCS 1/24-20 Petition requirements; notice.

(a) Subject to the petition requirements of Section 28-3 of the Election Code [10 ILCS 5/28-3], petitions for a referendum to dissolve a township located in McHenry County must be filed with the governing board of the township, the county board of McHenry County, and the McHenry County Clerk not less than 122 days prior to any election held throughout the township. Petitions must include:

(1) the name of the dissolving township;

(2) the date of dissolution; and

(3) signatures of a number of electors as follows: (A) for any township, the number of signatures shall be the larger of (i) 5% of the total ballots cast in the township in the immediately preceding election that is of an election type comparable to the election for which the petition is being filed, or (ii) 250 signatures. All signatures gathered under this paragraph (3) must be signed within 180 days prior to the filing of a petition.

(b) The proposed date of dissolution shall be at least 90 days after the date of the election at which the referendum is to be voted upon.

(c) If a valid petition is filed under subsection (a), then the McHenry County Clerk shall, by publication in one or more newspapers of general circulation within the county and on the county's website, not less than 90 days prior to the election at which the referendum is to be voted on, give notice in substantially the following form:

NOTICE OF PETITION TO DISSOLVE (dissolving township).

Residents of (dissolving township) and McHenry County are notified that a petition has been filed with (dissolving township) and McHenry County requesting a referendum to dissolve (dissolving township) on (date of dissolution) with all real and personal property, and any other assets, together with all personnel, contractual obligations, and liabilities being transferred to McHenry County.

HISTORY:
2019 P.A. 101-230, § 20, effective August 9, 2019.

60 ILCS 1/24-25 Ballot placement.

A petition that meets the requirements of Section 24-20 [60 ILCS 1/24-20] shall be placed on the ballot in the form provided for in Section 24-30 [60 ILCS 1/24-30] at the election next following.

HISTORY:
2019 P.A. 101-230, § 20, effective August 9, 2019.

60 ILCS 1/24-30 Referendum; voting.

(a) Subject to the requirements of Section 16-7 of the Election Code [10 ILCS 5/16-7], the referendum described in Section 24-25 [60 ILCS 1/24-25] shall be in substantially the following form on the ballot:

Shall the (dissolving township), together with any road districts wholly within the boundaries of (dissolving township), be dissolved on (date of dissolution) with all of the township and road district property, assets, personnel, obligations, and liabilities being transferred to McHenry County?

YES

NO

(b) The referendum is approved when a majority of those voting in the election from the dissolving township approve the referendum.

HISTORY:
2019 P.A. 101-230, § 20, effective August 9, 2019.

60 ILCS 1/24-35 Dissolution; transfer of rights and duties.

When the dissolution of a township has been approved under Section 24-30 [60 ILCS 1/24-30]:

(1) On or before the date of dissolution, all real and personal property, and any other assets, together with all personnel, contractual obligations, and liabilities of the dissolving township and road districts wholly within the boundaries of the dissolving township shall be transferred to McHenry County. All funds of the dissolved township and dissolved road districts shall be used solely on behalf of the residents of the geographic area within the boundaries of the dissolved township.

After the transfer of property to the county under this paragraph, all park land, cemetery land, buildings, and facilities within the geographic area of the dissolving township must be utilized for the primary benefit of the geographic area of the dissolving township. Proceeds from the sale of the park land, cemetery land, buildings, or facilities after transfer to the county must be utilized for the sole benefit of the geographic area of the dissolved township.

(2) On the date of dissolution, the dissolving township is dissolved.

(3) On and after the date of dissolution, all rights and duties of the dissolved township may be exercised by the McHenry County Board solely on behalf of the residents of the geographic area within the boundaries of the dissolved township. The duties that may be exercised by the county include, but are not limited to, the administration of a dissolved township's general assistance program, maintenance and operation of a dissolved township's cemeteries, and the Chief County Assessment officer of McHenry County exercising the duties of the township assessor.

(4) The McHenry County Board shall not extend a property tax levy that is greater than 90% of the property tax levy extended by the dissolved township or road districts for the duties taken on by McHenry County. This property tax levy may not be extended outside the boundaries of the dissolved township. In all subsequent years, this levy shall be bound by the provisions of the Property Tax Extension Limitation Law [repealed].

A tax levy extended under this paragraph may be used for the purposes allowed by the statute authorizing the tax levy or to pay liabilities of the dissolved township or dissolved road districts that were transferred to the county under paragraph (1). The taxpayers within the boundaries of the dissolved township are responsible to pay any liabilities transferred to the county: the county shall reduce spending within the boundaries of the former township in the amount necessary to pay off any liabilities transferred to the county under paragraph (1) that are not covered by the assets enumerated in paragraph (1) or taxes under this paragraph.

(5) All road districts wholly within the boundaries of the dissolving township are dissolved on the date of dissolution of the dissolving township, and all powers and responsibilities of each road district are transferred to McHenry County except as provided in paragraph (6).

(6) The county board of McHenry County shall give written notice to each municipality whose governing board meets within the boundaries of a dissolving township that the municipality may make an offer, on or before 60 days after the date of dissolution of the dissolving township, that the municipality will assume all of the powers and responsibilities of a road district or road districts wholly inside the dissolving township. The notice shall be sent to each municipality on or before 30 days after the date of dissolution of the township. Any eligible municipality may, with consent of its governing board, make an offer to assume all of the powers and responsibilities of the dissolving township's road district or road districts. A municipality may offer to assume the powers and responsibilities only for a limited period of time. If one or more offers are received by McHenry County on or before 60 days after the date of dissolution of the dissolving township, the county board of McHenry County shall select the best offer or offers that the board determines would be in the best interest and welfare of the affected resident population. If no municipality makes an offer or if no satisfactory offer is made, the powers and duties of the dissolving township's road district or road districts are retained by McHenry County. The municipality that assumes the powers and duties of the dissolving township's road district or road districts shall not extend a road district property tax levy under Division 5 of Article 6 of the Illinois Highway Code [605 ILCS 5/6-501 et seq.] that is greater than 90% of the road district property tax levy that was extended by the county on behalf of the dissolving township's road district or road districts for the duties taken on by the municipality.

(7) On the date of dissolution of the township or road district, elected and appointed township officers and road commissioners shall cease to hold office. An elected or appointed township official or township road commissioner shall not be compensated for any other duties performed after the dissolution of the township or road district that they represented. An elected township official or township road commissioner shall not have legal recourse relating to the ceasing of their elected or appointed positions upon the ceasing of their position.

HISTORY:

2019 P.A. 101-230, § 20, effective August 9, 2019.

ARTICLE 25.

DISCONTINUANCE OF TOWNSHIP ORGANIZATION

60 ILCS 1/25-5 Petition and referendum to discontinue township organization

Upon the petition of at least 10% of the registered voters of each township of a county, as determined on the date registration closed before the regular election next preceding the last day on which the petition may be filed, that has adopted township organization, the county board shall certify and cause to be submitted to the voters of the county, at the next general election, the question of the continuance of township organization. A signature on a petition shall not be valid or counted in considering the petition unless the form requirements are complied with and the date of each signature is less than 90 days before the last day for filing the petition. The statement of the person who circulates the petition must include an attestation (i) indicating the dates on which that sheet was circulated, (ii) indicating the first and last date on which that sheet was circulated, or (iii) certifying that none of the signatures on the sheet was signed more than 90 days before the last day for filing the petition. The proposition shall be substantially in the form:

Shall township organization be continued in (name of county)?

The votes shall be recorded as "Yes" or "No".

The petition shall be treated and the proposition certified in the manner provided by the general election law. After the proposition has once been submitted to the electorate, the proposition shall not be resubmitted for 4 years.

HISTORY:
P.A. 85-1446; 86-1480; 88-62, § 25-5; 89-235, § 2-70; 90-112, § 5.

60 ILCS 1/25-10 Cessation of township organization

If it appears by the returns of the election that a majority of the votes in at least three-fourths of the townships, containing at least a majority of the population in the county, cast on the question of the continuance of township organization at the election are against the continuance of township organization, then township organization shall cease in the county as soon as a county board is elected and qualified. All laws relating to counties not under township organization shall be applicable to the county, the same as if township organization had never been adopted in it.

HISTORY:
P.A. 82-783; 88-62, § 25-10; 89-365, § 5.

60 ILCS 1/25-15 Selection of county governing body; election.

When township organization ceases in any county as provided in this Article, the county board may by ordinance or resolution restructure into a commission form of government on or before 180 days after a township organization ceases. If the county board votes to assume a commission form of government, an election shall be held in the county at the next general election in an even-numbered year for 3 county commissioners who shall hold office for 2, 4, and 6 years, respectively, and until their successors are elected and qualified. Terms shall be determined by lot. At each succeeding general election after the first, one commissioner shall be elected.

HISTORY:
P.A. 82-783; 88-62, § 25-15; 2017 P.A. 100-107, § 15, effective January 1, 2018.

60 ILCS 1/25-20 County commissioners' assumption of duties

The county commissioners elected under Section 25-15 [60 ILCS 1/25-15] shall assume the duties of their office on the first Monday of the month following their election. They shall be the legal successors to the county board of the county and shall have all the rights and emoluments, and be subject to all the liabilities as provided in other cases of counties not under township organization.

HISTORY:
P.A. 82-783; 88-62, § 25-20.

60 ILCS 1/25-25 Disposal of township records and property.

When township organization is discontinued in any county, the records of the several townships shall be deposited in the county clerk's office. The county board or board of county commissioners of the county may close up all unfinished business of the several townships and sell or dispose of any of the property belonging to a township for the benefit of the inhabitants of the township, as fully as might have been done by the townships themselves. The county board or board of county commissioners may pay all the indebtedness of any township existing at the time of the discontinuance of township organization and cause the amount of the indebtedness, or so much as may be necessary, to be levied upon the property of the township.

HISTORY:
P.A. 82-783; 88-62, § 25-25; 2017 P.A. 100-107, § 15, effective January 1, 2018.

ARTICLE 27.

DISCONTINUANCE OF TOWNSHIP ORGANIZATION WITHIN COTERMINOUS MUNICIPALITY: COUNTY POPULATION OF 3 MILLION OR MORE

60 ILCS 1/27-5 Applicability

This Article shall apply only to a township that: (1) is within a coterminous, or substantially coterminous, municipality in which the city council exercises the powers and duties of the township board, or in which one or more municipal officials serve as an officer or trustee of the township; (2) is located within a county with a population of 3 million or more; and (3) contains a territory of 7 square miles or more.

HISTORY:
P.A. 98-127, § 10.

60 ILCS 1/27-10 Petition and referendum to discontinue and abolish a township organization within a coterminous municipality

Upon adoption of an ordinance by the city council of a township described under Section 27-5 of this Article [60 ILCS 1/27-5], or upon petition of at least 10% of the registered voters of that township, the city council shall certify and cause to be submitted to the voters of the township, at the next election or consolidated election, a proposition to discontinue and abolish the township organization and to transfer all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the township organization to the coterminous municipality.

A signature on a petition shall not be valid or counted in considering the petition unless the form requirements are complied with and the date of each signature is less than 90 days before the last day for filing the petition. The statement of the person who circulates the petition must include an attestation (i) indicating the dates on which that sheet was circulated, (ii) indicating the first and last date on which that sheet was circulated, or (iii) certifying that none of the signatures on the sheet was signed more than 90 days before the last day for filing the petition. The petition shall be treated and the proposition certified in the manner provided by the general election law. After the proposition has once been submitted to the electorate, the proposition shall not be resubmitted for 4 years.

The proposition shall be in substantially the following form:

Shall the township organization be continued in [Name of Township] Township?

The votes shall be recorded as "Yes" or "No".

HISTORY:
P.A. 98-127, § 10; 98-756, § 235.

60 ILCS 1/27-15 Cessation of township organization

If a majority of the votes of the township cast are in favor of the proposition to discontinue and abolish the township organization, then the township organization in that township shall cease.

On the effective date of the discontinuance and abolishment of the township organization, all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the township shall by operation of law vest in and be assumed by the coterminous municipality.

HISTORY:
P.A. 98-127, § 10.

60 ILCS 1/27-20 Township officers

Upon the effective date of discontinuance, the coterminous municipality shall exercise all duties and responsibilities of that township officer as provided in the Township Code, the Illinois Public Aid Code, Property Tax Code, and the Illinois Highway Code [60 ILCS 1/1-1 et seq., 305 ILCS 5/1-1 et seq., 35 ILCS 200/1-1 et seq., and 605 ILCS 5/1-101 et seq.], as applicable. The coterminous municipality may enter into an intergovernmental agreement or contract with the county or the State to administer the duties and responsibilities of that township officer for services under its jurisdiction.

HISTORY:
P.A. 98-127, § 10.

60 ILCS 1/27-25 Business, records, and property of discontinued township organization

The records of a township organization discontinued under this Article shall be deposited in the coterminous municipality's city clerk's office. The coterminous municipality may close up all unfinished business of the township and sell and dispose of any of the property belonging to the township for benefit of the inhabitants of the municipality.

HISTORY:
P.A. 98-127, § 10.

ARTICLE 28.

DISCONTINUANCE OF TOWNSHIP ORGANIZATION WITHIN COTERMINOUS MUNICIPALITY: SPECIFIED TOWNSHIPS

60 ILCS 1/28-5 Applicability

This Article shall apply only to a township that: (1) is within a coterminous, or substantially coterminous, municipality, (2) is located within St. Clair County, and (3) contains a territory of 23 square miles or more.

HISTORY:
2015 P.A. 99-474, § 10, effective August 27, 2015.

60 ILCS 1/28-10 Ordinance to discontinue and abolish a township organization within a coterminous municipality; cessation of township organization.

(a) The township board of a township described under Section 28-5 of this Article [60 ILCS 1/28-5] may adopt an ordinance, with a majority of the votes of the township board, providing that, upon the approval of a coterminous, or substantially coterminous, municipality's corporate authorities, (1) that the township organization shall discontinue and be abolished; and (2) that the township shall transfer all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the township organization to the coterminous, or substantially coterminous, municipality. The corporate authorities of the coterminous, or substantially coterminous, municipality shall adopt an ordinance by a majority vote approving such transfer to the municipality.

(b) On the later date of either the (i) approval of an ordinance by a municipality under subsection (a) of this Section, or (ii) expiration of the township officers' terms after passing an ordinance under subsection (a) of this Section, the township is discontinued and abolished and all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the township shall by operation of law vest in and be assumed by the municipality, including the authority to levy property taxes for township purposes in the same manner as the dissolved township.

HISTORY:
2015 P.A. 99-474, § 10, effective August 27, 2015.

60 ILCS 1/28-15 Coterminous municipality's duties and responsibilities.

Upon the effective date of discontinuance and abolishment of the township organization, the coterminous municipality shall exercise all duties and responsibilities of the township officers as provided in the Township Code [60 ILCS 1/1-1 et seq.], the Illinois Public Aid Code [305 ILCS 5/1-1 et seq.], the Property Tax Code [35 ILCS 200/1-1 et seq.], and the Illinois Highway Code [605 ILCS 5/1-101 et seq.], as applicable. The coterminous municipality may enter into an intergovernmental agreement or contract with the county or the State to administer the duties and responsibilities of the township officers for services under its jurisdiction.

HISTORY:
2015 P.A. 99-474, § 10, effective August 27, 2015.

60 ILCS 1/28-20 Business, records, and property of discontinued township organization.

The records of a township organization discontinued under this Article shall be deposited in the coterminous municipality's city clerk's office. The coterminous municipality may close up all unfinished business of the township and sell and dispose of any of the property belonging to the township for benefit of the inhabitants of the coterminous municipality.

HISTORY:
2015 P.A. 99-474, § 10, effective August 27, 2015.

ARTICLE 29.

DISCONTINUANCE OF TOWNSHIP WITHIN COTERMINOUS MUNICIPALITY: ALL TOWNSHIPS

HISTORY:
2017 P.A. 100-107, § 15, effective January 1, 2018.

60 ILCS 1/29-5 Resolutions to discontinue and abolish a township.

The township board and the corporate authorities of a coterminous, or substantially coterminous, municipality may by resolutions of the board and corporate authorities, and after referendum of the voters of the township and municipality: (1) discontinue and abolish the township; (2) transfer all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the township to the municipality; and (3) cease and dissolve all township road districts with the district's jurisdiction and authority transferred to the municipality upon the dissolution of the township.

HISTORY:
2017 P.A. 100-107, § 15, effective January 1, 2018.

60 ILCS 1/29-10 Notice.

(a) Before passing resolutions under Section 29-5 [60 ILCS 1/29-5], the township board and the corporate authorities of the municipality shall hold public

hearings on those matters after notice of the hearing has been published on the main page of the respective entities' websites, if any, and in a newspaper having general circulation in the township and municipality. The notice shall be published at least 30 days before the date of the hearing.

(b) Before a referendum is placed on the ballot under Section 29-15 [60 ILCS 1/29-15], each township board shall publish a copy of the resolution adopted under Section 29-5 on the main page of the respective entities' websites, if any, and in a newspaper of general circulation in the township and municipality affected. The notice shall be published at least 30 days before the date of the general election in which the referendum will appear.

Each township board shall additionally mail a copy of the adopted resolution, along with a copy of the referendum language, the date the referendum will appear, and a list of all taxes levied in the affected townships, to every registered voter in each township affected. The notice shall be mailed at least 30 days before the date of the election in which the referendum will appear.

HISTORY:
2017 P.A. 100-107, § 15, effective January 1, 2018.

60 ILCS 1/29-15 Referendum for cessation of township.

Upon the adoption of resolutions under Section 29-5 [60 ILCS 1/29-5] by both the township and municipality, the township board and corporate authorities of the municipality shall certify the question to the election authority and the authority shall cause to be submitted to the voters of the township and municipality at the next election a referendum to discontinue the township and to transfer all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the township to the municipality. The referendum shall be substantially in the following form:

Shall the Township of (name of township) cease?

The votes shall be recorded as "Yes" or "No". The referendum is approved when a majority of the voters, in both the township and municipality, approve the referendum.

If the referendum is approved, there shall be no further nominations or elections for clerks, assessors, collectors, highway commissioners, supervisors, or trustees of the township or highway commission, and the terms of all such officers currently serving shall continue until the third Monday of May of the year of the consolidated election in which township officials are elected next following the approval of a referendum under this Section.

HISTORY:
2017 P.A. 100-107, § 15, effective January 1, 2018.

60 ILCS 1/29-20 Cessation of township.

On the third Monday in May in the year of the consolidated election in which township officials are elected next following the approval of a referendum under Section 29-15 [60 ILCS 1/29-15]:

(1) the township is discontinued and abolished and all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the township shall vest in and be assumed by the municipality, including the authority to levy property taxes for township purposes in the same manner as the dissolved township without an additional ordinance, resolution, or referendum;

(2) all township officers shall cease to hold office;

(3) the municipality shall exercise all duties and responsibilities of the township officers as provided in the Township Code [60 ILCS 1/1-1 et seq.], the Illinois Public Aid Code [305 ILCS 5/1-1 et seq.], the Property Tax Code [35 ILCS 200/1-1 et seq.], and the Illinois Highway Code [605 ILCS 5/1-101 et seq.], as applicable. The municipality may enter into an intergovernmental agreement with the county or the State to administer the duties and responsibilities of the township officers for services under its jurisdiction; and

(4) any road district located within the township is abolished and its jurisdiction, rights, powers, duties, assets, property, liabilities, obligations, and responsibilities shall vest in and be assumed by the municipality and the highway commissioner of the abolished road district shall cease to hold office. The corporate authorities of the municipality shall: exercise the taxing authority of a road district abolished under this Section; exercise all duties and responsibilities of the highway commissioner as provided in the Illinois Highway Code; and for purposes of distribution of revenue, assume the powers, duties, and obligations of the road district in the discontinued township. The corporate authorities of a municipality may enter into an intergovernmental agreement or a contract with the county, another municipality, or a private contractor to administer the roads which were under the jurisdiction of the abolished road district.

HISTORY:
2017 P.A. 100-107, § 15, effective January 1, 2018.

60 ILCS 1/29-25 Business, records, and property of discontinued township.

The records of a township discontinued under this Article shall be deposited in the municipality's city clerk's office. The municipality may close up all unfinished business of the township and sell and dispose of any of the property belonging to the township for benefit of the inhabitants of the municipality.

HISTORY:
2017 P.A. 100-107, § 15, effective January 1, 2018.

ARTICLE 30.
ANNUAL TOWNSHIP MEETING

60 ILCS 1/30-50 Purchase and use of property.

(a) The electors may make all orders for the pur-

chase, sale, conveyance, regulation, or use of the township's corporate property (including the direct sale or lease of single township road district property) that may be deemed conducive to the interests of its inhabitants, including the lease, for up to 10 years, or for up to 25 years if the lease is for a wireless telecommunications tower, at fair market value, of corporate property for which no use or need during the lease period is anticipated at the time of leasing. The electors may delegate the power to purchase, sell, or lease property to the township board for a period of up to 12 months and the township board may specify properties being considered. The property may be leased to another governmental body, however, or to a not-for-profit corporation that has contracted to construct or fund the construction of a structure or improvement upon the real estate owned by the township and that has contracted with the township to allow the township to use at least a portion of the structure or improvement to be constructed upon the real estate leased and not otherwise used by the township, for any term not exceeding 50 years and for any consideration. In the case of a not-for-profit corporation, the township shall hold a public hearing on the proposed lease. The township clerk shall give notice of the hearing by publication in a newspaper published in the township, or in a newspaper published in the county and having general circulation in the township if no newspaper is published in the township, and by posting notices in at least 5 public places at least 15 days before the public hearing.

(b) If a new tax is to be levied or an existing tax rate is to be increased above the statutory limits for the purchase of the property, however, no action otherwise authorized in subsection (a) shall be taken unless a petition signed by at least 10% of the registered voters residing in the township is presented to the township clerk. If a petition is presented to the township clerk, the clerk shall order a referendum on the proposition. The referendum shall be held at the next annual or special township meeting or at an election in accordance with the general election law. If the referendum is ordered to be held at the township meeting, the township clerk shall give notice that at the next annual or special township meeting the proposition shall be voted upon. The notice shall set forth the proposition and shall be given by publication in a newspaper published in the township. If there is no newspaper published in the township, the notice shall be published in a newspaper published in the county and having general circulation in the township. Notice also shall be given by posting notices in at least 5 public places at least 15 days before the township meeting. If the referendum is ordered to be held at an election, the township clerk shall certify that proposition to the proper election officials, who shall submit the proposition at an election. The proposition shall be submitted in accordance with the general election law.

(c) If the leased property is utilized in part for private use and in part for public use, those portions of the improvements devoted to private use are fully taxable. The land is exempt from taxation to the extent that the uses on the land are public and taxable to the extent that the uses are private.

(d) Before the township makes a lease or sale of township or road district real property, the electors shall either delegate the power to the township board to purchase, sell, or lease properties for a period of up to 12 months as provided in subsection (a) or adopt a resolution stating the intent to lease or sell the real property, describing the property in full, and stating the terms and conditions the electors deem necessary and desirable for the lease or sale. A resolution stating the intent to sell real property shall also contain pertinent information concerning the size, use, and zoning of the property. The value of real property shall be determined by a State licensed real estate appraiser. The appraisal shall be available for public inspection. The resolution may direct the sale to be conducted by the staff of the township or by listing with local licensed real estate agencies (in which case the terms of the agent's compensation shall be included in the resolution).

Anytime during the year, the township or township road district may lease or sell personal property by a vote of the township board or request of the township highway commissioner.

The clerk shall thereafter publish the resolution or personal property sale notice once in a newspaper published in the township or, if no newspaper is published in the township, in a newspaper generally circulated in the township. If no newspaper is generally circulated in the township, the clerk shall post the resolution or personal property sale notice in 5 of the most public places in the township. In addition to the foregoing publication requirements, the clerk shall post the resolution or personal property sale notice at the office of the township (if township property is involved) or at the office of the road district (if road district property is involved). The following information shall be published or posted with the resolution or personal property sale notice: (i) the date by which all bids must be received by the township or road district, which shall not be less than 30 days after the date of publication or posting, and (ii) the place, time, and date at which bids shall be opened, which shall be at a regular meeting of the township board.

All bids shall be opened by the clerk (or someone duly appointed to act for the clerk) at the regular meeting of the township board described in the notice. With respect to township personal property, the township board may accept the high bid or any other bid determined to be in the best interests of the township by a majority vote of the board. With respect to township real property, the township board may accept the high bid or any other bid determined to be in the best interests of the township by a vote of three-fourths of the township board then holding

office, but in no event at a price less than 80% of the appraised value. With respect to road district property, the highway commissioner may accept the high bid or any other bid determined to be in the best interests of the road district. In each case, the township board or commissioner may reject any and all bids. This notice and competitive bidding procedure shall not be followed when property is leased to another governmental body. The notice and competitive bidding procedure shall not be followed when real or personal property is declared surplus by the township board or the highway commissioner and sold to another governmental body.

The township board or the highway commissioner may authorize the sale of personal property by public auction conducted by an auctioneer licensed under the Auction License Act [225 ILCS 407/5-1 et seq.] or through an approved Internet auction service.

(e) A trade-in of machinery or equipment on new or different machinery or equipment does not constitute the sale of township or road district property.

HISTORY:
P.A. 86-1179; 87-1208, § 12; 88-62, § 30-50; 88-356, § 1; 88-670, § 2-30; 89-100, § 3; 89-331, § 5; 89-626, § 2-29; 90-751, § 5; 93-424, § 5; 95-909, § 5; 97-337, § 5; 98-549, § 5; 98-653, § 5; 99-78, § 175; 2018 P.A. 100-839, § 5, effective January 1, 2019.

60 ILCS 1/30-51 Competitive bidding exceptions.

Contracts and purchases that by their nature are not adapted to award by competitive bidding, such as contracts for goods procured from another governmental agency and purchases of equipment previously owned by some entity other than the township itself, are not subject to the competitive bidding requirements of this Code.

HISTORY:
2017 P.A. 100-210, § 5, effective January 1, 2018.

ARTICLE 35.

SPECIAL TOWNSHIP MEETINGS

60 ILCS 1/35-35 Filling vacancy in township offices

If a vacancy exists in any township office and the vacancy is not filled within 60 days, the electors at a special township meeting may select a qualified person to fill the vacancy and to serve until the expiration of that term. At the meeting, the electors may select the replacement officer by voice vote, and the person receiving the greatest number of votes shall be declared to be elected as the officer.

HISTORY:
P.A. 82-783; 88-62, § 35-35; 90-748, § 15; 92-194, § 5.

ARTICLE 60.

VACANCIES IN TOWNSHIP OFFICES AND THE MANNER OF FILLING THEM

60 ILCS 1/60-5 Filling vacancies in township offices.

(a) Except for the office of township or multi-township assessor, if a township fails to elect the number of township officers that the township is entitled to by law, or a person elected to any township office fails to qualify, or a vacancy in any township office occurs for any other reason including without limitation the resignation of an officer or the conviction in any court of the State of Illinois or of the United States of an officer for an infamous crime, then the township board shall fill the vacancy by appointment, by warrant under their signatures and seals, and the persons so appointed shall hold their respective offices for the remainder of the unexpired terms. All persons so appointed shall have the same powers and duties and are subject to the same penalties as if they had been elected or appointed for a full term of office. A vacancy in the office of township or multi-township assessor shall be filled only as provided in the Property Tax Code [35 ILCS 200/1-1 et seq.].

For purposes of this subsection (a), a conviction for an offense that disqualifies an officer from holding that office occurs on the date of (i) the entry of a plea of guilty in court, (ii) the return of a guilty verdict, or (iii) in the case of a trial by the court, the entry of a finding of guilt.

(b) If a vacancy on the township board is not filled within 60 days, then a special township meeting must be called under Section 35-5 [60 ILCS 1/35-5] to select a replacement under Section 35-35 [60 ILCS 1/35-35].

(b-5) If the vacancy being filled under subsection (a) or (b) is for the township supervisor, a trustee shall be appointed as deputy supervisor to perform the ministerial functions of that office until the vacancy is filled under subsections (a) or (b). Once the vacancy is filled under subsections (a) or (b), the deputy supervisor's appointment is terminated.

(c) Except as otherwise provided in this Section, whenever any township or multi-township office becomes vacant or temporarily vacant, the township or multi-township board may temporarily appoint a deputy to perform the ministerial functions of the vacant office until the vacancy has been filled as provided in subsection (a) or (b). If the office is temporarily vacant, the temporarily appointed deputy may perform the ministerial functions of the vacant office until the township officer submits a written statement to the appropriate board that he or she is able to resume his or her duties. The statement shall be sworn to before an officer authorized to

administer oaths in this State. A temporary deputy shall not be permitted to vote at any meeting of the township board on any matter properly before the board unless the appointed deputy is a trustee of the board at the time of the vote. If the appointed deputy is a trustee appointed as a temporary deputy, his or her trustee compensation shall be suspended until he or she concludes his or her appointment as an appointed deputy upon the permanent appointment to fill the vacancy. The compensation of a temporary deputy shall be determined by the appropriate board. The township board shall not appoint a deputy clerk if the township clerk has appointed a deputy clerk under Section 75-45 [60 ILCS 1/75-45].

(d) Except for the temporary appointment of a deputy under subsection (c), any person appointed to fill a vacancy under this Section shall be a member of the same political party as the person vacating the office if the person vacating the office was elected as a member of an established political party, under Section 10-2 of the Election Code [10 ILCS 5/10-2], that is still in existence at the time of appointment. The appointee shall establish his or her political party affiliation by his or her record of voting in party primary elections or by holding or having held an office in a political party organization before appointment. If the appointee has not voted in a party primary election or is not holding or has not held an office in a political party organization before the appointment, then the appointee shall establish his or her political party affiliation by his or her record of participating in a political party's nomination or election caucus.

HISTORY:
P.A. 87-1208, § 12; 88-62, § 60-5; 88-360, § 5; 88-670, § 2-30; 90-748, § 15; 97-295, § 5; 2019 P.A. 101-104, § 5, effective July 19, 2019.

ARTICLE 73.

HIGHWAY COMMISSIONER

60 ILCS 1/73-5 Officer of township; election; powers and duties

The highway commissioner of each road district comprised of a single township shall have powers and duties as provided in Article 6 of the Illinois Highway Code [605 ILCS 5/6-101 et seq.].

HISTORY:
P.A. 88-62, § 73-5.

ARTICLE 75.

TOWNSHIP CLERK

60 ILCS 1/75-5 Custodian of records

(a) The township clerk shall have the custody of all records, books, and papers of the township and shall duly file all certificates or oaths and other papers required by law to be filed in the clerk's office. This Section is subject to the Local Records Act [50 ILCS 205/1 et seq.].

(b) The clerk may administer oaths and take affidavits in all cases required by law to be administered or taken by township officers. The clerk may administer oaths for absent voters as required by the general election law.

HISTORY:
P.A. 82-783; 88-62, § 75-5.

60 ILCS 1/75-10 Township meeting records

The township clerk shall record in the book of records of the township the minutes of the proceedings of every township meeting held in the township and shall enter in the book every order or direction and all by-laws, rules, and regulations made by the electors at any township meeting.

HISTORY:
P.A. 82-783; 88-62, § 75-10.

60 ILCS 1/75-15 Copies of vote entries

The township clerk shall deliver to the supervisor, before the annual meeting of the county board of the county, in each year, certified copies of all entries of votes for raising money made since the last annual meeting of the county board.

HISTORY:
P.A. 82-783; 88-62, § 75-15.

60 ILCS 1/75-20 Certification of taxes

The township clerk shall annually, at the time required by Section 18-15 of the Property Tax Code [35 ILCS 200/18-15], certify to the county clerk the amount of taxes required to be raised for all township purposes.

HISTORY:
P.A. 82-783; 88-62, § 75-20; 88-670, § 3-27.

60 ILCS 1/75-25 Failure to make return; petty offense

If a township clerk wilfully omits to make a return required by this Article, he or she is guilty of a petty offense and shall be fined, for each offense, not more than $10.

HISTORY:
P.A. 82-783; 88-62, § 75-25.

60 ILCS 1/75-30 Deputy registration officer

The township clerk, upon appointment as a deputy registration officer by the county clerk under the Election Code [10 ILCS 5/1-1 et seq.], shall have the powers and duties provided in the Election Code.

HISTORY:
P.A. 88-62, § 75-30.

60 ILCS 1/75-35 Member of board of health

The township clerk shall be a member of the board of health for a public health district as provided in the Public Health District Act [70 ILCS 905/0.01 et seq.].

HISTORY:
P.A. 88-62, § 75-35.

60 ILCS 1/75-40 Road district clerk

In each road district comprised of a single township, the township clerk shall be ex officio clerk for the highway commissioner and shall have the powers and duties as provided in Article 6 of the Illinois Highway Code [605 ILCS 5/6-101 et seq.].

HISTORY:
P.A. 88-62, § 75-40.

60 ILCS 1/75-45 Deputy clerk

(a) The township clerk, when authorized by the township board, may appoint one deputy clerk.

(b) The deputy clerk has the power and duty to do the following:

(1) Execute all documents required by law to be executed by the township clerk and affix the township clerk's seal to those documents when required by law. In signing a document, the deputy clerk shall sign the name of the clerk followed with the word "By" and the deputy clerk's own name and the words "Deputy Clerk".

(2) Attend bid openings with respect to the sale, purchase, or lease of goods or services by the township or the road district comprised of that township.

(3) Attend township meetings and township board meetings and take minutes of those meetings.

(c) The deputy clerk shall exercise the powers authorized under this Section only in the absence of the township clerk from the place where the clerk's office is maintained (in the case of powers described in paragraphs (1) and (2) of subsection (b)) and only when (i) the clerk has directed the deputy clerk, in writing, to exercise that power or (ii) the township board has determined by resolution that the township clerk is temporarily or permanently incapacitated to perform that function.

HISTORY:
P.A. 88-360, § 5; 88-670, § 2-30.

ARTICLE 85.

TOWNSHIP CORPORATE POWERS, GENERALLY

60 ILCS 1/85-30 Purchases; bids.

Any purchase by a township for services, materials, equipment, or supplies in excess of $30,000 (other than professional services) shall be contracted for in one of the following ways:

(1) By a contract let to the lowest responsible bidder after advertising for bids at least once (i) in a newspaper published within the township, or (ii) if no newspaper is published within the township, then in one published within the county, or (iii) if no newspaper is published within the county, then in a newspaper having general circulation within the township.

(2) By a contract let without advertising for bids in the case of an emergency if authorized by the township board.

This Section does not apply to contracts by a township with the federal government.

HISTORY:
P.A. 86-769; 86-1368; 88-62, § 85-30; 92-627, § 5; 94-435, § 3; 2022 P.A. 102-728, § 5, effective May 6, 2022.

60 ILCS 1/85-35 Retaining percentage of contract price; trust agreement

(a) Whenever any township has entered into a contract for the repair, remodeling, renovation, or construction of a building or structure or the construction or maintenance of a road or highway and the contract provides for retention of a percentage of the contract price until final completion and acceptance of the work, upon the request of the contractor and with the approval of the township board, the amount retained may be deposited under a trust agreement with an Illinois bank of the contractor's choice and subject to the approval of the township board. The contractor shall receive any interest on the amount deposited.

(b) Upon application by the contractor, the trust agreement must contain, as a minimum, the following provisions:

(1) The amount to be deposited subject to the trust.

(2) The terms and conditions of payment if the contractor defaults.

(3) The termination of the trust agreement upon completion of the contract.

(4) The contractor is responsible for obtaining the written consent of the bank trustee, and any costs or service fees shall be borne by the contractor.

(c) The trust agreement may, at the discretion of the township board and upon the request of the contractor, become operative at the time of the first partial payment in accordance with existing statutes, ordinances, and township procedures.

HISTORY:
P.A. 83-372; 88-62, § 85-35.

ARTICLE 240.

TOWNSHIP BORROWING MONEY

60 ILCS 1/240-5 Borrowing money.

The township board may borrow money (i) from

any bank or financial institution if the money is to be repaid within 10 years from the time it is borrowed or (ii) with the approval of the highway commissioner, from a township road district fund, if the money is to be repaid within one year from the time it is borrowed. "Financial institution" means any bank subject to the Illinois Banking Act [205 ILCS 5/1 et seq.], any savings and loan association subject to the Illinois Savings and Loan Act of 1985 [205 ILCS 105/1-1 et seq.], and any federally chartered commercial bank or savings and loan association organized and operated in this State under the laws of the United States.

HISTORY:
P.A. 86-1179; 88-62, § 240-5; 93-743, § 5.

ARTICLE 255.

TRANSFERS FROM ROAD AND BRIDGE FUND

60 ILCS 1/255-5 Transfer from road and bridge fund.

Whenever the road and bridge fund of any township in a county with a population of 50,000 or more contains a balance no longer needed for road and bridge purposes, occasioned by the fact that the township no longer has any roads or bridges under its jurisdiction, the voters of the township at an annual township meeting or at a special township meeting called for the purpose may, by resolution by a majority vote of the voters present and voting on the resolution, transfer the balance to the general township fund or to any other township fund or funds. For a period of one year after the effective date of this amendatory Act of the 92nd General Assembly [P.A. 92-539], the voters of a township at an annual township meeting or at a special township meeting called for the purpose may, by resolution by a majority vote of the voters present and voting on the resolution, distribute funds from the road and bridge fund to any township fund used for construction or maintenance of sewage or water treatment facilities.

HISTORY:
P.A. 88-62, § 255-5; 92-539, § 5.

60 ILCS 1/255-10 Treasurer; payment of balance.

Whenever the legal voters at an annual township meeting or a special township meeting direct the transfer and payment of any balance in the road and bridge fund to the general township fund or to any other township fund or funds under Section 255-5 [60 ILCS 1/255-5], the treasurer of the road and bridge fund shall pay the balance into the fund or funds as directed and take credit for the payment.

HISTORY:
Laws 1949, p. 1608; P.A. 88-62, § 255-10.

60 ILCS 1/255-15 Claim against transferred funds.

Whenever any balance from the road and bridge fund is paid into the general township fund or into any other township fund or funds under this Article, any valid and enforceable claim that any person has against funds transferred shall be valid and enforceable against the township.

HISTORY:
Laws 1949, p. 1608; P.A. 88-62, § 255-15.

CHAPTER 65

MUNICIPALITIES

Illinois Municipal Code

ILLINOIS MUNICIPAL CODE

ARTICLE 1.

GENERAL PROVISIONS

DIVISION 1.

SHORT TITLE, DEFINITIONS, SCOPE OF CODE, GRANT OF CERTAIN POWERS

65 ILCS 5/1-1-1 [Short title]

This Code shall be known and may be cited as the Illinois Municipal Code.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/1-1-2 Definitions.

In this Code:

(1) "Municipal" or "municipality" means a city, village, or incorporated town in the State of Illinois, but, unless the context otherwise provides, "municipal" or "municipality" does not include a township, town when used as the equivalent of a township, incorporated town that has superseded a civil township, county, school district, park district, sanitary district, or any other similar governmental district. If "municipal" or "municipality" is given a different definition in any particular Division or Section of this Act, that definition shall control in that division or Section only.

(2) "Corporate authorities" means (a) the mayor and alderpersons or similar body when the reference is to cities, (b) the president and trustees or similar body when the reference is to villages or incorporated towns, and (c) the council when the reference is to municipalities under the commission form of municipal government.

(3) "Electors" means persons qualified to vote for elective officers at municipal elections.

(4) "Person" means any individual, partnership, corporation, joint stock association, or the State of Illinois or any subdivision of the State; and includes any trustee, receiver, assignee, or personal representative of any of those entities.

(5) Except as otherwise provided by ordinance, "fiscal year" in all municipalities with fewer than 500,000 inhabitants, and "municipal year" in all municipalities, means the period elapsing (a) between general municipal elections in succeeding calendar years, or (b) if general municipal elections are held biennially, then between a general municipal election and the same day of the same month of the following calendar year, and between that day and the next succeeding general municipal election, or (c) if general municipal elections are held quadrennially, then between a general municipal election and the same day of the same month of the following calendar year, and between that day and the same day of the same month of the next following calendar year, and between the last mentioned day and the same day of the same month of the next following calendar year, and between the last mentioned day and the next succeeding general municipal election. The fiscal year of each municipality with 500,000 or more inhabitants shall commence on January 1.

(6) Where reference is made to a county within which a municipality, district, area, or territory is situated, the reference is to the county within which is situated the major part of the area of that municipality, district, area, or territory, in case the municipality, district, area, or territory is situated in 2 or more counties.

(7) Where reference is made for any purpose to any other Act, either specifically or generally, the reference shall be to that Act and to all amendments to that Act now in force or that may be hereafter enacted.

(8) Wherever the words "city council", "alderpersons", "commissioners", or "mayor" occur, the provisions containing these words shall apply to the board of trustees, trustees, and president, respec-

tively, of villages and incorporated towns and councilmen in cities, so far as those provisions are applicable to them.

(9) The terms "special charter" and "special Act" are synonymous.

(10) "General municipal election" means the biennial regularly scheduled election for the election of officers of cities, villages, and incorporated towns, as prescribed by the general election law; in the case of municipalities that elect officers annually, "general municipal election" means each regularly scheduled election for the election of officers of cities, villages, and incorporated towns.

HISTORY:
P.A. 81-1490; 87-1119, § 3; 2021 P.A. 102-15, § 35, effective June 17, 2021.

65 ILCS 5/1-1-2.1 [President of village or incorporated town]

The president of a village or incorporated town may be referred to as mayor or president of such village or incorporated town.

HISTORY:
P.A. 76-1911.

DIVISION 7.

CENSUS PROVISIONS

65 ILCS 5/1-7-1 [Municipal census]

The corporate authorities of each municipality may provide for the taking of a municipal census, not oftener than once each year provided such census is conducted by the Federal Government.

HISTORY:
P.A. 76-985.

65 ILCS 5/1-7-2 [Determination of number of inhabitants]

Whenever in this Code any provision thereof is based upon the number of inhabitants, the number of inhabitants of the municipality shall be determined by reference to the latest census taken by authority of the United States or this state, or of that municipality. It is the duty of the Secretary of State, upon the publication of any state or United States census or the certification of any municipal census referenced under Section 1-7-1 [65 ILCS 5/1-7-1], to certify to each municipality the number of inhabitants, as shown by that census. In the event that a partial census is conducted pursuant to Section 1-7-1, the Secretary of State shall certify the total number of inhabitants of the municipality as the number reflected by the last complete census of the municipality adjusted by the net increase or decrease reflected by the partial census. And the several courts in this state shall take judicial notice of the population of any municipality, as the population appears from the latest federal, state, or municipal census so taken, certified, and adjusted.

HISTORY:
Laws 1961, p. 576; P.A. 96-372, § 5.

ARTICLE 2.

ORGANIZATION OF MUNICIPALITIES

Division 2. Incorporation of Cities

Section

Division 3. Incorporation of Villages

DIVISION 2.

INCORPORATION OF CITIES

65 ILCS 5/2-2-15 [Boundaries; highways]

Each boundary of the municipality shall extend to the far side of any adjacent highway not included in any other municipality and shall include all of every highway within the area incorporated. These highways shall be considered to be incorporated even though not included in the legal description set forth in the petition for incorporation. When any land proposed to be incorporated includes any highway under the jurisdiction of any township, the township commissioner of highways and the board of town trustees shall be notified in writing by certified or registered mail before any court hearing or other action is taken for incorporation. If any municipality has been incorporated before January 1, 1986 and the legal description in the petition for incorporation did not include an adjacent highway, any such incorporation shall be valid and every highway adjacent to the area incorporated and not included in any other municipality shall be considered to be incorporated, notwithstanding the failure of the petition to incorporate to include the description of the adjacent highway.

HISTORY:
P.A. 84-898.

DIVISION 3.

INCORPORATION OF VILLAGES

65 ILCS 5/2-3-19 [Boundary; highway]

Each boundary of the municipality shall extend to the far side of any adjacent highway not included in any other municipality and shall include all of every highway within the area incorporated. These high-

ways shall be considered to be incorporated even though not included in the legal description set forth in the petition for incorporation. When any land proposed to be incorporated includes any highway under the jurisdiction of any township, the township commissioner of highways and the board of town trustees shall be notified in writing by certified or registered mail before any court hearing or other action is taken for incorporation. If any municipality has been incorporated before January 1, 1986 and the legal description in the petition for incorporation did not include an adjacent highway, any such incorporation shall be valid and every highway adjacent to the area incorporated and not included in any other municipality shall be considered to be incorporated, notwithstanding the failure of the petition to incorporate to include the description of the adjacent highway.

HISTORY:
P.A. 85-293.

ARTICLE 3.1.

OFFICERS

Division 35. Functions and Duties of Certain Municipal Officers

DIVISION 35.

FUNCTIONS AND DUTIES OF CERTAIN MUNICIPAL OFFICERS

65 ILCS 5/3.1-35-90 Clerk; duties

(a) The municipal clerk shall keep the corporate seal, to be provided by the corporate authorities, and all papers belonging to the municipality the custody and control of which are not given to other officers. The clerk shall attend all meetings of the corporate authorities including executive sessions and keep a full record of their proceedings in the journal, except if the clerk is the subject matter of the meeting and his or her presence creates a conflict of interest. The record of those proceedings shall be made available for public inspection within 7 days after being approved or accepted by the corporate authorities as the official minutes of their proceedings.

(b) The municipal clerk shall have other duties prescribed by the corporate authorities.

(c) Copies of all papers duly filed in the clerk's office and transcripts from the journals and other records and files of the clerk's office, certified by the clerk under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced.

HISTORY:
P.A. 87-1119, § 2; 90-777, § 5; 96-294, § 5.

65 ILCS 5/3.1-35-95 Deputy clerks

(a) A deputy clerk may execute all documents required by law to be executed by the municipal clerk and may affix the seal of the clerk wherever required. In signing any document, a deputy clerk shall sign the name of the clerk followed with the word "By" and the deputy clerk's own name and the words "Deputy Clerk".

(b) Except in municipalities with a population of 500,000 or more, the powers and duties of a deputy clerk shall be exercised only in the absence of the clerk from the place where the clerk's office is maintained, and only when either written direction has been given by the clerk to that deputy to exercise a power or the corporate authorities have determined by resolution that the municipal clerk is temporarily or permanently incapacitated to perform that function. In municipalities with a population of 500,000 or more, the powers and duties of a deputy clerk shall be exercised upon the direction of the clerk, or when the corporate authorities have determined by resolution that the clerk is temporarily or permanently incapacitated to perform those functions and duties. When a deputy's signature is duly authorized as provided in this Section and is affixed by a deputy in the manner prescribed in this Section on any document (including but not limited to contracts, bonds, or other obligations of the municipality), the document shall have the same effect as if the document had been signed by the municipal clerk in person.

HISTORY:
P.A. 87-1119, § 2.

ARTICLE 7.

TERRITORY

Division 1. Annexation

Division 6. Dissolution

DIVISION 1.

ANNEXATION

65 ILCS 5/7-1-1 Annexation of contiguous territory. [Effective until January 1, 2023]

Any territory that is not within the corporate limits of any municipality but is contiguous to a municipality may be annexed to the municipality as provided in this Article. For the purposes of this Article any territory to be annexed to a municipality shall be considered to be contiguous to the municipality notwithstanding that the territory is separated from the municipality by a lake, river, or other waterway or the territory is separated from the municipality by a strip parcel, railroad or public utility right-of-way, or former railroad right-of-way that has been converted to a recreational trail, but upon annexation the area included within that strip parcel, right-of-way, or former right-of-way shall not be considered to be annexed to the municipality. For purposes of this Section, "strip parcel" means a separation no wider than 30 feet between the territory to be annexed and the municipal boundary.

Except in counties with a population of more than 600,000 but less than 3,000,000, territory which is not contiguous to a municipality but is separated therefrom only by a forest preserve district, federal wildlife refuge, open land or open space that is part of an open space program, as defined in Section 115-5 of the Township Code [60 ILCS 1/115-5], or conservation area, may be annexed to the municipality pursuant to Section 7-1-7 or 7-1-8 [65 ILCS 5/7-1-7 or 65 ILCS 5/7-1-8], but only if the annexing municipality can show that the forest preserve district, federal wildlife refuge, open land, open space, or conservation area creates an artificial barrier preventing the annexation and that the location of the forest preserve district, federal wildlife refuge, open land, open space, or conservation area property prevents the orderly natural growth of the annexing municipality. Except for parcels of land less than one acre in size, it shall be conclusively presumed that the forest preserve district, federal wildlife refuge, open land, open space, or conservation area does not create an artificial barrier if the property sought to be annexed is bounded on at least 3 sides by (i) one or more other municipalities (other than the municipality seeking annexation through the existing forest preserve district, federal wildlife refuge, open land, open space, or conservation area), (ii) forest preserve district property, federal wildlife refuge, open land, open space, or conservation area, or (iii) a combination of other municipalities and forest preserve district property, federal wildlife refuge property, open land, open space, or conservation area. Except of parcels of land less than one acre in size, it shall also be conclusively presumed that the forest preserve district, federal wildlife refuge, open land, open space, or conservation area does not create an artificial barrier if the municipality seeking annexation is not the closest municipality within the county to the property to be annexed. The territory included within such forest preserve district, federal wildlife refuge, open land, open space, or conservation area shall not be annexed to the municipality nor shall the territory of the forest preserve district, federal wildlife refuge, open land, open space, or conservation area be subject to rights-of-way for access or services between the parts of the municipality separated by the forest preserve district, federal wildlife refuge, open land, open space, or conservation area without the consent of the governing body of the forest preserve district or federal wildlife refuge. Parcels of land less than one acre in size may be annexed to the municipality pursuant to Section 7-1-7 or 7-1-8 if it would be contiguous to the municipality but for the separation therefrom by a forest preserve district, federal wildlife refuge, open land or open space that is part of an open space program, as defined in Section 115-5 of the Township Code, or conservation area. The changes made to this Section by Public Act 91-824 are declaratory of existing law and shall not be construed as a new enactment.

For the purpose of this Section, "conservation area" means an area dedicated to conservation and owned by a not-for-profit organized under Section 501(c)(3) of the Internal Revenue Code of 1986, or any area owned by a conservation district.

In counties that are contiguous to the Mississippi River with populations of more than 200,000 but less than 255,000, a municipality that is partially located in territory that is wholly surrounded by the Mississippi River and a canal, connected at both ends to the Mississippi River and located on property owned by the United States of America, may annex noncontiguous territory in the surrounded territory under Sections 7-1-7, 7-1-8, or 7-1-9 [65 ILCS 5/7-1-9] if that territory is separated from the municipality by property owned by the United States of America, but that federal property shall not be annexed without the consent of the federal government.

For the purposes of this Article, any territory to be annexed to a municipality that is located in a county with more than 500,000 inhabitants shall be considered to be contiguous to the municipality if only a river and a national heritage corridor separate the territory from the municipality. Upon annexation, no river or national heritage corridor shall be considered annexed to the municipality.

When any land proposed to be annexed is part of any Fire Protection District or of any Public Library District and the annexing municipality provides fire protection or a public library, as the case may be, the Trustees of each District shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. The notice shall be served 10 days in advance. An affidavit that service of notice has been had as provided by this Section must be filed with the clerk of the court

in which the annexation proceedings are pending or will be instituted or, when no court proceedings are involved, with the recorder for the county where the land is situated. No annexation of that land is effective unless service is had and the affidavit filed as provided in this Section.

The new boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed. These highways shall be considered to be annexed even though not included in the legal description set forth in the petition for annexation. When any land proposed to be annexed includes any highway under the jurisdiction of any township, the Township Commissioner of Highways, the Board of Town Trustees, the Township Supervisor, and the Township Clerk shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. In the event that a municipality fails to notify the Township Commissioner of Highways, the Board of Town Trustees, the Township Supervisor, and the Township Clerk of the annexation of an area within the township, the municipality shall reimburse that township for any loss or liability caused by the failure to give notice. If any municipality has annexed any area before October 1, 1975, and the legal description in the petition for annexation did not include the entire adjacent highway, any such annexation shall be valid and any highway adjacent to the area annexed shall be considered to be annexed notwithstanding the failure of the petition to annex to include the description of the entire adjacent highway.

When annexing territory separated from the municipality by a lake, river, or other waterway, the municipality also annexes the portion of the lake, river, or other waterway that would make the municipality and territory contiguous if the lake, river, or other waterway is under the jurisdiction and control of another unit of local government or the State, or the federal government if allowed under federal law, except for any territory within the corporate limits of another municipality.

Any annexation, disconnection and annexation, or disconnection under this Article of any territory must be reported by certified or registered mail by the corporate authority initiating the action to the election authorities having jurisdiction in the territory and the post office branches serving the territory within 30 days of the annexation, disconnection and annexation, or disconnection.

Failure to give notice to the required election authorities or post office branches will not invalidate the annexation or disconnection. For purposes of this Section "election authorities" means the county clerk where the clerk acts as the clerk of elections or the clerk of the election commission having jurisdiction.

No annexation, disconnection and annexation, or disconnection under this Article of territory having electors residing therein made (1) before any primary election to be held within the municipality affected thereby and after the time for filing petitions as a candidate for nomination to any office to be chosen at the primary election or (2) within 60 days before any general election to be held within the municipality shall be effective until the day after the date of the primary or general election, as the case may be.

For the purpose of this Section, a toll highway or connection between parcels via an overpass bridge over a toll highway shall not be considered a deterrent to the definition of contiguous territory.

When territory is proposed to be annexed by court order under this Article, the corporate authorities or petitioners initiating the action shall notify each person who pays real estate taxes on property within that territory unless the person is a petitioner. The notice shall be served by certified or registered mail, return receipt requested, at least 20 days before a court hearing or other court action. If the person who pays real estate taxes on the property is not the owner of record, then the payor shall notify the owner of record of the proposed annexation.

HISTORY:

P.A. 85-1421; 87-1254, § 1; 89-388, § 5; 89-502, § 4; 89-666, § 5; 90-14, § 2-115; 91-824, § 90-5; 93-1098, § 5; 94-361, § 5; 94-1065, § 5; 95-174, § 5; 96-1000, § 245; 96-1233, § 5; 97-601, § 5; 99-63, § 5; 2017 P.A. 100-53, § 5, effective January 1, 2018.

65 ILCS 5/7-1-1 Annexation of contiguous territory. [Effective January 1, 2023]

Any territory that is not within the corporate limits of any municipality but is contiguous to a municipality may be annexed to the municipality as provided in this Article. For the purposes of this Article any territory to be annexed to a municipality shall be considered to be contiguous to the municipality notwithstanding that the territory is separated from the municipality by a lake, river, or other waterway or the territory is separated from the municipality by a strip parcel, railroad or public utility right-of-way, or former railroad right-of-way that has been converted to a recreational trail, but upon annexation the area included within that strip parcel, right-of-way, or former right-of-way shall not be considered to be annexed to the municipality. For purposes of this Section, "strip parcel" means a separation no wider than 30 feet between the territory to be annexed and the municipal boundary.

Except in counties with a population of more than 600,000 but less than 3,000,000, territory which is not contiguous to a municipality but is separated therefrom only by a forest preserve district, federal wildlife refuge, open land or open space that is part of an open space program, as defined in Section 115-5 of the Township Code [60 ILCS 1/115-5], or conservation area, may be annexed to the municipality pursuant to Section 7-1-7 or 7-1-8 [65 ILCS 5/7-1-7 or 65 ILCS 5/7-1-8], but only if the annexing municipality can show that the forest preserve district, federal wildlife refuge, open land, open space, or conservation area creates an artificial barrier preventing the annexation and that the location of the forest pre-

serve district, federal wildlife refuge, open land, open space, or conservation area property prevents the orderly natural growth of the annexing municipality. Except for parcels of land less than one acre in size, it shall be conclusively presumed that the forest preserve district, federal wildlife refuge, open land, open space, or conservation area does not create an artificial barrier if the property sought to be annexed is bounded on at least 3 sides by (i) one or more other municipalities (other than the municipality seeking annexation through the existing forest preserve district, federal wildlife refuge, open land, open space, or conservation area), (ii) forest preserve district property, federal wildlife refuge, open land, open space, or conservation area, or (iii) a combination of other municipalities and forest preserve district property, federal wildlife refuge property, open land, open space, or conservation area. Except of parcels of land less than one acre in size, it shall also be conclusively presumed that the forest preserve district, federal wildlife refuge, open land, open space, or conservation area does not create an artificial barrier if the municipality seeking annexation is not the closest municipality within the county to the property to be annexed. The territory included within such forest preserve district, federal wildlife refuge, open land, open space, or conservation area shall not be annexed to the municipality nor shall the territory of the forest preserve district, federal wildlife refuge, open land, open space, or conservation area be subject to rights-of-way for access or services between the parts of the municipality separated by the forest preserve district, federal wildlife refuge, open land, open space, or conservation area without the consent of the governing body of the forest preserve district or federal wildlife refuge. Parcels of land less than one acre in size may be annexed to the municipality pursuant to Section 7-1-7 or 7-1-8 if it would be contiguous to the municipality but for the separation therefrom by a forest preserve district, federal wildlife refuge, open land or open space that is part of an open space program, as defined in Section 115-5 of the Township Code, or conservation area. The changes made to this Section by Public Act 91-824 are declaratory of existing law and shall not be construed as a new enactment.

For the purpose of this Section, "conservation area" means an area dedicated to conservation and owned by a not-for-profit organized under Section 501(c)(3) of the Internal Revenue Code of 1986, or any area owned by a conservation district.

In counties that are contiguous to the Mississippi River with populations of more than 200,000 but less than 255,000, a municipality that is partially located in territory that is wholly surrounded by the Mississippi River and a canal, connected at both ends to the Mississippi River and located on property owned by the United States of America, may annex noncontiguous territory in the surrounded territory under Sections 7-1-7, 7-1-8, or 7-1-9 [65 ILCS 5/7-1-9] if that territory is separated from the municipality by property owned by the United States of America, but that federal property shall not be annexed without the consent of the federal government.

For the purposes of this Article, any territory to be annexed to a municipality that is located in a county with more than 500,000 inhabitants shall be considered to be contiguous to the municipality if only a river and a national heritage corridor separate the territory from the municipality. Upon annexation, no river or national heritage corridor shall be considered annexed to the municipality.

When any land proposed to be annexed is part of any Fire Protection District or of any Public Library District and the annexing municipality provides fire protection or a public library, as the case may be, the Trustees of each District shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. The notice shall be served 10 days in advance. An affidavit that service of notice has been had as provided by this Section must be filed with the clerk of the court in which the annexation proceedings are pending or will be instituted or, when no court proceedings are involved, with the recorder for the county where the land is situated. No annexation of that land is effective unless service is had and the affidavit filed as provided in this Section.

The new boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed. These highways shall be considered to be annexed even though not included in the legal description set forth in the petition for annexation. When any land proposed to be annexed includes any highway under the jurisdiction of any township, the Township Commissioner of Highways, the Board of Town Trustees, the Township Supervisor, and the Township Clerk shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. In the event that a municipality fails to notify the Township Commissioner of Highways, the Board of Town Trustees, the Township Supervisor, and the Township Clerk of the annexation of an area within the township, the municipality shall reimburse that township for any loss or liability caused by the failure to give notice. If any municipality has annexed any area before October 1, 1975, and the legal description in the petition for annexation did not include the entire adjacent highway, any such annexation shall be valid and any highway adjacent to the area annexed shall be considered to be annexed notwithstanding the failure of the petition to annex to include the description of the entire adjacent highway.

When annexing territory separated from the municipality by a lake, river, or other waterway, the municipality also annexes the portion of the lake, river, or other waterway that would make the municipality and territory contiguous if the lake, river, or other waterway is under the jurisdiction and control of another unit of local government or the

State, or the federal government if allowed under federal law, except for any territory within the corporate limits of another municipality.

Any annexation, disconnection and annexation, or disconnection under this Article of any territory must be reported by certified or registered mail by the corporate authority initiating the action to the election authorities having jurisdiction in the territory, the Department of Transportation, and the post office branches serving the territory within 30 days of the annexation, disconnection and annexation, or disconnection.

Failure to give notice to the required election authorities or post office branches will not invalidate the annexation or disconnection. For purposes of this Section "election authorities" means the county clerk where the clerk acts as the clerk of elections or the clerk of the election commission having jurisdiction.

No annexation, disconnection and annexation, or disconnection under this Article of territory having electors residing therein made (1) before any primary election to be held within the municipality affected thereby and after the time for filing petitions as a candidate for nomination to any office to be chosen at the primary election or (2) within 60 days before any general election to be held within the municipality shall be effective until the day after the date of the primary or general election, as the case may be.

For the purpose of this Section, a toll highway or connection between parcels via an overpass bridge over a toll highway shall not be considered a deterrent to the definition of contiguous territory.

When territory is proposed to be annexed by court order under this Article, the corporate authorities or petitioners initiating the action shall notify each person who pays real estate taxes on property within that territory unless the person is a petitioner. The notice shall be served by certified or registered mail, return receipt requested, at least 20 days before a court hearing or other court action. If the person who pays real estate taxes on the property is not the owner of record, then the payor shall notify the owner of record of the proposed annexation.

HISTORY:

P.A. 85-1421; 87-1254, § 1; 89-388, § 5; 89-502, § 4; 89-666, § 5; 90-14, § 2-115; 91-824, § 90-5; 93-1098, § 5; 94-361, § 5; 94-1065, § 5; 95-174, § 5; 96-1000, § 245; 96-1233, § 5; 97-601, § 5; 99-63, § 5; 2017 P.A. 100-53, § 5, effective January 1, 2018; 2022 P.A. 102-969, § 5, effective January 1, 2023.

65 ILCS 5/7-1-2 [Petition for annexation; hearing; notice; state-owned land]

(a) A written petition signed by a majority of the owners of record of land in the territory and also by a majority of the electors, if any, residing in the territory shall be filed with the circuit court clerk of the county in which the territory is located, or the corporate authorities of a municipality may initiate the proceedings by enacting an ordinance expressing their desire to annex the described territory. A person owning land underlying a highway shall not be considered an owner of record for purposes of this petition unless that person owns some land not underlying a highway proposed to be annexed in the petition for annexation. No tract of land in excess of 10 acres in area may be included in the ordinances of a municipality initiating the proceedings, however, without the express consent of the owner of the tract unless the tract (i) is subdivided into lots or blocks or (ii) is bounded on at least 3 sides by lands subdivided into lots or blocks. A tract of land shall be deemed so bounded if it is actually separated from the subdivision only by the right-of-way of a railroad or other public utility or at a public highway. The petition or ordinance, as the case may be, shall request the annexation of the territory to a specified municipality and also shall request that the circuit court of the specified county submit the question of the annexation to the corporate authorities of the annexing municipality or to the electors of the unincorporated territory, as the case may be. The circuit court shall enter an order fixing the time for the hearing upon the petition, and the day for the hearing shall be not less than 20 nor more than 30 days after the filing of the petition or ordinance, as the case may be.

(b) The petitioners or corporate authorities, as the case may be, shall give notice of the annexation petition or ordinance, as the case may be, not more than 30 nor less than 15 days before the date fixed for the hearing. This notice shall state that a petition for annexation or ordinance, as the case may be, has been filed and shall give the substance of the petition, including a description of the territory to be annexed, the name of the annexing municipality, and the date fixed for the hearing. This notice shall be given by publishing a notice at least once in one or more newspapers published in the annexing municipality or, if no newspaper is published in the annexing municipality, in one or more newspapers with a general circulation within the annexing municipality and territory. A copy of this notice shall be filed with the clerk of the annexing municipality and the municipal clerk shall send, by registered mail, an additional copy to the highway commissioner of each road district within which the territory proposed to be annexed is situated. If a municipal clerk fails to send the notice to a highway commissioner as required by this subsection, the municipality shall reimburse the road district served by that highway commissioner for any loss or liability caused by that failure. Any notice required by this Section need not include a metes and bounds legal description of the territory to be annexed, provided that the notice includes: (i) the common street address or addresses and (ii) the property index number ("PIN") or numbers of all the parcels of real property contained in the territory to be annexed.

(c) The petitioners or corporate authorities, as the case may be, shall pay to the clerk of the circuit court $10 as a filing and service fee, and no petition or ordinance, as the case may be, shall be filed until this fee is paid.

(d) No petitioner may withdraw from this petition except by consent of the majority of the other petitioners, or where it is shown to the satisfaction of the court that the signature of the petitioner was obtained by fraud or misrepresentation.

(e) If a State charitable institution is situated upon a tract or tracts of land that lie partly within and partly without the corporate limits of any municipality, the corporate authorities of the municipality may by resolution without any petition or proceedings required by this Article but with the written consent of the Director of the State Department having jurisdiction of the institution, annex any part or all of the tracts lying without the corporate limits.

(f) If real estate owned by the State of Illinois or any board, agency, or commission of the State is situated in unincorporated territory adjacent to a municipality, the corporate authorities of the municipality may annex any part or all of the real estate only with the written consent of the Governor or the governing authority of the board, agency, or commission, without any petition or proceedings required by this Article by resolution of the corporate authorities. This requirement does not apply, however, to State highways located within territory to be annexed under this Article.

HISTORY:
P.A. 87-533; 88-355, § 5; 97-336, § 5.

65 ILCS 5/7-1-10 [Annexation of territory dedicated or used for street or highway purposes]

Any municipality by ordinance may annex any territory contiguous to it even though the annexed territory is dedicated or used for street or highway purposes under the jurisdiction of the Department of Transportation of the State of Illinois, or a county or township highway department if no part of the annexed territory is within any other municipality. After the passage of the ordinance of annexation a copy of the ordinance, with an accurate map of the territory annexed, certified as correct by the clerk of the municipality, shall be filed with the recorder of the county in which the annexed territory is situated and a document of annexation shall be filed with the county clerk and County Election Authority.

HISTORY:
P.A. 83-358.

65 ILCS 5/7-1-10.5 Disconnection or de-annexation of annexed highways.

Notwithstanding any other law or regulation, if any highway that was, prior to annexation, a township highway is disconnected or de-annexed within one year after the original annexation, the jurisdiction of the highway shall revert back to the township that had jurisdiction immediately before the annexation.

HISTORY:
2017 P.A. 100-350, § 5, effective August 25, 2017.

DIVISION 6.
DISSOLUTION

65 ILCS 5/7-6-1 [Referendum for dissolution]

Any municipality, incorporated under any general or special law, may be dissolved as follows: Whenever electors in the municipality, equal to a majority of the total vote at the last preceding general municipal election, file a petition with the clerk of the municipality requesting the submission of the question whether the municipality will dissolve its incorporation, that question shall be certified by the clerk to the proper election authorities who shall submit the proposition to the electors of the municipality.

HISTORY:
P.A. 81-1489.

65 ILCS 5/7-6-2 [Form of ballot]

The question shall read substantially as follows:

"Shall the municipal corporation	YES
of ..... be dissolved?"	NO

The result shall be entered upon the municipal records.

HISTORY:
P.A. 81-1489.

65 ILCS 5/7-6-3 [Results of referendum]

If a majority of the votes cast on the question are "yes," the municipality is dissolved. But if a majority of the votes cast on the question are "no," the corporate authorities shall proceed with the affairs of the municipality as though the referendum had never been held. After a defeat, however, the proposition shall not be submitted to a vote in the same municipality for a period of 22 months.

HISTORY:
P.A. 81-1489.

65 ILCS 5/7-6-4 [Officers to close up business affairs; debts and obligations paid; money to be paid to school treasurer]

If the vote is in favor of a voluntary dissolution of the municipality there shall be no further elections for municipal officers. The officers acting at the time of this vote shall close up the business affairs of the municipality, and make the necessary conveyances of the title to the municipal property. They may levy and collect taxes for the purpose of paying the debts and obligations of the municipality, but they shall not create any new obligation against the municipality.

All money remaining after the business affairs of the municipality have been closed up and all the debts and obligations of the municipality have been paid, shall be paid to the school treasurer for the township or school unit, as the case may be, in which the municipality, or a greater part thereof, was situated. This money shall become a part of the school fund of the school district in which the municipality was situated. If the municipality was situated in more than one school district, the trustees of the schools for the specified township or unit shall direct the treasurer for that township or unit to distribute and credit the fund to the specified districts, in the same proportion as the amounts of the assessed valuation of property in these districts, according to the last assessment in these districts, bear to each other.

HISTORY:
Laws 1963, p. 854.

65 ILCS 5/7-6-5 [Notice of dissolution]

If the vote is in favor of dissolution, the acting corporate authorities of the dissolved municipality shall give notice of the result of the election to the secretary of state within 10 days after the election. They shall also file within the same time a copy of this notice with the county clerk of the county in which the dissolved municipality was situated.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/7-6-6 [Statement of closing up transactions]

After the acting corporate authorities of the dissolved municipality (1) have paid all of the debts and obligations of the municipality, (2) have closed up all of the municipal business, and (3) the surplus money, if any, has been paid to the school treasurer for the proper township or school unit, then the acting corporate authorities shall file with the county clerk of the county in which the dissolved municipality was situated, a statement under oath, showing all of the closing up transactions. When this statement is filed, the duty to close up the municipal business is terminated, and all officers of the municipality, whether the terms for which they were elected have expired or not, shall thereupon cease to have any power or authority.

HISTORY:
Laws 1963, p. 854.

65 ILCS 5/7-6-7 [Municipalities with fewer than 50 inhabitants]

Upon application by the county board of any county to the circuit court, and after a hearing upon such notice as may be directed by such court, any municipality which has less than 50 inhabitants according to the last preceding Federal census may be ordered by the court to dissolve. After service of such order upon the corporate authorities of the municipality acting at that time they shall proceed to close up the business affairs of the municipality as expeditiously as possible and in the same manner as is provided by Sections 7-6-4, 7-6-5 and 7-6-6 [65 ILCS 5/7-6-4, 65 ILCS 5/7-6-5 and 65 ILCS 5/7-6-6] in the case of voluntary dissolution. The court may enforce compliance with its order by proceedings for contempt. If ever there is in existence any municipality in which the Bureau of the Census did not determine the population when the last preceding decennial census was taken, the county board of the county in which such municipality is located may, at county expense, arrange with the Bureau of the Census to take a special census of such municipality.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/7-6-8 [Judicial notice]

All courts shall take judicial notice of (1) the existence of Illinois municipalities, (2) of the counties in which they are situated, (3) of the changes made in the municipal territory, and (4) of the dissolution of municipalities.

HISTORY:
Laws 1961, p. 576.

ARTICLE 8.

FINANCE

Division 1. General Provisions

Section
65 ILCS 5/8-1-7 [Contracts and expenses not supported by appropriation prohibited; exceptions]

Division 2. Annual Appropriation Ordinances

65 ILCS 5/8-2-9.11 [Trust for retention of percentage of construction contract price]

Division 3. Levy and Collection of Taxes

65 ILCS 5/8-3-4 [Levy for payment of particular debt, appropriation, or liability]

Division 5. Debt Limits in Municipalities of Less Than 500,000

65 ILCS 5/8-5-16 [Authority of municipalities which are not home rule units to issue bonds]

Division 9. Purchasing and Public Works Contracts in Municipalities of Less Than 500,000

65 ILCS 5/8-9-1 [Public works contracts]

Division 10. Purchasing and Public Works Contracts in Cities of More Than 500,000

65 ILCS 5/8-10-1 [Short title]
65 ILCS 5/8-10-2 [Rights, powers and privileges conferred]
65 ILCS 5/8-10-2.5 Airports
65 ILCS 5/8-10-3 [Competitive bidding]
65 ILCS 5/8-10-4 [Contracts not adapted to award by competitive bidding]
65 ILCS 5/8-10-5 [Emergency affecting public health or safety]

DIVISION 1.

GENERAL PROVISIONS

65 ILCS 5/8-1-7 [Contracts and expenses not supported by appropriation prohibited; exceptions]

(a) Except as provided otherwise in this Section, no contract shall be made by the corporate authorities, or by any committee or member thereof, and no expense shall be incurred by any of the officers or departments of any municipality, whether the object of the expenditure has been ordered by the corporate authorities or not, unless an appropriation has been previously made concerning that contract or expense. Any contract made, or any expense otherwise incurred, in violation of the provisions of this section shall be null and void as to the municipality, and no money belonging thereto shall be paid on account thereof. However, pending the passage of the annual appropriation ordinance for any fiscal year, the corporate authorities may authorize heads of departments or other separate agencies of the municipality to make necessary expenditures for the support thereof upon the basis of the appropriations of the preceding fiscal year. However, if it is determined by two-thirds vote of the corporate authorities then holding office at a regularly scheduled meeting of the corporate authorities that it is expedient and in the best public interest to begin proceedings for the construction of a needed public work, then the provisions of this section shall not apply to the extent that the corporate authorities may employ or contract for professional services necessary for the planning and financing of such public work.

(b) Notwithstanding any provision of this Code to the contrary, the corporate authorities of any municipality may make contracts for a term exceeding one year and not exceeding the term of the mayor or president holding office at the time the contract is executed, relating to: (1) the employment of a municipal manager, administrator, engineer, health officer, land planner, finance director, attorney, police chief or other officer who requires technical training or knowledge; (2) the employment of outside professional consultants such as engineers, doctors, land planners, auditors, attorneys or other professional consultants who require technical training or knowledge; (3) the provision of data processing equipment and services; or (4) the provision of services which directly relate to the prevention, identification or eradication of disease. In such case the corporate authorities shall include in the annual appropriation ordinance for each fiscal year, an appropriation of a sum of money sufficient to pay the amount which, by the terms of the contract, is to become due and payable during the current fiscal year.

(c) This section shall not apply to municipalities operating under special charters.

(d) In order to promote orderly collective bargaining relationships, to prevent labor strife and to protect the interests of the public and the health and safety of the citizens of Illinois, this Section shall not apply to multi-year collective bargaining agreements between public employers and exclusive representatives governed by the provisions of the Illinois Public Labor Relations Act [5 ILCS 315/1 et seq.].

Notwithstanding any provision of this Code to the contrary, the corporate authorities of any municipality may enter into multi-year collective bargaining agreements with exclusive representatives under the provisions of the Illinois Public Labor Relations Act.

(e) Notwithstanding any provision of this Code to the contrary, the corporate authorities of any municipality may enter into any multi-year contract or otherwise associate for any term under the provisions of Section 10 of Article VII of the Illinois Constitution [Ill. Const. (1970) Art. VII, § 10] or the Intergovernmental Cooperation Act [5 ILCS 220/1 et seq.].

HISTORY:
P.A. 85-924; 90-517, § 8.

DIVISION 2.

ANNUAL APPROPRIATION ORDINANCES

65 ILCS 5/8-2-9.11 [Trust for retention of percentage of construction contract price]

Whenever any municipality has entered into a

contract for the repair, remodeling, renovation or construction of a building or structure or the construction or maintenance of a road or highway, which provides for retention of a percentage of the contract price until final completion and acceptance of the work, upon the request of the contractor and with the approval of the municipality, the amount so retained may be deposited under a trust agreement with an Illinois bank of the contractor's choice and subject to the approval of the municipality. The contractor shall receive any interest thereon.

Upon application by the contractor, the trust agreement must contain, as a minimum, the following provisions:

a. The amount to be deposited subject to the trust;

b. The terms and conditions of payment in case of default of the contractor;

c. The termination of the trust agreement upon completion of the contract; and

d. The contractor shall be responsible for obtaining the written consent of the bank trustee, and any costs or service fees shall be borne by the contractor.

The trust agreement may, at the discretion of the municipality and upon request of the contractor, become operative at the time of the first partial payment in accordance with existing statutes, ordinances and municipality procedures.

HISTORY:
P.A. 82-503.

DIVISION 3.

LEVY AND COLLECTION OF TAXES

65 ILCS 5/8-3-4 [Levy for payment of particular debt, appropriation, or liability]

Whenever a municipality is required to levy a tax for the payment of a particular debt, appropriation, or liability of the municipality, the tax for that purpose shall be included in the total amount levied by the corporate authorities, and certified to the county clerk as provided in Section 8-3-1 [65 ILCS 5/8-3-1]. However, if a municipality has funds arising from any source whatsoever, including allocations received or to be received under the Motor Fuel Tax Law, as heretofore and hereafter amended [305 ILCS 5/1-1 et seq.] which may lawfully be used for the retirement of a particular debt, appropriation or liability of the municipality, or the payment of the next maturing installment thereof, then if the municipality by resolution directs the application of such funds to the payment of the particular debt, appropriation or liability or next maturing installment thereof, it shall certify such resolution to the county clerk as provided in Section 8-3-1. The county clerk shall abate the levy for the payment of the particular debt, appropriation or liability or the next maturing installment thereof to the extent of the funds so certified as available for such payment. The corporate authorities shall determine, in the ordinance making that levy, what proportion of that total amount shall be applied to the payment of the particular debt, appropriation or liability. The municipal treasurer shall set apart that proportion of the tax, collected and paid to him, for the payment of the particular debt, appropriation or liability, and shall not disburse that proportion of the tax for any other purpose until the debt, appropriation or liability has been discharged.

HISTORY:
Laws 1961, p. 576.

DIVISION 5.

DEBT LIMITS IN MUNICIPALITIES OF LESS THAN 500,000

65 ILCS 5/8-5-16 [Authority of municipalities which are not home rule units to issue bonds]

The corporate authorities of any municipality which is not a home rule unit under the Constitution of 1970 are authorized to issue the bonds of such municipality without referendum subject to the limitation contained herein and the requirements of the Bond Issue Notification Act [30 ILCS 352/1 et seq.]. Such bonds shall be payable from ad valorem tax receipts. The amount of such bonds, together with other bonds issued pursuant to this Section and outstanding, shall not exceed at the time of issue one-half of 1% of the assessed value of all of the taxable property located within the municipality.

Such bonds shall be authorized by a bond ordinance adopted by the corporate authorities of the municipality. The bond ordinance shall make provision for the payment of the principal of and interest on the bonds by the levy of a direct annual irrepealable tax upon all of the taxable property within the municipality. A properly certified copy of the bond ordinance shall be filed in the office of the county clerk of each county in which any portion of the municipality is situated. Such county clerk or clerks shall extend the taxes levied in the bond ordinance for collection against all of the taxable property situated within the municipality. The taxes levied in the bond ordinance shall be extended annually by the county clerk or clerks without limitation as to rate or amount and such taxes shall be in addition to and in excess of all other taxes levied or authorized to be levied by the municipality.

Bonds heretofore or hereafter issued and outstanding which are approved by referendum, bonds issued under this Section which have been paid in full or for which provision for payment has been made by an irrevocable deposit of funds in an amount sufficient to pay the principal and interest on any such bonds to

their respective maturity date, non-referendum bonds issued pursuant to other provisions of this Code, and bonded indebtedness assumed from another municipality, shall not operate to limit in any way the right of the municipality to issue its non-referendum bonds in accord with this Section.

HISTORY:
P.A. 79-832; 89-655, § 95.

DIVISION 9.

PURCHASING AND PUBLIC WORKS CONTRACTS IN MUNICIPALITIES OF LESS THAN 500,000

65 ILCS 5/8-9-1 [Public works contracts]

In municipalities of less than 500,000 except as otherwise provided in Articles 4 and 5 [65 ILCS 5/4-1-1 et seq. and 65 ILCS 5/5-1-1 et seq.] any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, when the expense thereof will exceed $25,000, shall be constructed either (1) by a contract let to the lowest responsible bidder after advertising for bids, in the manner prescribed by ordinance, except that any such contract may be entered into by the proper officers without advertising for bids, if authorized by a vote of two-thirds of all the alderpersons or trustees then holding office; or (2) in the following manner, if authorized by a vote of two-thirds of all the alderpersons or trustees then holding office, to-wit: the commissioner of public works or other proper officers to be designated by ordinance, shall superintend and cause to be carried out the construction of the work or other public improvement and shall employ exclusively for the performance of all manual labor thereon, laborers and artisans whom the municipality shall pay by the day or hour; and all material of the value of $25,000 and upward used in the construction of the work or other public improvement, shall be purchased by contract let to the lowest responsible bidder in the manner to be prescribed by ordinance. However, nothing contained in this section shall apply to any contract by a city, village or incorporated town with the federal government or any agency thereof.

In every city which has adopted Division 1 of Article 10 [65 ILCS 5/10-1-1 et seq.], every such laborer or artisan shall be certified by the civil service commission to the commissioner of public works or other proper officers, in accordance with the requirement of that division.

In municipalities of 500,000 or more population the letting of contracts for work or other public improvements of the character described in this section shall be governed by the provisions of Division 10 of this Article 8 [65 ILCS 5/10-10-1 et seq.].

HISTORY:
P.A. 86-576; 94-435, § 4; 2017 P.A. 100-338, § 5, effective August 25, 2017; 2021 P.A. 102-15, § 35, effective June 17, 2021.

DIVISION 10.

PURCHASING AND PUBLIC WORKS CONTRACTS IN CITIES OF MORE THAN 500,000

65 ILCS 5/8-10-1 [Short title]

This division shall be known and is hereafter designated as "Municipal purchasing act for cities of 500,000 or more population."

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/8-10-2 [Rights, powers and privileges conferred]

In addition to all the rights, powers, privileges, duties, and obligations conferred thereon elsewhere in this division or any other Acts, all cities of 500,000 or more population shall have the rights, powers and privileges and shall be subject to the duties and obligations conferred thereon by this Division 10.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/8-10-2.5 Airports

This Division 10 applies to purchase orders and contracts relating to airports owned or operated by a municipality of more than 500,000 population.

HISTORY:
P.A. 89-405, § 20.

65 ILCS 5/8-10-3 [Competitive bidding]

(a) Except as otherwise herein provided, all purchase orders or contracts of whatever nature, for labor, services or work, the purchase, lease, or sale of personal property, materials, equipment or supplies, involving amounts in excess of $10,000, made by or on behalf of any such municipality, shall be let by free and open competitive bidding after advertisement, to the lowest responsible bidder, or in the appropriate instance, to the highest responsible bidder, depending upon whether such municipality is to expend or to receive money. All such purchase orders or contracts, as defined above, which shall involve amounts of $10,000, or less, shall be let in the manner described above whenever practicable, except that such purchase orders or contracts may be let in the open market in a manner calculated to insure the best interests of the public, after solicitation of bids by mail, telephone, or otherwise. The provisions of this Section are subject to any contrary provision contained in "An Act concerning the use of Illinois mined

coal in certain plants and institutions", filed July 13, 1937, as heretofore and hereafter amended [30 ILCS 555/0.01 et seq.].

(b) The corporate authorities of a municipality may by ordinance provide that contracts to provide goods and services to the municipality contain a provision requiring the contractor and its affiliates to collect and remit Illinois Use Tax on all sales of tangible personal property into the State of Illinois in accordance with the provisions of the Illinois Use Tax Act [35 ILCS 105/1 et seq.], and municipal use tax on all sales of tangible personal property into the municipality in accordance with a municipal ordinance authorized by Section 8-11-6 or 8-11-1.5 [65 ILCS 5/8-11-6 or 65 ILCS 5/8-11-1.5], during the term of the contract or for some other specified period, regardless of whether the contractor or affiliate is a "retailer maintaining a place of business within this State" as defined in Section 2 of the Use Tax Act [35 ILCS 105/2]. The provision may state that if the requirement is not met, the contract may be terminated by the municipality, and the contractor may be subject to such other penalties or the exercise of such remedies as may be stated in the contract or the ordinance adopted under this Section. An ordinance adopted under this Section may contain exceptions for emergencies or other circumstances when the exception is in the best interest of the public. For purposes of this Section, the term "affiliate" means any entity that (1) directly, indirectly, or constructively controls another entity, (2) is directly, indirectly, or constructively controlled by another entity, or (3) is subject to the control of a common entity. For purposes of this subsection (b), an entity controls another entity if it owns, directly or individually, more than 10% of the voting securities of that entity. As used in this subsection (b), the term "voting security" means a security that (1) confers upon the holder the right to vote for the election of members of the board of directors or similar governing body of the business or (2) is convertible into, or entitles the holder to receive upon its exercise, a security that confers such a right to vote. A general partnership interest is a voting security.

HISTORY:
P.A. 81-1376; 93-25, § 30-25.

65 ILCS 5/8-10-4 [Contracts not adapted to award by competitive bidding]

Contracts which by their nature are not adapted to award by competitive bidding, such as but not limited to contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part, contracts for supplies, materials, parts or equipment which are available only from a single source, contracts for printing of finance committee pamphlets, comptroller's estimates, and departmental reports, contracts for the printing or engraving of bonds, water certificates, tax warrants and other evidences of indebtedness, contracts for utility services such as water, light, heat, telephone or telegraph, and contracts for the purchase of magazines, books, periodicals and similar articles of an educational or instructional nature, and the binding of such magazine, books, periodicals, pamphlets, reports and similar articles shall not be subject to the competitive bidding requirements of this Article. The purchasing agent hereinafter provided for is hereby expressly authorized to procure from any federal, state or local governmental unit or agency thereof such materials, supplies, commodities or equipment as may be made available through the operation of any legislation heretofore or hereafter enacted without conforming to the competitive bidding requirements of this Division 10. Regular employment contracts in the municipal service, whether with respect to the classified service or otherwise, shall not be subject to the provisions of this Division 10, nor shall this Division 10 be applicable to the granting or issuance pursuant to powers conferred by laws, ordinances or resolutions, of franchises, licenses, permits or other authorizations by the corporate authorities of the municipality, or by departments, offices, institutions, boards, commissions, agencies or other instrumentalities thereof, nor to contracts or transactions, other than the sale or lease of personal property, pursuant to which the municipality is the recipient of money. The purchasing agent may sell or cause to be loaned with proper surety, materials common only to the municipal water distribution system, to such corporations and individuals, upon a proper showing that they are unable to obtain such materials for the purpose of obtaining water from the water system, or while awaiting shipment from manufacturers or vendors of such material, provided, that proper charges for the sale of such material shall be made to such extent as to save the municipality from monetary losses in such transactions.

HISTORY:
Laws 1967, p. 3599.

65 ILCS 5/8-10-5 [Emergency affecting public health or safety]

In the case of an emergency affecting the public health or safety, so declared by the corporate authorities of the municipality at a meeting thereof duly convened, which declaration shall require the affirmative vote of a majority of all the members thereof and shall set forth the nature of the danger to the public health or safety, contracts may be let to the extent necessary to resolve such emergency without public advertisement. The resolution or ordinance in which such declaration is embodied shall fix the date upon which such emergency shall terminate, which date may be extended or abridged by the corporate authorities as in their judgment the circumstances require.

The purchasing agent hereinafter provided for, may purchase or may authorize in writing any

agency of such municipal government or of the institutions, boards or commissions thereof, if any, to purchase in the open market without filing requisition or estimate therefor, and without advertisement, any supplies, materials or equipment, for immediate delivery to meet bona fide operating emergencies where the amount thereof is not in excess of $40,000. A full written account of any such emergency together with a requisition for the materials, supplies or equipment required therefor shall be submitted immediately to the purchasing agent and shall be open to public inspection for a period of at least one year subsequent to the date of such emergency purchase. The exercise of the authority herein vested in the purchasing agent in respect to purchases for such bona fide operating emergencies shall not be dependent upon a declaration of emergency by the corporate authorities under the first paragraph of this section.

HISTORY:
P.A. 81-1376.

65 ILCS 5/8-10-6 [Certified officers and employees to execute requests for purchase]

The responsible head of each major department, office, institution, board, commission, agency or instrumentality of such municipal government shall certify in writing to the purchasing agent the names of such officers or employees who shall be exclusively authorized to sign requests for purchase for such respective department, office, institution, board, commission, agency or instrumentality, and all requests for purchase shall be void unless executed by such certified officers or employees and approved by the purchasing agent.

Except as to emergency contracts authorized by Section 8-10-5 [65 ILCS 5/8-10-5], no undertaking involving amounts in excess of $10,000 shall be split into parts, by the requisitioning agent or otherwise, so as to produce amounts of $10,000 or less, for the purpose of avoiding the provisions of this Division 10.

The term "responsible head" as used herein shall, in the case of the corporate authorities of the municipality, be such member, members, or committee thereof as shall be designated by appropriate resolution or order adopted by such corporate authorities.

HISTORY:
P.A. 81-1376.

65 ILCS 5/8-10-7 [Publication of proposals to award purchase orders or contracts involving amounts in excess of $10,000]

All proposals to award purchase orders or contracts involving amounts in excess of $10,000 shall be published at least 10 days, excluding Sundays and legal holidays, in advance of the date announced for the receiving of bids, in a secular English language daily newspaper of general circulation throughout such municipality and shall simultaneously be posted on readily accessible bulletin boards in the office of the purchasing agent. Nothing contained in this section shall be construed to prohibit the purchasing agent from placing additional announcements in recognized trade journals. Advertisements for bids shall describe the character of the proposed contract or agreement in sufficient detail to enable the bidders thereon to know what their obligations will be, either in the advertisement itself, or by reference to detailed plans and specifications on file at the time of the publication of the first announcement. Such advertisement shall also state the date, time and place assigned for the opening of bids, and no bids shall be received at any time subsequent to the time indicated in the announcement. However, an extension of time may be granted for the opening of such bids upon publication in a secular English newspaper of general circulation throughout such municipality of the date to which the bid opening has been extended. The time of the bid extension opening shall not be less than 5 days after the publication thereof, Sundays and legal holidays excluded.

Cash, cashier's check, a certified check, a comptroller's certificate of moneys owed the particular vendor, or a bid bond with adequate surety approved by the purchasing agent as a deposit of good faith, in a reasonable amount, but not in excess of 10% of the contract amount may be required of each bidder by the purchasing agent on all bids involving amounts in excess of $10,000 and, if so required, the advertisement for bids shall so specify.

HISTORY:
P.A. 84-1269.

65 ILCS 5/8-10-8 [Restraint of competition]

Any agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise, shall render the bids of such bidders void. Each bidder shall accompany his bid with a sworn statement, or otherwise swear or affirm, that he has not been a party to any such agreement. Any disclosure in advance of the opening of bids, of the terms of the bids submitted in response to an advertisement, made or permitted by the purchasing agent shall render the proceedings void and shall require re-advertisement and re-award.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/8-10-8.5 Disclosure

Each person submitting a bid or proposal in relation to any contract in excess of $10,000 under this Division 10 [65 ILCS 5/8-10-1 et seq.], including contracts exempt from competitive bidding under Section 8-10-4 or 8-10-5 [65 ILCS 5/8-10-4 or 65 ILCS 5/8-10-5], must disclose in his or her application the

name of each individual having a beneficial interest of more than 7 1/2% in enterprise and, if the person wishing to submit a bid or proposal is a corporation, the names of all its officers and directors. The person shall notify the municipality of any changes in its ownership or officers at the time such changes occur. In the case of emergency contracts under Section 8-10-5, disclosure under this Section shall be made within 14 days after the contract.

HISTORY:
P.A. 89-405, § 20.

65 ILCS 5/8-10-9 [Opening of sealed bids]

All sealed bids shall be publicly opened by the purchasing agent of such municipality, or by an officer or employee in the office of the purchasing agent duly authorized in writing by the purchasing agent to open such bids, and all such bids shall be open to public inspection in the office of the purchasing agent for a period of at least 48 hours before award is made.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/8-10-10 [Awards of contracts involving amounts in excess of $10,000]

The award of any contract involving amounts in excess of $10,000 shall be made by the purchasing agent to the lowest or highest responsible bidder as provided in Section 8-10-3 [65 ILCS 5/8-10-3]. Every contract involving amounts in excess of $10,000 shall be signed by the mayor or his duly designated agent, by the comptroller and by the purchasing agent, respectively, of such municipality. Each bid, with the name of the bidder, shall be entered on a record which record with the name of the successful bidder indicated thereon, shall, after award of contract, be open to public inspection in the office of the purchasing agent of such municipality.

All purchase orders or contracts involving amounts of $10,000 or less shall be awarded by the purchasing agent to the lowest or highest responsible bidder as provided in Section 8-10-3 and shall be signed by the purchasing agent and by the comptroller.

An official copy of each awarded purchase order or contract together with all necessary attachments thereto, including assignments and written consents thereto of the purchasing agent as authorized by Section 8-10-14 [65 ILCS 5/8-10-14], shall be retained by the purchasing agent in an appropriate file open to the public for such period of time after termination of contract during which action against the municipality might ensue under applicable laws of limitation. After such period such purchase orders, contracts and attachments may be destroyed by direction of the purchasing agent.

HISTORY:
P.A. 81-1376.

65 ILCS 5/8-10-11 [Determination of bidder's responsibility]

In determining the responsibility of any bidder the purchasing agent may take into account other factors in addition to financial responsibility, such as past records of transactions with the bidder, experience, adequacy of equipment, ability to complete performance within a specified time limit and other pertinent considerations.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/8-10-12 [Rejection of bids]

Any and all bids received in response to an advertisement may be rejected by the purchasing agent if the bidder is not deemed responsible, or the character or quality of the services, supplies, materials, equipment or labor does not conform to requirements or if the public interest may otherwise be served thereby.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/8-10-13 [Bond]

Bond, with sufficient sureties, in such amount as shall be deemed adequate, not only to insure performance of contract in the time and manner prescribed in the contract, but also to save, indemnify, and keep harmless the municipality against all loss, damages, claims, liabilities, judgments, costs, and expenses which may in anywise accrue against the municipality in consequence of the granting of the contract, or which may in anywise result therefrom, may be required of each bidder upon contracts involving amounts in excess of $10,000 when, in the opinion of the purchasing agent, the public interests will be served thereby.

HISTORY:
P.A. 81-1376.

65 ILCS 5/8-10-14 [Consent of purchasing agent required for assignment or sublet]

No contract awarded to the lowest responsible bidder or to the highest responsible bidder, as the case may be, shall be assignable or sublet by the successful bidder without the written consent of the purchasing agent. In no event shall a contract or any part thereof be assigned or sublet to a bidder who had been declared not to be a responsible bidder in the consideration of bids submitted in response to advertisement for the particular contract.

HISTORY:
Laws 1967, p. 3599.

65 ILCS 5/8-10-15 [Purchasing agent — appointment; qualifications]

In all municipalities within the purview of this

Division 10, there shall be a purchasing agent who shall be appointed by the mayor by and with the consent of the corporate authorities of the municipality. The purchasing agent shall hold office for a term of 4 years and until his successor is appointed and qualified. Such purchasing agent may be removed from office for cause after public hearing before the corporate authorities at which hearing the purchasing agent with counsel shall be entitled to be heard. His salary shall be fixed by the corporate authorities and he shall be required to give bond, with adequate surety, for the faithful performance of his duties in an amount to be determined by the corporate authorities. He shall be exempt from the provisions of Division 1 of Article 10 [65 ILCS 5/10-1-1 et seq.], relating to civil service, in any municipality which has or may hereafter adopt that Division 1. In making the appointment of the purchasing agent, the mayor and corporate authorities shall give due consideration to the executive experience and ability required for the proper and effective discharge of the duties of the office, and no person shall be appointed purchasing agent unless he has served for at least 3 years in a responsible executive capacity requiring knowledge of and experience in large scale purchasing activities.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/8-10-16 [Purchasing agent — employees; duties]

The purchasing agent may appoint the necessary employees of his office in accordance with law. The number and salaries of such employees shall be fixed by the corporate authorities. The purchasing agent shall: (a) adopt, promulgate and from time to time revise rules and regulations for the proper conduct of his office; (b) constitute the sole agent of the municipality in contracting for labor, materials, services, or work, the purchase, lease, or sale of personal property, materials, equipment or supplies, in conformity with the provisions of this Division 10; (c) open all sealed bids; (d) determine the lowest or highest responsible bidder, as the case may be, as required by this Division 10, and purchase orders in conformity with this Division 10; (e) enforce written specifications describing standards established in conformity with this Division 10; (f) operate or require such physical, chemical or other tests as may be necessary to insure conformity to such specifications with respect to quality of materials; (g) exercise, or require, at central storerooms or otherwise, such control as may be necessary to insure conformity to contract provisions with respect to quantity; (h) distribute or cause to be distributed, to the various requisitioning agencies of such municipality, such supplies, materials or equipment, as may be purchased by him; (i) transfer materials, supplies and equipment to or between the various requisitioning agencies and to trade in, sell or dispose of such materials, supplies or equipment as may become surplus, obsolete or unusable; (j) control inventories and inventory records of all stocks of materials, supplies and equipment of common usage contained in any central or principal storeroom, stockyard or warehouse of such municipality; (k) assume such related activities as may be assigned to him from time to time by the mayor or the corporate authorities of such municipality, and (l) submit to the mayor of such municipality an annual report faithfully describing the activities of his office, which report shall be spread upon the official public records of the corporate authorities of such municipality or given comparable public distribution.

HISTORY:
Laws 1967, p. 3599.

65 ILCS 5/8-10-17 [Revolving fund; conflict of interest; penalty]

The corporate authorities of any such municipality may establish a revolving fund in such amount as may be necessary to enable the purchasing agent to purchase items of common usage in advance of immediate need, the revolving fund to be reimbursed from the annual appropriation of the requisitioning agencies. Neither the purchasing agent, nor any officer or employe of his office, nor any member of the board of standardization hereinafter provided for, shall be financially interested, directly or indirectly, in any purchase order or contract coming under the purview of his official duties. The above named officials and employes are expressly prohibited from accepting, directly or indirectly, from any person, company, firm or corporation to which any purchase order or contract may be awarded, any rebate, gift, money, or anything of value whatsoever. Any officer or employe, as above defined, convicted of violating this section, shall be guilty of a business offense and shall be fined not to exceed $10,000 and shall forfeit the right to his public office, trust or employment and shall be removed therefrom.

HISTORY:
P.A. 77-2500.

65 ILCS 5/8-10-18 [Purchase orders executed as provided]

No department, office, institution, commission, board, agency or instrumentality of any such municipality, or any officer or employe thereof, shall be empowered to execute any purchase order or contract as defined in Section 8-10-3 [65 ILCS 5/8-10-3] except as herein specifically authorized, but all such purchase orders or contracts shall be executed by the purchasing agent in conformity with the provisions of this Division 10.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/8-10-19 [Board of standardization]

In all municipalities to which the provisions of this

Division 10 shall apply, there shall be a board of standardization, which board shall be composed of the purchasing agent for such municipality, who shall be chairman, and 6 other members who shall be appointed by the mayor of such municipality. Three of the members shall be responsible heads of a major office, department, institution, commission or board of such municipality and shall receive no compensation for their services on the board of standardization. The other 3 members may be officers or employees of the municipality but only those such members who are not officers or employees shall be entitled to receive such compensation as the corporate authorities may provide. Any member, excepting the purchasing agent, may deputize a proxy to act in his stead. The board of standardization shall meet at least once each 2 calendar months upon notification by the chairman at least 5 days in advance of the date announced for such meeting. Official action of the board shall require the vote of a majority of all members of the board. The chairman shall cause to be prepared a report faithfully describing the proceedings of each meeting, which report shall be transmitted to each member and shall be made available to the mayor and to the corporate authorities, respectively, of such municipality within 5 days, excluding Sundays and legal holidays, subsequent to the date of the meeting.

The board of standardization shall: (a) classify the requirements of such municipality, including the departments, offices, institutions, commissions and boards thereof, with respect to supplies, materials, and equipment, of common usage, (b) adopt as standards, the smallest numbers of the various qualities, sizes and varieties of such supplies, materials and equipment as may be consistent with the efficient operation of such municipal government, and (c) prepare, adopt, promulgate, and from time to time revise, written specifications describing such standards.

Specifications describing in detail the physical, chemical and other characteristics of supplies, material or equipment to be acquired by purchase order or contract shall be prepared by the board of standardization.

In the preparation or revision of standard specifications the board of standardization shall solicit the advice, assistance and cooperation of the several requisitioning agencies and shall be empowered to consult such public or non-public laboratory or technical services as may be deemed expedient. After adoption, each standard specification shall, until rescinded, apply alike in terms and effect to every purchase or contract for the purchase of any commodity, material, supply or equipment and shall be made available to the public upon request.

HISTORY:
Laws 1967, p. 3599.

65 ILCS 5/8-10-20 [Publication of ordinances]

Official ordinances in conformity with the provisions of this Division 10 shall be adopted by formal action of the corporate authorities of such municipality and shall be published for the information of the public.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/8-10-21 [Effect of violation]

Any purchase order or contract executed in violation of this Division 10 shall be null and void as to the municipality and if public funds shall have been expended thereupon the amount thereof may be recovered in the name of the municipality in an appropriate action instituted therefor.

An official who knowingly and intentionally lets a contract in violation of the competitive bid requirements of this Division 10 forfeits his or her office.

HISTORY:
Laws 1961, p. 576; P.A. 89-405, § 20.

65 ILCS 5/8-10-22 [Application of Division]

Nothing contained in this Division 10 shall be deemed to apply to the letting of contracts and accepting of bids for the construction of local improvements pursuant to Division 2 of Article 9 [65 ILCS 5/9-2-1 et seq.].

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/8-10-23 [Audits of expenditures incident to purchase orders and contracts]

The comptroller of each municipality to which this Division 10 applies shall conduct audits of all expenditures incident to all purchase orders and contracts awarded hereunder by the purchasing agent. The comptroller shall make reports on such audits to the mayor and corporate authorities.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/8-10-24 [Specifications; changes or modifications]

All specifications pertaining to the construction, alteration, rehabilitation or repair of any real property of such municipality shall be prepared by the engineering agency engaged in the design of such construction, alteration, rehabilitation or repair, prior to approval by the purchasing agent, and any such specification shall form a part of any such purchase order or contract, and the performance, inspection and testing of all such contracts shall be supervised by the engineering agency designated in such contracts.

If after award of such contracts changes or modifications are necessitated therein, such changes or modifications may be accomplished or ordered in

writing by the engineering agency, but if the costs thereof are estimated to exceed $5,000 written approval of the purchasing agent must be first obtained. A modification agreement therefor shall thereafter be executed by the contractor, the mayor or his duly designated agent, by the comptroller and by the purchasing agent.

HISTORY:
Laws 1967, p. 3599.

65 ILCS 5/8-10-25 [Conflict with other provisions]

In the event of a conflict between the application of this Division 10 of Article 8 and the application of "An Act concerning municipalities, counties and other political subdivisions", enacted by the 85th General Assembly [50 ILCS 510/0.01 et seq.], the provisions of "An Act concerning municipalities, counties and other political subdivisions" shall prevail.

HISTORY:
P.A. 85-854.

65 ILCS 5/8-10-26 Long-term contracts

Any municipality may enter into a long-term energy contract, even if the length of the contract would exceed the term of office of the corporate authorities that approved the contract.

HISTORY:
P.A. 93-58, § 5.

DIVISION 11.

CERTAIN REVENUE TAXES

65 ILCS 5/8-11-15 [Municipal motor fuel tax; referendum; liability of purchaser; duty of retailer to collect; motor fuel defined]

(a) The corporate authorities of a municipality of over 100,000 inhabitants may, upon approval of the electors of the municipality pursuant to subsection (b), impose a tax of one cent per gallon on motor fuel sold at retail within such municipality. A tax imposed pursuant to this Section shall be paid in addition to any other taxes on such motor fuel.

(b) The corporate authorities of the municipality may by resolution call for the submission to the electors of the municipality of the question of whether the municipality shall impose such tax. Such question shall be certified by the municipal clerk to the election authority in accordance with Section 28-5 of The Election Code [10 ILCS 5/28-5]. The question shall be in substantially the following form:

Shall the city (village or incorporated town) of ..... impose a tax of one cent per gallon on motor fuel sold at retail within its boundaries?	YES	
	NO	

If a majority of the electors in the municipality voting upon the question vote in the affirmative, such tax shall be imposed.

(c) The purchaser of the motor fuel shall be liable for payment of a tax imposed pursuant to this Section. This Section shall not be construed to impose a tax on the occupation of persons engaged in the sale of motor fuel.

If a municipality imposes a tax on motor fuel pursuant to this Section, it shall be the duty of any person engaged in the retail sale of motor fuel within such municipality to collect such tax from the purchaser at the same time he collects the purchase price of the motor fuel and to pay over such tax to the municipality as prescribed by the ordinance of the municipality imposing such tax.

(d) For purposes of this Section, "motor fuel" shall have the same meaning as provided in the "Motor Fuel Tax Law" [35 ILCS 505/1 et seq.].

HISTORY:
P.A. 84-1099.

ARTICLE 9.

LOCAL IMPROVEMENTS

Division 1. Provisions Generally Applicable

Division 2. Local Improvement Procedures Restricted to Certain Municipalities

DIVISION 1.

PROVISIONS GENERALLY APPLICABLE

65 ILCS 5/9-1-1 [Application to municipalities; disposition of undistributed or unclaimed money; local improvements]

The provisions of Sections 9-1-2 through 9-1-10 [65 ILCS 5/9-1-2 through 65 ILCS 5/9-1-10] apply in all municipalities unless otherwise provided in any of such sections.

The provisions of Sections 9-1-11 through 9-1-14 [65 ILCS 5/9-1-11 through 65 ILCS 5/9-1-14] are alternative to and not in exclusion of other methods of disposition of undistributed or unclaimed money received from the making of any local improvement paid for wholly or in part by special assessment or special taxation.

Any municipality in making local improvements may use either the procedure set out in Division 2 of this Article [65 ILCS 5/9-2-1 et seq.] or the procedure set out in Division 3 of this Article [65 ILCS 5/9-3-1 et seq.] subject to any restrictions appearing in such divisions. Once a local improvement is begun under one of the procedures it must be completed pursuant to the same procedure.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-1-2 [Local improvement ordinance; cost]

When the ordinance under which a local improvement is ordered to be made provides that the improvement shall be made by general taxation, the cost of the improvement shall be added to the annual appropriation ordinance of the municipality ordering the improvement and shall be levied and collected with and as a part of the general taxes of that municipality.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-1-3 [Local improvement ordinance; repealed]

No ordinance ordering a local improvement shall be repealed except on a written recommendation of the board of local improvements, or committee on local improvements, as the case may be, stating the reasons therefor. This section shall not apply to municipalities having a population of less than 100,000.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-1-4 [Report by board of local improvements]

The board of local improvements or committee on local improvements, as the case may be, shall submit to the corporate authorities, during the months of May and October of each year, for 3 years following the completion of any public work, a written report of its condition based upon a careful examination of the public work by the board of local improvements, or by the committee on local improvements, as the case may be, or by its representative, who shall be an experienced and capable person of good character. This section shall not apply to municipalities having a population of less than 100,000.

HISTORY:
P.A. 80-324.

65 ILCS 5/9-1-5 [Undistributed or unclaimed money]

Any municipality having any undistributed or unclaimed money received from the making of any local improvement paid for wholly or in part by special assessment or special taxation, and which money has

remained in the possession of the municipality for a period of 4 years or more from the due date of the last installment undistributed or unclaimed as a rebate or refund, after complying with all provisions for the distribution of such rebates or refunds set out in Divisions 2 and 3 of this Article [65 ILCS 5/9-2-1 et seq. and 65 ILCS 5/9-3-1 et seq.], may set aside and transfer the money, so undistributed or unclaimed, into a special fund to be known as the unclaimed rebate fund. This fund may be used as provided in Sections 9-1-6 through 9-1-10 [65 ILCS 5/9-1-6 through 65 ILCS 5/9-1-10].

HISTORY:
Laws 1963, p. 2431.

65 ILCS 5/9-1-6 [Before transfer to unclaimed rebate fund]

Before the money so remaining undistributed or unclaimed and in the possession of a municipality is set aside and transferred into the unclaimed rebate fund, the board of local improvements, or the committee on local improvements, as the case may be, of the municipality shall have a notice published at least once a week for 8 successive weeks in a newspaper published in the municipality, or, if no newspaper is published therein, then in a newspaper with a general circulation within the municipality. In municipalities with less than 500 population in which no newspaper is published, publication may be made by posting a notice in 3 prominent places within the municipality.

The notice shall describe in a general manner the improvement in which there is an undistributed or unclaimed rebate or refund, giving the location of the improvement and the warrant number, and shall give notice that the municipality, by ordinance after the expiration of 60 days from the date of the first publication of this notice, will set aside and transfer all money which has remained for a period of 4 years, or more, undistributed or unclaimed as a rebate or refund, into the unclaimed rebate fund, and shall state that unless the money is claimed by the person entitled thereto within the 60 day period, and the passage of an ordinance by the municipality, all interest therein and all right and title thereto shall be forfeited and barred.

A certificate of the publication of this notice, with a copy thereof, accompanied by the affidavit of the publisher that the publication has been made and setting forth the date of the first and last publication thereof shall be filed in the office of the board of local improvements, or the committee on local improvements, as the case may be. The board or committee thereupon shall certify the fact of the publication to the corporate authorities of the municipality and shall therewith recommend the passage of an ordinance making transfer of the specified money into the unclaimed rebate fund.

HISTORY:
P.A. 80-179.

65 ILCS 5/9-1-7 [Unclaimed rebate fund]

The corporate authorities, by ordinance, may create an unclaimed rebate fund and may provide for its regulation and control, and from time to time upon the recommendation specified in Section 9-1-6 [65 ILCS 5/9-1-6], may direct that the undistributed and unclaimed money described in Section 9-1-5 [65 ILCS 5/9-1-5], be set aside and transferred to the unclaimed rebate fund.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-1-8 [Forfeiture of claim]

Unless a claim is made by the person entitled thereto before the passage of an ordinance by a municipality, as specified in Section 9-1-6 [65 ILCS 5/9-1-6], all interest therein and all right and title thereto of all claimants shall be forfeited and barred. No action shall be begun or claim made for any money undistributed or unclaimed as a rebate or refund, received from the making of any local improvement, paid for wholly or in part by special assessment or special taxation, after the money has remained in the possession of a municipality undistributed or unclaimed as a rebate or refund, for a period of 4 years or more from the due date of the last installment, and where the money has been set aside and transferred into the unclaimed rebate fund in the manner provided in Sections 9-1-5 through 9-1-7 [65 ILCS 5/9-1-5 through 65 ILCS 5/9-1-7].

HISTORY:
Laws 1963, p. 2431.

65 ILCS 5/9-1-9 [Unclaimed rebate fund; use of money]

Any municipality having an unclaimed rebate fund as provided in Sections 9-1-5 through 9-1-7 [65 ILCS 5/9-1-5 through 65 ILCS 5/9-1-7], by ordinance may at its option direct the use of the money in that fund for any public purpose for which the municipality is authorized by law to expend funds.

HISTORY:
P.A. 84-581.

65 ILCS 5/9-1-10 [Unclaimed rebate fund; return of used funds]

Whenever any municipality creates an unclaimed rebate fund and by ordinance directs the use of the money in that fund for the purpose of paying rebates or refunds due on any warrant for any special assessment or special tax, the equivalent of any such money so used shall be returned to the unclaimed rebate fund as soon as the warrants, which were deficient, have been collected. Whenever any municipality directs the use of the money in that fund for the purpose of paying unpaid special assessment vouchers or special assessment bonds or special tax vouch-

ers or interest or deficiency in interest or public benefits in any warrant in which there is a deficiency, the equivalent of any such money so used or any part thereof shall be returned to the unclaimed rebate fund in the event there is collected in the warrant any surplus in excess of the amount required to pay the bonds and vouchers issued to anticipate such warrant. Whenever any municipality directs the use of the money in the fund for the purpose of purchasing any lot, block or tract or parcel of land, or any real estate at any sale had to enforce the collection of special assessments or special taxes, the proceeds of any redemption from such sale or from any sale of the certificate or title acquired by such sale, to an amount equivalent to any such money so used or any part thereof, shall be returned to the unclaimed rebate fund.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-1-11 [Payment of unclaimed money to treasurer]

Whenever the treasurer of any municipality has petitioned a court of record for directions as to the distribution of undistributed or unclaimed money received from the making of any local improvement paid for wholly or in part by special assessment or special taxation, and, under order of the court, public notice has been given of the amounts of rebates payable and of the names of the persons entitled to them by publication one time in a secular newspaper of general circulation in the county where the municipality is located, and more than one year has elapsed since the publication of the notice, the judge of the court of record may order the money remaining unclaimed to be paid to the treasurer of the municipality in trust. However, in all cases where all special assessment bonds in a special assessment warrant have been paid and retired and where reimbursements have been made, all moneys remaining in such warrants shall be paid over and transferred to the general corporate fund of the municipality.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-1-12 [Unclaimed rebate fund; transfer in trust]

If the corporate authorities have created an unclaimed rebate fund, the treasurer shall transfer to the unclaimed rebate fund, in trust any funds which the court of record may have ordered paid to such treasurer. Subject to the provisions of Section 9-1-14, [65 ILCS 5/9-1-14] the funds may be used as provided in Sections 9-1-9 and 9-1-10 [65 ILCS 5/9-1-9 and 65 ILCS 5/9-1-10].

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-1-13 [Transfer of funds paid to treasurer by court order]

If the corporate authorities have not created an unclaimed rebate fund, the treasurer shall transfer to the general fund of the municipality, in trust, any funds which the court of record may order paid to such treasurer. Subject to the provisions of Section 9-1-14 [65 ILCS 5/9-1-14], the funds may be used as provided in Sections 9-1-9 and 9-1-10 [65 ILCS 5/9-1-9 and 65 ILCS 5/9-1-10].

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-1-14 [Repayment from general fund]

Any person entitled to any unclaimed sum of money paid into the general fund of a municipality, in trust, under the provisions of Sections 9-1-12 or 9-1-13 [65 ILCS 5/9-1-12 or 65 ILCS 5/9-1-13] must apply or make claim, or commence action for the repayment thereof in the manner and within the time set forth in Sections 9-1-5 through 9-1-10 [65 ILCS 5/9-1-5 through 65 ILCS 5/9-1-10].

HISTORY:
Laws 1961, p. 576.

DIVISION 2.

LOCAL IMPROVEMENT PROCEDURES RESTRICTED TO CERTAIN MUNICIPALITIES

65 ILCS 5/9-2-1 [Application of Division]

This Division 2 applies to all cities and villages incorporated under this Code and to any city, village or incorporated town organized under a special charter if such city, village or incorporated town has, prior to, on or after the effective date of this Code, adopted the provisions of this Division 2 as provided herein.

The corporate authorities of the specified municipalities have the power to make such local improvements as are authorized by law, by special assessment or special taxation of contiguous property, or by general taxation, or otherwise, as such corporate authorities prescribe by ordinance.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-2 [Definitions]

In this Division 2, the following terms have the meaning ascribed to them unless the context indicates otherwise:

"Municipality" means any city, village or incorporated town which comes within the scope of this Division 2 as determined by the provisions of Section 9-2-1 [65 ILCS 5/9-2-1].

"Work" means labor performed or material used, or both, as the corporate authorities may determine.

"Subways" means all tunnels, entrances, exits, passageways, connections, approaches, inclines, elevators, stations and other structures, equipment, appliances or appurtenant property appropriate to a system of subways.

"Pedestrian Mall" means one or more streets, or portions thereof, on which vehicular traffic is or is to be restricted in whole or in part and which is or is to be used exclusively or primarily for pedestrian travel.

"Prime Commercial Rate" means such prime rate as from time to time is publicly announced by the largest commercial banking institution located in this State, measured in terms of total assets.

HISTORY:
P.A. 82-642.

65 ILCS 5/9-2-3 [Special tax or assessment to match grant money]

Any municipality which after July 6, 1937, enters into an agreement with the Federal Government or any agency thereof or other governmental agency for the construction, extension, improvement or repair of any local improvements with the aid of a Federal grant of money, or any other governmental grant of money, services, or materials may, for the purpose of raising its portion of the funds necessary for such construction, extension, improvement, or repair, provide a special tax or special assessment of the property benefited, to pay for the share of that improvement to be met by the municipality. This special tax or special assessment shall be levied and collected, and the proceedings incident thereto shall be carried on, in conformance with the provisions of this Division 2, in so far as those provisions are applicable.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-4 [Special tax or assessment for improvements necessary for Federal defense project]

Any municipality in or adjacent to which any Federal defense project is in progress or is about to be in progress, may, if the Defense Department of the United States, or any officer thereof designated by the Secretary of Defense for such purpose, certifies that the water supply, sewage system or highway system of such municipality is inadequate to provide sufficient facilities due to the increase or anticipated increase in the population of such municipality on account of such project, provide a special tax or special assessment of the property benefited, (or in case the Federal Government or any agency thereof grants moneys, services or materials, for raising its portion of the funds necessary), for such construction, extension, improvement or repair. Such special tax or special assessment shall be levied and collected and the proceedings incident thereto shall be carried on, in conformance with the provisions of this Division 2, in so far as such provisions are applicable, with the following exceptions: (1) no public hearing, as provided in Section 9-2-10 [65 ILCS 5/9-2-10], shall be necessary; (2) if the improvement is accomplished through Federal aid which takes the form of the supplying of labor and materials rather than funds, no public letting of contract shall be required; (3) to meet such emergency, the municipality may secure temporary financing therefor and levy such special tax or assessment during construction of the improvement or at any time within one year thereafter and utilize the proceeds of such levy or assessment (or bonds issued in anticipation thereof) to retire such temporary financing when and if such tax or assessment shall be confirmed by the Circuit Court wherein such municipality shall be situated.

HISTORY:
P.A. 80-1495.

65 ILCS 5/9-2-4.5 Special assessment for payment of costs associated with certain ordinance violations

(a) For purposes of this Section, "Code" means any municipal ordinance that requires, after notice, the cutting of grass and weeds, the removal of garbage and debris, the removal of inoperable motor vehicles, and rodent and vermin abatement.

(b) In addition to any other method authorized by law, if (i) a property owner is cited with a Code violation, (ii) non-compliance is found upon reinspection of the property after the due date for compliance with an order to correct the Code violation or with an order for abatement, (iii) costs for services rendered by the municipality to correct the Code violation remain unpaid at the point in time that they would become a debt due and owing the municipality, as provided in Division 31.1 of Article 11 of the Illinois Municipal Code [65 ILCS 5/11-31.1], and (iv) a lien has been filed of record by the municipality in the office of the recorder in the county in which the property is located, then those costs may be collected as a special assessment on the property under this Division. Upon payment of the costs by the owner of record or persons interested in the property, the lien shall be released by the municipality and the release shall be filed of record in the same manner as the filing of notice of the lien.

HISTORY:
P.A. 93-993, § 5.

65 ILCS 5/9-2-5 [Ordinance for local improvement; taxation provision]

When any municipality provides by ordinance for the making of any local improvement, it shall prescribe by the same ordinance whether the improvement shall be made by special assessment or special taxation of contiguous property, or by general taxa-

tion, or by special assessment of contiguous property and by general taxation, or by special taxation of contiguous property and by general taxation.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-6 [Recommendation of ordinance to board of local improvements]

No ordinance for any local improvement, to be paid wholly or in part by special assessment or special taxation, shall be considered or passed by the corporate authorities of any such municipality unless the ordinance is first recommended by the board of local improvements; provided, however, that after the ordinance for any local improvement has been adopted by the corporate authorities and before the same is confirmed in court, the corporate authorities, upon recommendation of the board of local improvements, may by ordinance abandon any portion of the proposed improvement without further action by or hearing before the board.

HISTORY:
Laws 1963, p. 2424.

65 ILCS 5/9-2-7 [Board of local improvements; members; officers; salaries]

In cities having a population of 500,000 or more, there is created a board of local improvements consisting of the superintendent of special assessments and 5 other members. These 5 other members shall be nominated by the mayor and shall be confirmed by the city council. None of the members of the board, except the superintendent of special assessments, shall hold any other office or position in any government department of the city. The Board shall elect from its members a president, a vice president, and an assistant secretary. The superintendent of special assessments shall be ex-officio secretary of the board. In the absence or the inability of the president or secretary to act, the vice president for the president and the assistant secretary for the secretary have full power to sign and execute contracts, vouchers, bonds, payrolls, and all other papers, documents, and instruments necessary. The board shall hold regular and special sessions, as it may determine, for the transaction of all business in rooms accessible to the public, to be provided by the city council. The city council of the city shall provide for salaries for the board of local improvements.

In cities having a population of 50,000 or more and less than 500,000, there is created a board of local improvements consisting of 6 members, of which board the commissioner of public works shall be the president. The other members of this board shall be the superintendent of streets, the superintendent of sewers, the superintendent of special assessments, the city engineer and the city clerk, or if there is no office of City Clerk, the City Comptroller.

In cities having a population of less than 50,000, and in villages and incorporated towns, the board of local improvements shall consist of the mayor of the city, or the president of the village or incorporated town, and the public engineer and the superintendent of streets of the municipality, where such officers are provided for by ordinance. But if at any time such officers are not so provided for, the corporate authorities, by ordinance, shall designate 2 or more members of their body who, with the mayor or president of the village or incorporated town shall constitute the members of the board, until otherwise provided by ordinance. The mayor or president, as the case may be, shall be president of the board.

The corporate authorities of any municipality having a population of more than 18,000 and less than 100,000, may provide by ordinance for the payment of salaries to the members of the board of local improvements, but if any member of such a board holds any other office in the government of that municipality, his salary as member of the board shall not exceed the sum of $100 per month.

However, in cities, having a population of less than 100,000, and in villages, where such cities and villages prior to or after the effective date of this Code adopt the commission form of municipal government, corporate authorities of such cities and villages may provide by ordinance that the board of local improvements shall consist of the mayor and any 2 or more of the commissioners, regardless of whether or not the offices of public engineer and superintendent of streets are provided for by ordinance.

HISTORY:
P.A. 82-432.

65 ILCS 5/9-2-8 [Superintendent of special assessments; incapacity]

In cities having a population of 500,000 or more, and having a chief clerk of special assessments, that chief clerk of special assessments, in the event of the absence or inability to act of the superintendent of special assessments, may, with full effect, perform all acts and duties provided for in this Division 2 to be performed by the superintendent of special assessments.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-9 Preliminary procedure for local improvements by special assessment

All ordinances for local improvements to be paid for wholly or in part by special assessment or special taxation shall originate with the board of local improvements. Petitions for any local improvement shall be addressed to that board. The board may originate a scheme for any local improvement to be paid for by special assessment or special tax, either with or without a petition, and in either case shall

adopt a resolution describing the proposed improvement. This resolution may provide that specifications for the proposed improvement be made part of the resolution by reference to specifications previously adopted by resolution by the municipality, or to specifications adopted or published by the State of Illinois or a political subdivision thereof, provided that a copy of the specifications so adopted by reference is on file in the office of the clerk of the municipality. This resolution shall be at once transcribed into the records of the board.

The proposed local improvement may consist of the acquisition of the necessary interests in real property and the construction of any public improvement or any combination of public improvements, including, but not limited to, streets, storm drain sewers, water mains, sanitary sewer improvements, sidewalks, walkways, bicycle paths, landscaping, lighting improvements, signage improvements, vehicular parking improvements, any additional improvements necessary to provide access to the public improvements, and all necessary appurtenances in a local contiguous area pursuant to a single special assessment project, provided that in assessing each lot, block, tract, and parcel of property, the commissioner so assessing shall take into consideration whether each lot, block, tract, or parcel is benefited by all or only some of the improvements combined into the single special assessment project. For purposes hereof, a local contiguous area shall be defined as an area in which all of the lots, blocks, tracts, or parcels located within the boundaries thereof will be benefited by one or more of the proposed improvements. The fact that more than one improvement is being constructed as part of a single special assessment project shall not be grounds for an objection by an assessee to the special assessment proceeding in court.

Whenever the proposed improvement requires that private or public property be taken or damaged, the resolution shall describe the property proposed to be taken or damaged for that purpose. The board, by the same resolution, shall fix a day and hour for a public hearing thereon. The hearing shall not be less than 10 days after the adoption of the resolution. The board shall also have an estimate of the cost of the improvement (omitting land to be acquired) made in writing by the engineer of the board, (if there is an engineer, if not, then by the president) over his signature. This estimate shall be itemized to the satisfaction of the board and shall be made a part of the record of the resolution. However, such an estimate is not required in municipalities having a population of 100,000 or more when the proposed improvement consists only of taking or damaging private or public property. And in cities and villages which have adopted prior to the effective date of this Code or which after the effective date of this Code adopt the commission form of municipal government, the estimate of the cost of the improvement, (omitting land to be acquired), shall be made in writing by the public engineer if there is one, of the city or village, if not, then by the mayor or president of the city or village.

Notice of the time and place of the public hearing shall be sent by mail directed to the person who paid the general taxes for the last preceding year on each lot, block, tract, or parcel of land fronting on the proposed improvement not less than 5 days prior to the time set for the public hearing. These notices shall contain (1) the substance of the resolution adopted by the board, (2) when an estimate is required by this Division 2 the estimate of the cost of the proposed improvement, and (3) a notification that the extent, nature, kind, character, and (when an estimate is required by this article) the estimated cost of the proposed improvement may be changed by the board at the public hearing thereon. If upon the hearing the board deems the proposed improvement desirable, it shall adopt a resolution and prepare and submit an ordinance therefor. But in proceedings only for the laying, building, constructing, or renewing of any sidewalk, water service pipe, or house drain, no resolution, public hearing, or preliminary proceedings leading up to the same are necessary. In such proceedings the board may submit to the corporate authorities an ordinance, together with its recommendation and (when an estimate is required) the estimated cost of the improvement, as made by the engineer. Such proceedings shall have the same effect as though a public hearing had been held thereon.

In the event that a local improvement is to be constructed with the assistance of any agency of the Federal government, or other governmental agency, the resolution of the board of local improvements shall set forth that fact and the estimate of cost shall set forth and indicate, in dollars and cents, the estimated amount of assistance to be so provided.

HISTORY:
Laws 1963, p. 2425; P.A. 90-480, § 75; 93-196, § 10.

65 ILCS 5/9-2-10 [Public hearing; ordinance provisions; remonstrance petition]

At the time and place fixed in the specified notice for the public hearing, the board of local improvements shall meet and hear the representations of any person desiring to be heard on the subject of the necessity for the proposed improvement, the nature thereof, or the cost as estimated. In case any person appears to object to the proposed improvement or any of the elements thereof, the board shall adopt a new resolution abandoning the proposed scheme or adhering thereto, or changing, altering, or modifying the extent, nature, kind, character, and estimated cost, provided the change does not increase the estimated cost of the improvement to exceed 20% of the same, without a further public hearing thereon, as it considers most desirable. Thereupon, if the proposed improvement is not abandoned, the board shall have an ordinance prepared therefor, to be

submitted to the corporate authorities. This ordinance shall prescribe the nature, character, locality, and description of the improvement and shall provide whether the improvement shall be made wholly or in part by special assessment or special taxation of contiguous property. This ordinance may provide that specifications for the proposed improvement be made part of the ordinance by reference to specifications previously adopted by ordinance by the municipality, or to specifications adopted or published by the State of Illinois or a political subdivision thereof, provided that a copy of the specifications so adopted by reference is on file in the office of the clerk of the municipality. If the improvement is to be paid in part only by special assessment or special taxation, the ordinance shall so state.

If property is to be taken or damaged for the improvement, the ordinance shall describe the property with reasonable certainty.

In cities having a population of 500,000 or over when a remonstrance petition is filed by the owners of a majority of the frontage on the line of the proposed improvement with the board of local improvements within 30 days after the public hearing thereon, the board shall thereupon stay all proceedings therein for one year from that date. This remonstrance petition shall contain the signatures of the owners or legal representatives, the description of the property owned or represented, and the number of feet so owned or represented and shall be verified by affidavit of one or more property owners fronting on the line of the proposed improvement, setting forth that the party making the affidavit is a property owner, fronting on the proposed improvement and that the parties who signed the petition are the owners or legal representatives of the property described therein.

HISTORY:
Laws 1963, p. 2425.

65 ILCS 5/9-2-11 [Recommendation of improvement; prima facie evidence]

Accompanying any ordinance for a local improvement presented by the board of local improvements to the corporate authorities shall be a recommendation of such improvement by the board, signed by at least a majority of the members thereof. The recommendation by the board shall be prima facie evidence that all the preliminary requirements of the law have been complied with. If a variance is shown on the proceedings in the court, it shall not affect the validity of the proceeding, unless the court deems the variance willful or substantial.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-12 [Estimated cost of improvement]

An estimate of the cost of the improvement, including the cost of engineering services, as originally contemplated, or as changed, altered, or modified at the public hearing, itemized so far as the board of local improvements thinks necessary, shall be presented to the corporate authorities, except when rendered unnecessary by Section 9-2-9 [65 ILCS 5/9-2-9], together with the specified ordinance and recommendation. This estimate of cost shall be presented over the signature of the engineer of the board, if there is one, if not, then of the signature of the president of the board, who shall certify that in his opinion the estimate does not exceed the probable cost of the improvement proposed and the lawful expenses attending the improvement.

However, in a city or village which has adopted or which hereafter adopts the commission form of municipal government, this estimate of cost shall be over the signature of the public engineer, if there is one, and if there is no such public engineer, then over the signature of the mayor or president of that city or village, who shall certify that in his opinion the estimate does not exceed the probable cost of the improvement proposed and the lawful expenses attending the improvement.

The recommendation by the board shall be prima facie evidence that it is based upon a full compliance with the requirements of this Division 2.

In the event the improvement is to be constructed with assistance from any agency of the Federal Government, or other governmental agency, the estimate of cost shall state this fact and shall set forth the estimated amount in dollars and cents that is to be provided by the agency of the Federal Government or other governmental agency.

The commissioners, superintendent of special assessments, or other person appointed to make the assessments as provided hereinafter, shall make a true and impartial assessment upon the petitioning municipality and the property benefited by such improvement, of that portion of the estimated cost that is within the benefits exclusive of the amount to be provided by the agency of the Federal Government or other governmental agency.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-13 Publication and posting of ordinances

Upon the presentation to the corporate authorities of the proposed ordinance, together with the required recommendation and estimate, if the estimate of cost exceeds the sum of $1,000,000, exclusive of the amount to be paid for land to be taken or damaged, the ordinance shall be referred to the proper committee and published in the usual way or posted on the municipality's Internet website, in full, with the recommendation and estimate, at least 10 days before any action is taken thereon by the corporate authorities. Whenever any plat, plan, profile, or drawing is a part of the ordinance, or is attached thereto as a part thereof, or is referred to by the

ordinance, it is not necessary to publish or post that plat, plan, profile, or drawing in connection with the publication or posting of the ordinance.

HISTORY:
Laws 1961, p. 576; P.A. 96-1075, § 5.

65 ILCS 5/9-2-14 [Proceeding for just compensation]

If the ordinance provides for improvements which require the taking or damaging of property, the proceeding for making just compensation therefor shall be as described in Sections 9-2-15 through 9-2-37 [65 ILCS 5/9-2-15 through 65 ILCS 5/9-2-37]. Such a proceeding also shall be governed by the remaining sections of this Division 2, so far as not in conflict with Sections 9-2-15 through 9-2-37.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-15 [Petition for just compensation]

Whenever any local improvement ordinance is passed by the corporate authorities of any municipality, to be paid for wholly or in part by special assessment, or by special taxation, the making of which will require that private or public property be taken or damaged for public use, the municipality, either in that ordinance or by subsequent order, shall designate some officer to file a petition in the circuit court of the county in which the municipality is situated, or if the municipality is situated in more than one county and the proposed improvement or the property to be taken or damaged, or both, lies in more than one county, then in the circuit court in the county in which the major part of the territory to be affected thereby is situated. Such petition shall be filed in the name of the municipality, praying that steps may be taken to ascertain the just compensation to be made for private or public property to be taken or damaged for the improvement or purpose specified in the ordinance, and to ascertain what property will be benefited by the improvement, and the amount of those benefits.

HISTORY:
Laws 1967, p. 3762.

65 ILCS 5/9-2-16 [Petition; description of property; copy of ordinance; commissioners]

The petition required in Section 9-2-15 [65 ILCS 5/9-2-15] shall contain a reasonably accurate description of lots, blocks, tracts, and parcels of land which are to be taken or damaged; provided that in counties in which a property index number system has been established in accordance with Section 9-45 of the Property Tax Code [35 ILCS 200/9-45], the index number shall be given in addition to the legal description. There shall be filed with or attached to the petition a copy of the specified condemnation ordinance, certified by the clerk, under the corporate seal. Failure to file such a copy shall not affect the jurisdiction of the court to proceed in that cause and to act upon the petition, but if it appears in the cause that a copy of the ordinance has not been attached to or filed with the petition before the report of the commissioners is filed, as provided in Section 9-2-18 [65 ILCS 5/9-2-18], then, upon motion of any person whose real estate is to be taken, or to be assessed, the entire petition and proceedings shall be dismissed.

Upon the filing of the petition, the court shall enter an order designating 2 competent persons as commissioners, to act with the superintendent of special assessments where that officer is provided for by this Code, and in other cases to act with the president of the board of local improvements. These 3 commissioners shall investigate and report to the court the just compensation to be made to the respective owners of private or public property which is to be taken or damaged for the specified improvement, and also what real estate will be benefited by that improvement, and the amount of those benefits to each parcel. Neither of the persons designated by the court shall be an employee of the petitioning municipality and both shall be disinterested persons. They shall be allowed a fee for their services which shall be fixed by the court in advance. The amounts so allowed may be reviewed by the court upon motion, and may be taxed as costs and included in the amount to be assessed, except that in cities having a population of 500,000 or more, the commissioners' fees shall be either paid by the city out of its general fund or included among the expenses to be defrayed out of the sum not to exceed 5% of the amount of the assessment, for which provision is made in Section 9-2-139 [65 ILCS 5/9-2-139]. These 3 commissioners shall be duly sworn to make a true and just assessment of the cost of the improvement according to law. The concurrence of any 2 in a report shall be sufficient.

HISTORY:
P.A. 85-1252; 88-670, § 3-28.

65 ILCS 5/9-2-17 [Certified copy of petition and assessment role]

When a petition is filed, a certified copy of the petition and the assessment roll of the municipality, hereinafter required in Section 9-2-18 [65 ILCS 5/9-2-18], shall be immediately delivered by the clerk of the court to the petitioner, who shall record the certified copy with the recorder of deeds of that county, to be kept as part of the permanent records of the office of the recorder.

A certified copy of any order or judgment to divide, modify, alter, change, reduce, increase, annul, confirm, or deny anything contained within the assessment roll shall be immediately delivered by the clerk of the court to the petitioner, who shall record the certified copy with the recorder of that county, to be

kept as part of the permanent records of the office of the recorder.

HISTORY:
P.A. 85-1252.

65 ILCS 5/9-2-18 [Investigation; report; estimate]

The commissioners shall make an investigation as required and prepare and file in court their report accordingly. In this report the commissioners shall in one column describe the respective parcels of property to be taken or damaged for the specified improvement and, in counties in which a property index number system has been established in accordance with Section 9-45 of the Property Tax Code [35 ILCS 200/9-45], shall give the index number in addition to the legal description; in another column the respective owners of record of those parcels of land, the name and residence of each such owner being set opposite his own property; in another column the name and residence of the occupant, where the property is occupied, so far as known to the commissioners or can be found upon diligent inquiry; in another column the amount of the value of each parcel to be taken for the improvement, setting the amount opposite the property to which it relates; and in another column the amount of damages, if any, which in the opinion of the commissioners, will result to any parcel of land not taken, by reason of the improvement, describing each parcel so damaged by a reasonably accurate description.

The commissioners shall further estimate and report what proportion of the total cost of the improvement (including therein their estimate of value and damages, and, when an estimate is required by this Article, the estimate of the cost of such proceeding) will be of benefit to the public, and what proportion thereof will be of benefit to the property. The commissioners shall apportion the total cost of the improvement between the municipality and the property so that each will bear its relative equitable proportion. Having found these amounts, the commissioners shall further report what lots, blocks, tracts, and parcels of land will be specially benefited by the improvement, shall describe them by a reasonably accurate description, and shall apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts, and parcels of land in the proportion in which they will be severally benefited by the improvement. But no lot, block, tract, or parcel of land shall be assessed a greater amount than it will be actually benefited, except that the apportionment and assessment shall include the anticipated fees for the recording of documents as provided in this Article.

HISTORY:
P.A. 85-1252; 88-670, § 3-28.

65 ILCS 5/9-2-19 [Local improvement consisting of system of waterworks]

Whenever any local improvement provided in any ordinance passed by virtue of this Division 2 consists of a system of waterworks or a bridge or viaduct, or extension of water mains which are a part of any municipal waterworks system, any portion of the cost of which is to be defrayed by special assessment, it may be provided by the ordinance for the improvement or by ordinance passed at any time before the confirmation of the assessment roll, that the aggregate amount assessed and each individual assessment, and also the assessment against the municipality for public benefits and on account of property owned by it, may be divided into not exceeding 30 installments in the manner provided in Section 9-2-48 [65 ILCS 5/9-2-48]. The provisions of this Section 9-2-19 shall not apply to any city having a population of 500,000 or more.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-20 [Amount of property taken or damaged; over assessment; benefit greater than damage]

If the amount awarded to any person for property taken or damaged for an improvement under this Division 2 is greater than the amount assessed against the property for that improvement, or if the benefit is greater than the damage, in either case the difference only shall be collectible of the owner or be paid to him.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-21 [Opening of street or alley; donation assessment]

In the assessment of damages and benefits for the opening of any street or alley, the commissioners, where part of the land to be laid out into that street or alley has been theretofore donated by any person for that street or alley, may appraise the value of the land so donated. Or in cases where such a donation is made after the filing of any petition in the circuit court praying that steps be taken to levy a special assessment for the opening of any street or alley, and after the making of the assessment roll as provided in this Division 2, the court may appraise, or may have a jury appraise, the value of the land so donated. The commissioners or the court, as the case may be, shall apply the value thereof, so far as the amount so appraised shall go, as an offset to the benefits assessed against the person making such a donation, or parties claiming under such person. Nothing contained in this section authorizes any person by whom such a donation is made to claim from the municipality the amount of that appraisement, except as an offset, as provided in this section. Where the assessment is only for the widening of any street which may have been theretofore donated either in whole or in part, to the public by the proprietors of the adjoining land, the commissioners,

in their discretion, may make such allowance therefor in their assessment of benefits as seems to them equitable and just. But in either such case the commissioners shall state in their report the amount of that allowance, and the allowance shall be subject to review, as the court shall direct.

HISTORY:
P.A. 79-1361.

65 ILCS 5/9-2-22 [Commissioners' report; return; filing]

The commissioners shall return their report to the court in which the specified petition was filed, and file the report with the clerk thereof, with their certificate, duly verified, stating in substance that they have carefully examined the questions referred to in their report, and that in their opinion the amounts awarded for damages and value therein, and the respective amounts assessed against the property specially benefited, and also the apportionment of the cost of the improvement between the public and the property assessed, and the allowance for property theretofore dedicated, if any, are correct, equitable, and just. The return and filing of this report shall be deemed an application by the petitioner for judgment of condemnation of the property so to be taken or damaged, and for a confirmation of the assessment of benefit.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-23 [Affidavit by superintendent of special assessments or president of board of local improvements]

The superintendent of special assessments, or president of the board of local improvements, as the case may be, shall file with the commissioners' report an affidavit made by himself or by some employee of his office, that (1) the affiant has carefully examined the records in the recorder's office of the specified county or counties for the names of the owners of record of the several lots, blocks, tracts, and parcels of land to be taken or damaged for the improvement, (2) that the affiant made a careful examination of the collector's books showing the payments of general taxes during the last preceding year in which taxes were paid on the respective lots, blocks, tracts, and parcels of land against which benefits are assessed in the commissioners' report, to ascertain the person or persons who last paid the taxes on those respective lots, blocks, tracts, and parcels of land, (3) that the names of those owners of record and persons who paid those taxes are correctly shown in the columns or schedules of ownership and of persons who paid those taxes in the commissioners' report, (4) that he has diligently inquired as to the residence of the respective owners of property to be taken or damaged for the improvement and of the persons who paid the general taxes during the last preceding calendar year in which general taxes were paid on all the respective lots, blocks, tracts, and parcels of land against which benefits have been assessed in the commissioners' report (specifying the nature of the inquiry and examination he has made for that purpose), (5) that the residences of the owners and parties paying those general taxes are correctly stated, according to the result of his examination, in the column or schedule of residences in the commissioners' report, and (6) that in all cases where he has been unable to find the residence of the owner of the record title, he has examined the return of the collector's warrant for taxes on real estate for the last preceding year, in which the taxes were paid, and has set opposite each such parcel whose owner has not been found, the name of the person who last paid the tax on that parcel, together with his place of residence, wherever, on diligent inquiry, he was able to find the same. This affidavit, or an affidavit filed therewith, shall further state that the affiant has visited each of the parcels of land to be taken or damaged for the improvement described in the commissioners' report, for the purpose of ascertaining whether or not the parcel was occupied, and the name and residence of the occupant, if any, and that in every case where those parcels of land were found to be occupied, upon such investigation, the name of the occupant is stated in the commissioners' report opposite that parcel, together with his residence, when ascertained. Such an affidavit and report shall be prima facie evidence that the requirements of this Division 2 have been complied with.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-24 [Defendants to proceedings; other interested persons; summons; service; notice]

Every person who is named in the commissioners' report as an owner of property to be taken or damaged for the improvement, and every person who is therein named as an occupant of any parcel thereof, shall be made a party defendant in the proceeding. All other persons having or claiming interest in any of the premises shall be described and designated as "all whom it may concern," and by that description shall be made defendants. Upon the filing of the commissioners' report, a summons shall be issued and served upon the persons made party defendants, as in other civil actions, except that the summons shall require a defendant to appear within 15 days after service, exclusive of the day of service. As to such of the defendants as are shown by the affidavits to be non-residents of the State of Illinois, or whose residences are shown thereby to be unknown, and the defendants designated as "all whom it may concern," the clerk of the court shall publish in one or more newspapers published in the municipality, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within

the municipality, a notice of the pendency of the proceeding, the parties thereto, the title of the court, the time and place of the return of the summons in the case, the description of the property to be taken or damaged, the total cost of the improvement as shown by the estimate and report, and the nature of the proceeding. This notice shall further state that a special assessment has been made to raise the cost of the improvement, and the time and place of filing the report thereof. This notice shall be published at least once in each week for 3 weeks, the first notice to be published at least 30 days before the return day of the summons.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-25 [Residence of defendant outside state; residence unknown]

Where the residence of any defendant named in the commissioners' report is shown thereby to be outside of the State of Illinois, and the residence is stated therein, a copy of the specified notice shall be sent by mail to that party, at the address so given, at least 15 days prior to the return day of the summons. If the residence of any defendant is found to be unknown, as shown by the report and affidavit, a similar notice shall be sent to the person last paying taxes upon the premises, if his residence is stated in the report. Such service, publication, and notices shall be sufficient to give the court jurisdiction of all the parties whose land is to be taken or damaged, so as to determine all questions relating to the proceeding, and affecting the land described in the report.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-26 [Notice to all taxpayers of property]

There shall be sent by mail, post paid, to each of the persons paying the taxes during the last preceding year in which taxes were paid on the property which has been assessed for the benefits in the proceeding, directed to the address as shown in the commissioners' report, or where not so shown, then generally to the municipality in which the improvement is to be made, at least 15 days before the specified return day, a notice stating the nature of the improvement, the description of that taxpayer's property assessed therefor, the amount of the assessment, and the date when the summons in the cause will be returnable, and when objections thereto may be filed. An affidavit of one of the commissioners, or some other person showing such service, mailing, posting, and publication, shall be prima facie evidence of a compliance with all the requirements thereof, but the publication may be proved in any other manner provided by law.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-27 [Hearing; impaneling of jury; objection]

Upon the return of the summons, or as soon thereafter as the business of the court will permit, the court shall proceed to a hearing of the cause, and shall impanel a jury to ascertain the just compensation to be paid to all owners of property to be taken or damaged. If objections are filed to the confirmation of the assessment of benefits, those objections shall be submitted to the same jury at the same time. Thereupon the jury shall ascertain the just compensation to be paid to the owner of each lot, block, tract, or parcel of land to be taken or damaged in the proceeding, and shall also determine whether or not any lot, piece, or parcel of land assessed in the proceeding, for which objections have been filed, has been assessed more than it will be benefited by the improvement. On this hearing the commissioners' report so returned and filed, shall be prima facie evidence, both of the amount of the compensation to be awarded, and of the benefits to be assessed, but either party may introduce such other evidence as may bear upon that issue or issues.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-28 [Separate juries]

If any defendant or party interested demands, and if the court deems it proper, separate juries may be impaneled, either as to the benefits assessed, or as to the compensation or damages to be paid to any one or more of the defendants or parties in interest.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-29 [Viewing of premises by jury]

The court upon the motion of the petitioner, or of any person claiming any such compensation, may direct that the jury, under the charge of an officer, shall view the premises which it is claimed by any party to the proceeding will be taken or damaged by the improvement. In any case where there is no satisfactory evidence given to the jury as to the ownership of, or as to the extent of the interest of any defendant in, the property to be taken or damaged, the jury may return their verdict as to the compensation or damage to be paid for the property or part of property to be taken or damaged, and for the entire interests therein.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-30 [Recording of verdict; continuance for new parties; final judgment]

Upon the return of the jury's verdict, the court shall order the verdict to be recorded and shall enter

such judgment thereon as the nature of the case may require. The court shall continue or adjourn the cause from time to time as to all occupants and owners named in the petition who have not been served with process, or brought in by notice or by publication, and shall order a new summons to issue and publication to be made. When those occupants or owners are brought into court, the court shall impanel a jury to ascertain the compensation to be paid to those defendants for property taken or damaged, and the amount of benefits to be assessed against them, if any. Like proceedings shall be had for that purpose as hereinbefore provided in the case of other owners. But no final judgment shall be entered as to any of the property embraced in the assessment roll until all the issues in the case have been disposed of, including revised rolls, if any.

HISTORY:
P.A. 84-452; 84-545.

65 ILCS 5/9-2-31 [Party named in petition no longer owner]

Upon proof that any owner named in such petition, who has not been served with process, has ceased to own the described property since the filing of the petition, the court has the power, at any time, to impanel a jury and ascertain the just compensation to be made for that property, or the damage thereto, and the benefits thereto. Upon any finding or findings of the jury, or at any time during the course of the proceedings, the court may enter such order, rule, or judgment as the nature of the case may require.

HISTORY:
P.A. 79-1361.

65 ILCS 5/9-2-32 [Doubt or contest]

No delay in making an assessment of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property or any part thereof, or as to the interests of the respective owners or claimants. In case of such a doubt or contest the court may require the jury to ascertain the entire compensation or damage that should be paid for the property, or part of the property, and the entire interests of all parties therein, and may require adverse claimants to interplead, so as to fully determine their rights and interests in the compensation so ascertained. And the court may make such order as may be necessary in regard to the deposit or payment of that compensation.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-33 [Interested minor]

When it appears from the petition, or otherwise at any time during the proceedings upon the petition, that any minor or person under legal disability is interested in any property that is to be taken or damaged, the court shall appoint a guardian ad litem for that person, to defend his or her interest in that property, or the compensation which is awarded therefor.

HISTORY:
P.A. 83-706.

65 ILCS 5/9-2-34 [Final judgment; appeal; deposit]

Any final judgment rendered by a court upon any finding of any jury or of any judge where trial by jury is waived by the parties concerned, shall be a lawful and sufficient condemnation of the land or property to be taken, upon the payment of the net amount of the finding, as hereinafter provided. It shall be final and conclusive as to the damages and benefits caused by the improvement, unless the judgment is appealed from. But no appeal shall delay proceedings under the ordinance, if the petitioner files in the case its written election to proceed with the improvement notwithstanding that appeal and deposits, as directed by the court, the amount of judgment and costs, after deducting the benefits assessed and adjudged against that property, if any. If the petitioner so elects to make such a deposit prior to the final determination of any appeal, it shall thereby become liable to pay to the owners of and parties interested in the property in question, the difference, if any, between the amount so deposited and the amount ultimately adjudged to be the just compensation to be paid on account of the property, and interest on any such difference at the rate of 5% annually from the date of the making of the deposit, and costs.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-35 [Right to possession or damage]

The court, upon proof that the amount of the just compensation as found by the jury or by the court in case a trial by jury is waived by the parties concerned, in excess of the benefits so assessed and adjudged against the same property, has been paid to the person entitled thereto, or has been deposited as directed by the court, shall enter an order that the petitioner has the right, at any time thereafter, to take possession of or damage the property, in respect to which compensation has been so paid or deposited.

HISTORY:
P.A. 79-1361.

65 ILCS 5/9-2-36 [Return of verdict; motion for new trial; judgment on verdict; interest; withdrawal; abandonment of proceeding]

Upon the return of a verdict in a proceeding to acquire property for a public improvement, if no motion for a new trial is made, or if made, is

overruled, the petitioner, within 90 days after final judgment as to all defendants, both as to the amount of damages and compensation to be awarded and benefits to be assessed shall elect whether it will dismiss the proceeding or enter judgment on the verdict. If it elects to enter judgment on the verdict, it shall become bound thereby and liable to pay the amount thereof, whether the assessment is collected or not, and the judgment of condemnation shall not be conditional. But the judgment shall not draw interest until the petitioner takes possession of or damages the property, in respect to which the judgment is entered. After entry of judgment the petitioner shall not be permitted to withdraw from or to dismiss the proceeding, without the consent of all parties whose land is thereby condemned, except as hereinafter provided. In case an appeal is taken by either party from the judgment of condemnation or confirmation, then unless the petitioner files in the cause its written election to proceed with the improvement notwithstanding the appeal, no steps shall be taken to collect the assessment nor to compel payment of the compensation awarded until the appeal is disposed of and final judgment entered in the cause, or, in case of reversal, until there is a new trial and judgment. However, in case of a final reversal the petitioner may still elect, within a period of 60 days, to abandon the proceeding.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-37 [Amount assessed as benefits insufficient; recasting of roll]

If, in any case, upon the filing of the assessment roll by the commissioners, it appears that the amount assessed as benefits is not sufficient to pay the awards, with the costs, or if, upon the disposition of the whole case, any such deficiency appears, the court, on the application of the petitioner, may refer the roll again to the same or other commissioners, to be recast. In such cases the commissioners shall consider and report whether or not other premises will be benefited by the improvement, or whether or not the premises already assessed will be benefited thereby in any greater amount, and in what amount, if any, and shall make and return a revised assessment roll. This may be done from time to time, as often as any deficiency appears. But no lot, block, tract, or parcel of land shall be assessed more than it will be benefited by the improvement, nor more than its proportionate share of the costs of the improvement. If any premises not already described in the roll are assessed by the commissioners, the owners thereof shall be shown and notice given as for an original assessment. If the assessment on any premises previously assessed is increased thereby, or if any property is newly assessed, the owner thereof, if not already represented in court, shall be notified in like manner, and a hearing shall be had as above provided.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-38 [Municipality exceeding 15,000 but less than 500,000; public benefit tax]

Any municipality which (1) has a population exceeding 15,000 but less than 500,000, (2) is not located within any sanitary district, (3) discharges its sewage into Lake Michigan without having provided any adequate provisions for otherwise disposing of its sewage, and (4) owns and operates a waterworks and sewerage system, the cost of the construction of which waterworks and sewerage system has been provided for by special assessment, and a large portion of which cost has been assessed against the municipality for public benefits, has the power to provide by ordinance for the levy, in addition to the taxes now authorized by law, and in addition to the amount authorized to be levied for general purposes as provided by Section 8-3-1 [65 ILCS 5/8-3-1], of a direct annual tax for not exceeding 20 successive years and not exceeding .1666% of the value, as equalized or assessed by the Department of Revenue of all taxable property, in the municipality. This tax shall be levied and collected with and in like manner as the general tax in the municipality and shall be known as the public benefit tax. The fund arising therefrom shall be known as the public benefit fund, which fund shall be used solely for the purpose of paying that portion of the several amounts heretofore assessed against the municipality for such public benefits, as well as for paying any such amounts as may be hereafter so assessed for such public benefits under and in pursuance of any ordinance that may be hereafter passed. However, no such tax shall be levied in excess of .1% of the taxable property for any year until after the corporate authorities of the municipality have passed an ordinance providing for the levying of that excess. This ordinance shall not become effective until it has been submitted to the electors of the municipality in accordance with the provisions of Sections 8-4-1 and 8-4-2 [65 ILCS 5/8-4-1 and 65 ILCS 5/8-4-2] and has been approved by a majority of the electors voting upon the question.

Where any such tax has been levied, warrants may be drawn against the tax in the manner and with like effect as is provided by Sections 8-1-9, 8-1-11 and 8-1-12 [65 ILCS 5/8-1-9, 65 ILCS 5/8-1-11 and 65 ILCS 5/8-1-12].

This section is subject to the provisions of the General Revenue Law of Illinois.

HISTORY:
P.A. 81-1509.

65 ILCS 5/9-2-39 [Municipality of less than 500,000; public benefit tax]

Any municipality having a population of less than 500,000 may provide by ordinance for the levy, in

addition to the taxes now authorized by law, and in addition to the amount authorized to be levied for general purposes as provided by Section 8-3-1 [65 ILCS 5/8-3-1], of a direct annual tax not exceeding .05%, or the rate limit in effect on July 1, 1967, whichever is greater, of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the municipality. This tax shall be known as the public benefit tax. The fund arising therefrom shall be known as a public benefit fund, which fund shall be used solely for the purpose of paying that portion of the several amounts heretofore assessed against the municipality for public benefit as well as paying any such amounts as may be hereafter assessed for public benefit under and in pursuance of any ordinance that may be hereafter passed. However, where and whenever any road or street is constructed or reconstructed by the State or any county or both jointly with any municipality, the municipality may consider, accept, and use, the amount estimated by the State of Illinois or the county, or both, to be its or their portion of the cost of construction, as a part or all of the municipal public benefit.

Where any such tax has been so levied, warrants may be drawn against the tax, as and in the manner and with like effect as is provided by Sections 8-1-9, 8-1-11 and 8-1-12 [65 ILCS 5/8-1-9, 65 ILCS 5/8-1-11 and 65 ILCS 5/8-1-12]. The foregoing limitations upon tax rates may be increased or decreased under the referendum provisions of the General Revenue Law of Illinois.

HISTORY:
P.A. 81-1509.

65 ILCS 5/9-2-40 [Property abutting street, alley, park or public place; building or renewing of sidewalk]

Whenever the owners of one-half of the property abutting on any street, alley, park, or public place, or portion thereof, petition for any local improvement thereon, the board of local improvements in any municipality shall take steps hereinbefore required for hearing thereon, but at that hearing shall consider only the nature of the proposed improvement and the cost thereof. The board shall determine, in the manner above provided, the nature of the improvement which it will recommend, and thereupon shall prepare and transmit to the corporate authorities a draft of an ordinance thereof, together with an estimate of the cost, as above described, and shall recommend the passage thereof. Such a recommendation shall be prima facie evidence that all the preliminary steps required by law have been taken. Thereupon it is the duty of the corporate authorities to pass an ordinance for that improvement and to take the necessary steps to have the ordinance carried into effect.

Whenever an ordinance provides only for the building or renewing of any sidewalk, and the owner of any lot or piece of land fronting on that sidewalk builds or renews that sidewalk opposite to his land to conform in all respects to the requirements of that ordinance within 40 days after the ordinance takes effect, an allowance shall be made in the spreading of the assessment against that lot or piece of land of an amount equal to the estimated cost of that sidewalk, based on the cost per unit of the sidewalk as shown in the engineer's estimate.

Notice of the passage of such a sidewalk ordinance shall be sent by mail within 10 days after the ordinance takes effect to the person who paid the taxes on the premises for the last preceding year, in which taxes were paid, if he can be found in that county. A like notice addressed to the occupant of the property, if the property is actually occupied at that time, and an affidavit of such service shall be filed with the official report of the assessment. Such an affidavit shall be prima facie evidence of a compliance with these requirements.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-41 [Collection of tax; amount]

When the ordinance under which a local improvement is ordered provides that the improvement shall be made wholly or in part by special taxation of contiguous property, that special tax shall be levied, assessed, and collected, as nearly as may be, in the manner provided in the section of this Division 2 providing for the mode of making, assessing, and collecting special assessments. No special tax shall be levied or assessed upon any property to pay for any local improvement in an amount in excess of the special benefit which the property will receive from the improvement. The ordinance shall not be deemed conclusive of the benefit, but the question of the benefit and of the amount of the special tax shall be subject to the review and determination of the court, and shall be tried in the same manner as in proceedings by special assessment.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-42 [Improvements by special assessment]

When the ordinance under which a local improvement is ordered to be made contains no provisions for the condemnation of private property therefor, and provides that the improvement shall be wholly or in part paid for by special assessment, the proceedings for the making of that assessment shall be as follows.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-43 [Filing of petition]

Upon the passage of any ordinance for a local improvement pursuant thereto, the officer specified

therein shall file a petition in the circuit court in the county where the affected territory lies, or if the municipality is situated in more than one county and the proposed improvement lies in more than one county, then in the circuit court in the county in which the major part of the territory to be affected thereby is situated, in the name of the municipality, praying that steps be taken to levy a special assessment for the improvement in accordance with the provision of that ordinance. There shall be attached to or filed with this petition a copy of the ordinance, certified by the clerk under the corporate seal, and also a copy of the recommendation of the board of local improvements and of the estimate of cost as approved by the corporate authorities. The failure to file any or either of these copies shall not affect the jurisdiction of the court to proceed in the cause and to act upon the petition, but if it appears in any such cause that the copies have not been attached to or filed with the petition before the filing of the assessment roll therein, then, upon motion of any objector for that purpose on or before appearance day in the cause the entire petition and proceedings shall be dismissed.

The several circuit courts of this State have jurisdiction of any proceeding under this Division 2.

HISTORY:
Laws 1967, p. 3762.

65 ILCS 5/9-2-44 [Assessment of cost]

Upon the filing of such a petition, either the superintendent of special assessments, in municipalities where that officer is provided for by law or some competent person appointed by the president of the board of local improvements in municipalities where the office of such superintendent does not exist, shall make a true and impartial assessment of the cost of the specified improvement upon the petitioning municipality and the property benefited by the improvement.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-45 [Estimation of benefit to public; apportionment of cost]

The officer specified in Section 9-2-44 [65 ILCS 5/9-2-44] shall estimate what proportion of the total cost of such improvement will be of benefit to the public, and what proportion thereof will be of benefit to the property to be benefited, and to apportion the total cost between the municipality and that property, so that each will bear its relative equitable proportion. Having found these amounts, such officer shall apportion and assess the amount so found to be of benefit to the property, upon the several lots, blocks, tracts, and parcels of land, in the proportion in which they will be severally benefited by the improvement. No lot, block, tract, or parcel of land shall be assessed a greater amount than it will be actually benefited, except that the apportionment and assessment shall include the anticipated fees for the recording of documents as provided in this Article. When the proposed improvement is for the construction of a sewer, it is the duty of such officer to investigate and report the district which will be benefited by the proposed sewer, describing the district by boundaries.

Where the improvement is to be constructed with aid from any agency of the Federal Government, or other governmental agency, the proportion of the total cost of the improvement to be raised by the municipality in addition to such aid shall be the amount allocated between public benefits and benefits of the property affected as above provided.

HISTORY:
P.A. 85-1252.

65 ILCS 5/9-2-46 [Separate assessments]

In levying any special assessment or special tax, each lot, block, tract, or parcel of land shall be assessed separately, in the same manner as upon assessment for general taxation. However, this requirement shall not apply to the property of railroad companies, or the right of way and franchise of street railway companies. Such property and right of way and franchise may be described in any manner sufficient to reasonably identify the property intended to be assessed.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-47 [Assessment roll; contents; notice; affidavit of compliance]

The assessment roll shall contain (1) a list of all the lots, blocks, tracts, and parcels of land assessed for the proposed improvement and, in counties in which a property index number system has been established in accordance with Section 9-45 of the Property Tax Code [35 ILCS 200/9-45], the index number in addition to the legal description, (2) the amount assessed against each, (3) the name of the person who paid the taxes on each such parcel during the last preceding calendar year in which taxes were paid, as ascertained upon investigation by the officer making the return, or under his direction, and (4) the residence of the person so paying the taxes on each such parcel if the residence on diligent inquiry can be found. In case of an assessment in installments, the amount of each installment shall also be stated. The officer making the roll shall certify under oath that he believes that the amounts assessed against the public and each parcel of property are just and equitable, and do not exceed the benefit which in each case will be derived from the improvements, and that no lot, block, tract, or parcel of land has been assessed more than its proportionate share of the cost of the improvement.

Several lots, or parts of land, owned and improved as one parcel may be assessed as one parcel.

Notice shall be given of the nature of the improvement, of the pendency of the proceeding, of the time and place of filing the petition therefor, of the time and place of filing the assessment roll therein, and of the time and place at which application will be made for confirmation of the assessment, the same to be not less than 15 days after the mailing of such notices. The notices shall be sent by mail postpaid to each of the specified persons paying the taxes on the respective parcels during the last preceding year in which taxes were paid, at his residence as shown in the assessment roll, or, if not shown, then to such person so paying the taxes, directed generally to the municipality in which the improvement is proposed to be made.

The notice shall state the amount assessed to the person to whom it is directed for the improvement proposed, the total amount of the cost of the improvement, and the total amount assessed as benefits upon the public.

Where the improvement is to be constructed with aid furnished by any agency of the Federal Government, or other governmental agency, the notice shall set forth, in dollars and cents, the estimated amount of aid to be so furnished.

An affidavit shall be filed before the final hearing showing a compliance with the requirements of this section, and also showing that the affiant, either the officer making the specified return, or some one acting under his direction, made a careful examination of the collector's books showing the payments of general taxes during the last preceding year in which the taxes were paid thereon, to ascertain the person who last paid the taxes on the respective parcels, and a diligent search for his residence, and that the report correctly states the persons and residences as ascertained by the affiant. This report and affidavit shall be conclusive evidence, for the purpose of this proceeding, of the correctness of the assessment roll in these particulars. In case the affidavit is found in any respect wilfully false, the person making it is guilty of perjury, and upon conviction thereof shall be punished according to the laws of this State.

HISTORY:
P.A. 85-1252; 88-670, § 3-28.

65 ILCS 5/9-2-48 [Assessments; installments; pedestrian mall and parking facilities]

The corporate authorities may provide in the ordinance for any local improvement, any portion of the cost of which is to be defrayed by special assessment or special taxation, or by ordinance passed at any time before the confirmation of the assessment roll, that the aggregate amount assessed, and each individual assessment, and also the assessment against the municipality on account of property owned by the municipality and for public benefits be divided into installments not more than 10 in number. However, any such special assessment or special tax levy for building sewers or viaducts or for the acquisition, construction, and operation or maintenance of a pedestrian mall and parking facilities for a commercial or shopping center, notwithstanding the provisions of Division 71 of Article 11 of the "Illinois Municipal Code", approved May 29, 1961, as amended [65 ILCS 5/11-71-1 et seq.], provided that the owners of a majority of the property abutting on any street, alley, park or public place or portion thereof within such commercial or shopping center area shall consent to such assessment and further provided that no such assessment as above authorized shall be made against a property used wholly for residential purposes, in like manner may be divided into not exceeding 20 installments, and any such special assessment or special tax levy for building subways may in like manner be divided into not exceeding 40 installments. In all cases such a division shall be made so that all installments shall be equal in amount, except that all fractional amounts shall be added to the first installment, so as to leave the remaining installments of the aggregate equal in amount and each a multiple of $100. The first installment shall be due and payable on January 2 next after the date of the first voucher issued on account of work done, and the second installment one year thereafter, and so on annually until all installments are paid. The board of local improvements shall file in the office of the clerk of the court in which such an assessment was confirmed, a certificate signed by its secretary, of the date of the first voucher and of the amount thereof, within 30 days after the issuance thereof.

All installments shall bear interest as hereinafter provided until paid, at the rate set forth in the ordinance referred to in Section 9-2-10 of the Illinois Municipal Code [65 ILCS 5/9-2-10] and not to exceed the greater of (i) 9% annually or 70% of the Prime Commercial Rate in effect at the time of the passage of such ordinance or (ii) the maximum rate authorized by the Bond Authorization Act [30 ILCS 305/0.01 et seq.], as amended at the time of the making of the contract. Interest on assessments shall begin to run from 60 days after the date of the first voucher issued on account of work done, except as otherwise provided in Section 9-2-113 [65 ILCS 5/9-2-113]. The interest on each installment shall be payable as follows: on January 2 next succeeding the date of the first voucher as certified, the interest accrued up to that time on all unpaid installments shall be due and payable and be collected with the installment, and thereafter the interest on all unpaid installments then payable, shall be payable annually and be due and payable at the same time as the installments maturing in that year and be collected therewith. In all cases the municipal collector, whenever payment is made of any installment, shall collect interest thereon up to the date of such payment whether the payment be made at or after maturity. Any person

may at any time pay the whole assessment against any lot, piece, or parcel of land, or any installment thereof with interest as provided in this Division 2 up to the date of payment. Whenever any municipality heretofore has levied for any public improvement a special tax or a special assessment payable in not to exceed 10 installments of which all except the first draw interest at any rate specified in the ordinance under the authority of which the improvement is made, and judgment has been duly entered in the proceeding confirming the tax or the assessment so payable, the judgment in that proceeding shall not be invalid because the assessment is so divided or because the rate of interest therein is fixed at an interest rate of less than that set forth in said ordinance, but all such judgments, unless void for other reasons, shall be valid and enforceable. And when improvement bonds have been issued for the purpose of anticipating the collection of the deferred installments of any such special tax or assessment, the bonds, if otherwise valid, shall not be void either because of the number of series into which they are divided or the rate of interest they bear. If the bonds are in other respects in compliance with the statutes of the State of Illinois in such cases, they shall be valid and enforceable to the extent that the tax or assessment against which they are levied is enforceable or any re-levy thereof.

The cost of operating and maintaining any pedestrian mall and parking facilities for a commercial or shopping center as provided for herein may be assessed not more than once in each calendar year against all property in a benefited area.

Any municipality which has provided or does provide for the creation of a plan commission under Division 12 of Article 11 [65 ILCS 5/11-12-1 et seq.] shall submit to and receive the approval of the plan commission before establishing, maintaining or operating any such pedestrian mall and parking facilities for a commercial or shopping center.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

This amendatory Act of 1971 is not a limit upon any municipality which is a home rule unit.

This amendatory Act of 1972 is not a limit upon any municipality which is a home rule unit.

HISTORY:
P.A. 86-4.

65 ILCS 5/9-2-48(1) [Pedestrian mall and parking facilities]

In addition to any other powers or procedures for the making of a local improvement by special tax or assessment, when a pedestrian mall and parking facilities improvement is proposed or made under Section 9-2-48 [65 ILCS 5/9-2-48], the corporate authorities may provide in the original ordinance for the improvement, or in a separate ordinance, that the costs and expenses of maintenance and operation thereof as provided in this Section shall be paid for by an annual assessment, upon the commercial or business property within the district of the improvement, which improvement district is primarily benefited by the provision for such costs and expenses which are necessary, convenient and desirable for the protection and preservation of the capital improvement so made and the operation, upkeep, repairs, replacement and/or maintenance of the said improvement and its component parts, fixtures, equipment or facilities. When an ordinance is so enacted, the annual assessment so provided for by such ordinance may be made under and in accordance with the provisions of this Section.

(a) The annual assessment hereunder shall be made each year for a period of consecutive years not exceeding the number of years over which the cost for the making of the improvement has been spread, provided, however, that by consent of the owners of 66 ⅔% of the frontage of private property within the district, the annual assessment can be continued for additional periods of years.

The annual assessments hereunder shall be due and payable on January 2nd next after the date of confirmation of each annual assessment.

(b) Upon the completion of the pedestrian mall or parking facility, the court in which the special assessment or tax for the making of the improvement was confirmed shall upon the application of the municipality or any assessee within the district, appoint a board of commissioners consisting of 5 members, at least 3 of whom shall be owners or lessees (or their duly authorized representatives) of property within the district. The board of commissioners shall determine and estimate the amount of the costs and expenses of the improvement for the year as provided in this Section, and shall file a report of said expenses and an assessment roll signed and certified to by the chairman of the board, spreading the total annual cost over the property of the district proportionate to the assessed valuation of said property for general real estate tax purposes. Notice of the filing of said report and assessment shall be given to the assessee of taxes for said property and a date for filing and hearing objections, if any, thereto shall be set. The court shall hear and determine objections and shall have full and complete power to revise, confirm, modify, amend or recast the said roll to comply with

the provisions of this Section, including the power to revise individual assessments wherein the assessment as levied in accordance with this Section exceeds the benefit to the property or constitutes more than a proportionate share of the total annual assessment. Upon confirmation of the roll and the annual assessment, a warrant to collect the assessment shall issue by the County Clerk. The assessment hereunder shall have the same force and effect as other assessments under Article 9 Division 2 [65 ILCS 5/9-2-1 et seq.] and shall be otherwise governed thereby except as provided otherwise herein. The annual assessments collected hereunder shall be paid over to the board of commissioners who shall apply same in discharge of the actual cost and expenses provided for herein as incurred during the course of said year. Any surplus in the estimated amount collected over the actual costs or expense of the year shall be credited on the next year's estimate and any deficiency shall be included as a permitted item of cost or expense to be defrayed by the assessment for the following year. In the event there is any surplus of assessments collected in the last year of collections, the same shall be rebated in proportion to the assessments for that year, and in the event there is any deficiency in collections of the last year, a final winding-up assessment to satisfy said deficit shall be made for the year following the said last year of assessment hereunder.

(c) The items of cost and expense which may be included in the estimate and for which an annual assessment may be levied hereunder are as follows:

1. The cost of repairs, upkeep and maintenance of any or all fixtures, equipment or facilities which comprised the improvement as originally made or any replacements thereof.

2. The costs of repairs, upkeep and maintenance of any common areas within the improvement as originally made.

3. The costs of any additions to or modifications of the improvement as originally made, any new or additional fixtures, equipment, facilities or service which is or are determined to be essential to public health, safety or welfare and to the protection and preservation of the improvement and the operation thereof.

4. A reserve for contingencies in the item of costs and expense estimated, not to exceed 10% of the total of such costs for the year in question.

5. A reserve to defray interest on funds borrowed or vouchers issued in anticipation of collection of annual installments.

6. Any deficiencies in collection over the actual costs and expense of the preceding year.

7. The costs and expenses of management employees and facilities, of making and levying the assessments and letting and executing contracts, of necessary estimates, examinations, advertisements and the like, including any court costs and fees, and for reimbursement of the expenses incurred by the commissioners in performing their duties hereunder.

(d) The commissioners to be appointed hereunder shall receive no compensation for services and shall serve for a term of 5, 4, 3, 2 and 1 year from the date of appointment and the term shall be selected by lot at the first meeting of the board after appointment by the court. The court shall thereafter appoint commissioners for 5 year terms upon termination of each term and shall appoint successors in the event of vacancy. Any commissioner shall be eligible to succeed himself.

(e) The board of commissioners shall have authority:

(1) To issue vouchers in anticipation of the collections of the annual assessments, in payment for the costs and expenses of maintenance and operation provided for hereunder and such vouchers shall be payable from the annual assessments when collected and shall bear interest at a rate set by the board, not to exceed the greater of 9% or 70% of the Prime Commercial Rate in effect at the time of the passage of the ordinance referred to in Section 9-2-10 of the Illinois Municipal Code [65 ILCS 5/9-2-10].

(2) To borrow funds for working capital in anticipation of collection of annual assessments at a rate of interest not to exceed the greater of (i) 9% annually or 70% of the Prime Commercial Rate in effect at the time of the passage of the ordinance referred to in Section 9-2-10 of the Illinois Municipal Code or (ii) the maximum rate authorized by the Bond Authorization Act [30 ILCS 305/0.01 et seq.], as amended at the time of the making of the contract.

(3) To enter into agreements with the municipality relative to the payment of that portion of the costs of maintenance and operation provided for herein, which reflects the general public benefit derived from the protection and preservation of the pedestrian mall or parking facility improvement. In such agreements, the board shall have authority to accept the fair and reasonable value of service provided by the municipality in full or partial satisfaction of the public benefit portion of said costs.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

HISTORY:
P.A. 86-4.

65 ILCS 5/9-2-49 [Local improvement ordinance; construction, taking or damage; assessment installments]

Whenever an ordinance provides for the making of a local improvement which comprises either the construction of an improvement or the taking or damaging of property therefor, or both such construction and taking or damaging, and proceedings are instituted prior to, on or after January 1, 1942, for the confirmation of a special assessment or a special tax to defray the whole or any portion of the cost of any such improvement, including the cost of the construction thereof and the compensation for the taking or damaging of property therefor, or including only the cost of taking or damaging of property therefor, and including in each such proceeding the cost of making and collecting the special assessment or special tax (in the case of such municipalities as may lawfully include that cost in special assessment or special tax proceedings), the corporate authorities may provide by the ordinance for any such local improvement, or if proceedings authorized by any such ordinance have been filed in court, then by an ordinance passed at any time before the confirmation of the assessment roll filed in any such proceeding, that the aggregate amount assessed to defray the cost of the improvement, including the cost of the construction thereof and the compensation for the taking or damaging of property therefor or including only the cost of taking or damaging property therefor, and each individual assessment and also the assessment against the municipality on account of property owned by the municipality and for public benefits, be divided into not more than 20 installments. Such installments shall be equal in amount and each a multiple of $100, except that any fractional amounts of the aggregate assessment, after division as aforesaid, shall be apportioned to the first installment. However, if it is so provided by ordinance passed at any time before the confirmation of the assessment roll, so much of the aggregate amount assessed as represents the cost of the construction of the improvement shall be divided into as many parts as there are installments, which parts shall be equal in amount and each a multiple of $100, except that any fractional amounts of the cost of construction after division as aforesaid shall be apportioned to the first installment, and so much of the aggregate amount assessed as represents the compensation for property to be taken or damaged, together with the cost of making and collecting the special assessment or special tax (in the case of such municipalities as may lawfully include that cost in special assessment or special tax proceedings) shall be apportioned to the first installment of the special assessment or special tax.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-50 [Assessment roll; judgment; warrant]

Within 30 days after the entry of confirmation of the assessment roll in such a proceeding described in Section 9-2-49 [65 ILCS 5/9-2-49], the clerk of the court in which the judgment is rendered shall certify the assessment roll and judgment to the officer of the municipality authorized to collect the special assessment or tax. If, however, there has been an appeal taken on any part of the judgment, then the designated clerk shall certify such part of the judgment as is not included in that appeal and this certification shall be filed by the officer receiving it, in his office. With the assessment roll and judgment, the clerk of the specified court shall also issue and deliver a warrant for the collection of the assessment or tax. Upon the delivery of this warrant to the designated collecting officer, the first installment of such assessment or tax shall be immediately due and payable. The second installment of the assessment or tax shall be due and payable on the second day of January next after the date of the first voucher issued on account of work done, if the uncollected portion of the first installment has been returned delinquent to the authorized county officer as provided in this article, but if the same has not been so returned delinquent, then the second installment shall be due and payable one year after that second day of January. The third and subsequent installments shall be due and payable respectively at successive annual periods after the second installment becomes due and payable. The amount awarded to any person for property taken or damaged may be applied, at the option of the owner of that property, as an offset to the amount of benefits assessed in the first and succeeding installments against any property owned by that person and assessed in that proceeding.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-51 [Installments; interest rate]

All installments established pursuant to Section 9-2-50 [65 ILCS 5/9-2-50] shall bear in Section 9-2-10 of the Illinois Municipal Code [65 ILCS 5/9-2-10] and not more than the greater of (i) 9% annually or 70% of the Prime Commercial Rate in effect at the time of the passage of such ordinance, or (ii) the maximum rate authorized by the Bond Authorization Act [30 ILCS 305/0.01 et seq.], as amended at the time of the making of the contract, payable annually, and such interest shall begin to run from 60 days after the date when the first installment becomes due and payable. Interest on the first installment, if any, shall be due and payable and shall be collected at the same time as the first installment. Interest on the second and subsequent installments, if any, shall be due and payable and shall be collected with the installments respectively, as provided in this Division 2. Bonds to anticipate the collection of the installments of the

assessment provided for in this Section may be issued after the entry of confirmation in any such proceeding, and such bonds shall draw interest from the date of issuing the same at the rate specified in said ordinance referred to in Section 9-2-10 and of not more than the rate the installments of the assessment against which the bonds are being issued bear, payable annually, and shall otherwise conform to the provisions of Section 9-2-119 or Sections 9-2-127 through 9-2-129 [65 ILCS 5/9-2-119 or 65 ILCS 5/9-2-127 through 15 ILCS 5/9-2-129].

The special assessment or special tax described in Section 9-2-49 [65 ILCS 5/9-2-49] shall be collected in the manner prescribed in this Division 2 for other special assessments and special taxes, except that the collection of the first installment of such special assessment or special tax, or any part thereof, may be enforced if necessary by the sale of the property against which the same is levied, notwithstanding that the improvement for which the same is levied may not have been completed.

The proceedings provided for in this Section also shall be governed by the other Sections of this Division 2 so far as they are applicable thereto, and not inconsistent with the provisions of this Section.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts [5 ILCS 70/8] are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

This amendatory Act of 1971 is not a limit upon any municipality which is a home rule unit.

This amendatory Act of 1972 is not a limit upon any municipality which is a home rule unit.

HISTORY:
P.A. 86-4.

65 ILCS 5/9-2-52 [Pay off of bonds]

Whenever sufficient funds are on hand, the corporate authorities of the municipality issuing improvement bonds shall direct the treasurer, or such other officer as may be designated by ordinance for that purpose, to select by lot, bonds of series to be paid, or the corporate authorities shall direct the treasurer or the other officer so designated to make a pro rata payment on all unpaid bonds in the series. The treasurer or other officer so designated shall send notice by registered mail to the address of the known owner of each of the designated bonds as set out in the treasurer's records, specifying a day not less than 30 days after the date of the notice, upon which the designated bonds will be paid either in full or in part, as the case may be, at his office. He shall also supplement this notice by publishing a notice of the number of bonds to be so paid, not less than 15 days prior to the day set for payment, in one or more newspapers published in the municipality, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality. In municipalities with less than 500 population in which no newspaper is published, publication may instead be made by posting a notice in 3 prominent places within the municipality, the series thereof, the assessment to which they relate and the particular bonds so selected to be paid if payment is to be made in full or in case a pro rata payment is to be made, naming the particular series upon which the partial payment is to be made, and that the same will be paid at a place to be specified.

Thereupon from the specified date of payment these bonds shall be payable on demand either in full or in part, as the case may be, at the place so appointed. No further interest shall accrue on the bonds selected to be paid in full or on that portion of the principal on bonds to be paid in part. However, in municipalities, having a population of 100,000 or more, the selection by lot and the mailing and publishing of notice may be omitted if bonds or vouchers in any series having sufficient funds on hand are presented for payment. In this latter case the bonds so presented may be paid in full, both as to principal and interest, in their order of presentation, within the limits of the funds available.

The provisions of this section shall apply to all proceedings now pending, proceedings in which judgment has been entered, and all future proceedings, except that the provisions of this section shall not apply to bonds issued under Section 9-2-127 [65 ILCS 5/9-2-127].

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-53 [Special assessment notice]

Petitioner, in addition to other notices hereinbefore provided for, shall publish a notice at least twice, not more than 30 nor less than 15 days in advance of the time at which confirmation of the specified assessment is to be sought, in one or more newspapers published in the municipality or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality. In municipalities with less than 500 population in which no newspaper is published, publication may be made by posting a notice in 3 prominent places within the municipality. The notice shall be over the name of the officer levying the assessment, and shall be substantially as follows:

"SPECIAL ASSESSMENT NOTICE"

"Notice is hereby given to all persons interested that the city council (or board of trustees, or other corporate authority, as the case may be) of ..... having ordered that (here insert a brief description of the nature of the improvement), the ordinance for the improvement being on file in the office of the ..... clerk, having applied to the ..... court of ..... county for an assessment of the costs of the improvement, according to benefits, and an assessment therefor having been made and returned to that court, the final hearing thereon will be had on (insert date), or as soon thereafter as the business of the court will permit. All persons desiring may file objections in that court before that day and may appear on the hearing and make their defense."

(Here give date.) .....

Where the assessment is payable in installments, the number of installments and the rate of interest also shall be stated.

HISTORY:
Laws 1961, p. 576; P.A. 91-357, § 75.

65 ILCS 5/9-2-54 [Objections; time for filing]

If 15 days have not elapsed between the first publication or the putting up of such notice, and the day fixed in the notice for filing objections, the cause shall be continued for 15 days, and the time for filing objections shall be correspondingly extended.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-55 [Standing to file objections]

Any person interested in any real estate to be affected by an assessment, may appear and file objections to the report, by the time mentioned in the specified notice, or in case of incomplete notice then as specified in the last preceding section, or within such further time as the court may allow.

As to all lots, blocks, tracts, and parcels of land, to the assessment of which objections are not filed within the specified time, or such other time as may be ordered by the court, default may be entered, and the assessment may be confirmed by the court, notwithstanding the fact that objections may be pending and undisposed of as to other property.

HISTORY:
P.A. 79-1361.

65 ILCS 5/9-2-56 [Revision or correction of assessment by court]

Upon objections or motion for that purpose, the court in which the specified proceeding is pending may inquire in a summary way whether the officer making the report has omitted any property benefited and whether or not the assessment, as made and returned, is an equitable and just distribution of the cost of the improvement, first, between the public and the property, and second, among the parcels of property assessed. The court has the power, on such application being made, to revise and correct the assessments levied, to change or modify the distribution of the total cost between the public and property benefited, to change the manner of distribution among the parcels of private property, and to strike out of the roll of awards by the commissioners filed in the case the amount or amounts shown as compensation for property which property has been theretofore donated by any person or persons for the making of the proposed improvement, so as to produce a just and equitable assessment, considering the nature of the property assessed, and its capacity for immediate use of the improvement when completed.

The court may either make such corrections or changes, or determine in general the manner in which the corrections or changes shall be made, and refer the assessment roll to any competent person for revision, correction or alteration in such manner as the court may determine. The determination of the court as to the correctness of the distribution of the cost of the improvement between the public and the property to be assessed, is appealable as in other civil cases.

HISTORY:
Laws 1967, p. 3762.

65 ILCS 5/9-2-57 [Objections; set down; exemptions]

On the application of the petitioner, at any time after the return day, the court may set down all objections, except the objection that the property of the objector will not be benefited to the amount assessed against it, and that it is assessed more than its proportionate share of the cost of the improvement, for a hearing at a time to be fixed by the court. Upon this hearing the court shall determine all questions relating to the sufficiency of the proceedings, the distribution of the cost of the improvement between the public and the property, and of the benefits between the different parcels of property assessed, together with all other questions arising in that proceeding, with the exception specified, and shall thereupon enter an order in accordance with the conclusions it reaches. But this order shall not be a final disposition of any of those questions for the purpose of appeal, unless the objectors waive further controversy as to the remaining question upon the record.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-58 [Issue of whether property will be benefited by amount assessed; jury]

If it is objected on the part of any property assessed for such an improvement, that it will not be benefited

thereby to the amount assessed thereon, and that it is assessed more than its proportionate share of the cost of the improvement, and a jury is not waived by agreement of parties, the court shall impanel a jury to try that issue. In that case, unless otherwise ordered by the court, all such objections shall be tried and disposed of before a single jury. The assessment roll, as returned by the officer who made it, or as revised and corrected by the court on the hearing of the legal objections, shall be prima facie evidence of the correctness of the amount assessed against each objecting owner but shall not be counted as the testimony of any witness or witnesses in the cause. That assessment roll may be submitted to the jury and may be taken into the jury room by the jury when it retires to deliberate on its verdict. Either party may introduce such other evidence as may bear upon that issue or issues. The hearing shall be conducted as in other civil cases. If it appears that the property of any objector is assessed more than it will be benefited by the specified improvement, or more than its proportionate share of the cost of the improvement, the jury shall so find, and it shall also find the amount for which that property ought to be assessed, and judgment shall be rendered accordingly.

HISTORY:
P.A. 79-1361.

65 ILCS 5/9-2-59 [Deficiency created by reduction or cancellation]

Wherever, on a hearing by the court, or before a jury, the amount of any assessment is reduced or cancelled, so that there is a deficiency in the total amount remaining assessed in the proceeding, the court may, in the same proceeding, distribute this deficiency upon the other property in the district assessed, in such manner as the court finds just and equitable, not exceeding, however, the amount such property will be benefited by the specified improvement.

In case any portion of this deficiency is charged against such property not represented in court, a new notice, of the same nature as the original notice, shall be given in like manner as the original notice, to show the cause why the assessment, as thus increased, should not be confirmed. The owners of or parties interested in such property have the right to object in the same form and with the same effect as in case of the original assessment, and the court has the same power to dispose thereof.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-60 [Hearings; precedence]

The hearing in all the cases arising under this Division 2 shall have precedence over all other cases in any court, where they are brought, except criminal cases, or other cases in which the public is a moving party.

HISTORY:
Laws 1967, p. 3740.

65 ILCS 5/9-2-61 [Assessment; court's authority to modify]

The court before which any such proceedings may be pending may modify, alter, change, annul, or confirm any assessment returned as specified, in addition to the authority already conferred upon it, and may take all such proceedings, and make all such orders, as may be necessary to the improvement, according to the principles of this article, and may from time to time, as may be necessary, continue the application for that purpose, as to the whole or any part of the premises.

After an ordinance for any local improvement has been filed in court, and after the report and assessment roll relating thereto has been filed, but before the court has entered its final judgment thereupon, the corporate authorities may petition the court for the abandonment of any portion of the proposed improvement. Such petition shall be supported by a recommendation of the board of local improvements and an ordinance adopted by the corporate authorities pursuant to Section 9-2-6 hereof, as amended by this amendatory act of 1963 [65 ILCS 5/9-2-6]. Upon the filing of such petition, the court may order the adjustment of the assessment roll according to the changes requested in the petition.

HISTORY:
Laws 1963, p. 2424.

65 ILCS 5/9-2-62 [Land must be acquired before levy]

No special assessment or special tax shall be levied for any local improvement until the land necessary therefor has been acquired and is in possession of the municipality, except in cases where proceedings to acquire such land have begun and have proceeded to judgment.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-63 [Similar improvement previously made]

It is no objection to the legality of any local improvement that a similar improvement has been previously made in the same locality, if the ordinance therefor is recommended by the board of local improvements, as above provided. But nothing contained in this Division 2 shall interfere with any defense in this proceeding relating to the benefits received therefrom.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-64 [Installments; order of confirmation]

In case of a special assessment or a special tax levied to be paid by installments, under the provisions of this Division 2, the order of confirmation that is entered upon the return of the assessment roll shall apply to all of the installments thereof, and may be entered in one order.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-65 Judgment for special tax or assessment

Judgment for special tax or assessment. The judgments of the court shall be final as to all the issues involved, and the proceedings in the specified cause shall be subject to review by appeal as hereinafter provided, and not otherwise. By mutual consent, however, a judgment may be vacated or modified notwithstanding the expiration of 30 days from the rendition of the judgment, except as hereinafter provided.

The judgment shall have the effect of several judgments as to each tract or parcel of land assessed, and no appeal from any judgment shall invalidate or delay the judgments, except as to the property concerning which the appeal is taken.

The judgment shall be a lien on behalf of the municipality making an improvement, for the payment of which the special tax or special assessment is levied, on the property assessed from the date upon which a certified copy of the judgment and assessment roll is recorded in the office of the recorder of each county in which any part of the property is located, to the same extent and of equal force and validity as a lien for the general taxes until the judgment is paid or the property against which the judgment is entered is sold to pay the judgment, if the judgment is recorded within 60 days from the date the assessment roll is confirmed. A judgment recorded beyond the 60 days is not a valid lien against the property. This 60 day recording requirement does not apply to judgments entered before September 23, 1991.

When the judgment against any property has been fully paid, the corporate authorities of the municipality shall execute and record, in the recorder's office of the county in which the land is located, a release of the lien of the judgment so paid, and shall deliver a copy of the release to the owner of the property.

Nothing in this Section shall interfere with the right of the petitioner to dismiss its proceedings, and for that purpose to vacate a judgment at its election at any time before commencing the actual collection of the assessment. The court in which the judgment is rendered shall enter an order vacating or annulling the judgment of confirmation on motion of petitioner entered at any time after the expiration of 30 days from the rendition of that judgment or confirmation upon a showing by petitioner that no contract was let or entered into for the making of the specified improvement within the time fixed by law for the letting of the contract, that the making of the improvement under the original proceeding was never commenced, or that the making of the improvement under the prior proceedings was abandoned by petitioner. No judgment entered in a proceeding so dismissed and vacated shall be a bar to another like or different improvement. After the contract for the work has been entered into, or the improvement bonds have been issued, however, no judgment shall be vacated or modified or any petition dismissed after the expiration of 30 days from the rendition of the judgment, and the collection of the assessment shall not be in any way stayed or delayed by the corporate authorities, board of local improvements, or any officer of the municipality without the consent of the contractor and bondholder.

Subject to Sections 9-2-66 through 9-2-71 [65 ILCS 5/9-2-66 through 65 ILCS 5/9-2-71], the municipality or its assignee may file a complaint to foreclose the lien in the same manner that foreclosures are permitted by law in case of delinquent general taxes. No forfeiture of the property, however, shall be required as a prerequisite to foreclosure.

HISTORY:
P.A. 87-728; 87-895.

65 ILCS 5/9-2-66 [Petition to sell and assign special assessment liens]

A municipality may file a petition in the circuit court praying for the entry of an order authorizing the municipality to sell and assign special assessment liens. Any number of properties and special assessment liens may be included in a petition. Notice of the filing of the petition and notice of the time and place of hearing on the petition shall be given by the municipality to "Owners of the lots or tracts of land on which such special assessments are liens" and to "Owners and holders of special assessment bonds and vouchers" by publication in conformity with the provisions of "An Act to Revise the Law in Relation to Notices", approved February 13, 1874, as heretofore and hereafter amended [715 ILCS 5/0.01 et seq.]. The municipality shall also, within 10 days of the first publication of the notice, send a copy thereof by mail addressed to each known owner and holder of special assessment bonds and vouchers whose addresses are shown on the books and records of the municipality. The municipality shall also, within 10 days of the first publication of the notice, send a copy thereof by mail addressed to each owner of lots or tracts of land on which the special assessment is a lien and to a representative number of owners of lots or tracts of land on which the special assessments have been paid, whose names and addresses appear in the owner's column on the county collector's warrant for general taxes for the year preceding the filing of the petition. A certificate of the

collector of special assessments of the municipality that he has sent copies in pursuance of this section is evidence that he has done so. Except as otherwise provided in this section and Sections 9-2-67 through 9-2-71 [65 ILCS 5/9-2-67 through 65 ILCS 5/9-2-71], the practice and procedure shall be the same as in other civil cases.

HISTORY:
P.A. 79-1361.

65 ILCS 5/9-2-67 [Petition; contents; hearing]

The petition to sell and assign special assessment liens shall allege that the special assessments are past due and unpaid, the total amounts owing on each lot or tract of land, and that it is in the best interest of the municipality and the owners of the special assessment bonds and vouchers that the municipality be authorized to sell and assign the special assessment liens.

The court shall hear the proceeding in a summary manner and there shall be no hearing on benefits or on any legal objections arising prior to the order or orders of confirmation of the special assessments. The Court on such petition may enter an order authorizing the sale and assignment of all or a part of the special assessment liens set forth in the petition. The court in such order shall determine and find the amount of the special assessment liens on each lot or tract of land on which it authorizes the liens to be sold.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-68 [Sale of special assessment lien or liens]

Pursuant to authorization by order of court, the municipality may at public sale, after first giving notice by publication of the time and place of sale in conformity with the provisions of "An Act to Revise the Law in Relation to Notices", approved February 13, 1874, as heretofore and hereafter amended [715 ILCS 5/0.01 et seq.] sell the special assessment lien or liens.

The special assessment liens shall be sold in the manner in which they are assessed. The municipality shall file a report of sale in the circuit court within 30 days of the date of sale of the lien on each tract or lot and pray for an order of court confirming the sale. Upon confirmation, the collector of special assessments of the municipality shall issue to the purchaser a certificate of sale and assignment by the municipality of the lien. Such certificate shall be countersigned by the county clerk. Each certificate of sale shall state the amount of the sale and the amount of the lien as determined by the court. Appropriate notations of the sale and assignment of special assessment liens shall be made on the public records of the municipality and the county by the official custodians thereof.

The county clerk shall prepare and keep a record in his office which shall be known as the "special assessment sale, assignment and redemption record", in which shall be entered all sales and assignments of special assessment liens, the amount of the liens as determined by order of court, payments made by the owners of lots or tracts of land to the county clerk under the provisions of this Division 2 and redemptions. No sale and assignment or cancellation of the special assessment lien or redemption shall be valid unless and until the sale and assignment, cancellation or redemption is entered on the records of the county clerk. The county clerk shall be entitled to a fee of $1 for each lot or tract of land for entering a sale and assignment on his record, which fee shall be included as costs in case of redemption or foreclosure.

HISTORY:
P.A. 79-1361.

65 ILCS 5/9-2-69 [Redemption of special assessment liens]

Redemption of special assessment liens may be made prior to the entry of a foreclosure judgment by payment to the county clerk of the amount of the lien as determined by order of court, together with interest thereon at the rate of 12% for each 6 months or portion thereof intervening between the time of sale and the time of redemption. Redemptions made after foreclosure judgment and sale shall be the same as provided for in Section 21-75 of the Property Tax Code [35 ILCS 200/21-75].

The county clerk shall be entitled to the same fees for issuing estimates of the cost of redemption, issuing certificates of cancellation, certificates of redemption and cancelling sales of special assessment liens as he is presently entitled to by law in regard to tax sales.

HISTORY:
P.A. 79-1361; 88-670, § 3-28.

65 ILCS 5/9-2-70 [Assignee of special assessment lien; foreclosure]

The assignee of a special assessment lien may, not later than 5 years after the date of the sale and assignment of the special assessment lien by the municipality, file a complaint to foreclose the lien. The lien of a special assessment which has been assigned and any right of action to foreclose the same shall not expire during the pendency of a proceeding to foreclose the lien commenced within 5 years from the date of the sale and assignment of the lien by the municipality. If no action is commenced within 5 years from the date the lien is assigned by the municipality, the lien and all right of action to enforce the same shall expire and cease to exist.

The assignee of a special assessment lien sold or assigned on or prior to December 31, 1957 may, not later than 5 years after the effective date of this amendatory Act of 1975, file a complaint to foreclose

the lien. The lien of a special assessment which has been assigned and any right of action to foreclose the same shall not expire during the pendency of a proceeding to foreclose the lien commenced within 5 years after the effective date of this amendatory Act of 1975. If no action is commenced within 5 years, the lien and all right of action to enforce the same shall expire and cease to exist.

HISTORY:
P.A. 79-198.

65 ILCS 5/9-2-71 [Cost and expense of sale and assignment]

The cost and expense attending the sale and assignment of a special assessment lien by a municipality, not exceeding 10% of the amount of the lien, shall be assessed as costs and shall be paid by the assignee. However, no lien created after September 1, 1949 shall be sold or assigned by a municipality as long as any obligation of any kind secured by such lien remains outstanding and unpaid.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-72 [New assessment or tax for one annulled, declared invalid or void]

If any special assessment or special tax before January 1, 1942 has been, or on or after January 1, 1942, is annulled by the corporate authorities, or set aside by any court or declared invalid or void for any reason whatsoever, a new assessment or tax may be made and returned and like notice shall be given and proceedings had as required in this Division 2 in relation to the first. If any local improvement before January 1, 1942 has been, or on or after January 1, 1942, is constructed under the direction of the board of local improvements and has been or is accepted by that board, and the special assessment or special tax levied or attempted to be levied to pay for the cost of such an improvement has been or is so annulled, set aside, or declared invalid or void, then a new special assessment or special tax may be made and returned to pay for the cost of the improvement so constructed, or to pay for the cost of such part thereof as the corporate authorities might lawfully have authorized to be constructed and paid for by special assessment or special tax. All parties in interest shall have like rights, and the corporate authorities and the court shall perform like duties and have like power in relation to any subsequent assessment or tax as are provided in relation to the first.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-73 [No special assessment or special tax invalid because of work done; valid objection]

No special assessment or special tax shall be held invalid because levied for work already done, if it appears that the work was done under a contract which has been duly let and entered into pursuant to an ordinance providing that such an improvement should be constructed and paid for by special assessment or special tax, and that the work was done under the direction of the board of local improvements and has been accepted by that board. It shall not be a valid objection to the confirmation of this new assessment that the original ordinance has been declared invalid or that the improvement as actually constructed does not conform to the description thereof as set forth in the original special assessment ordinance, if the improvement so constructed is accepted by the board of local improvements. The provisions of this section shall apply whenever the prior ordinance is held insufficient or otherwise defective, invalid, or void, so that the collection of the special assessment or special tax therein provided for becomes impossible. In every such case, when such an improvement has been so constructed and accepted, and the proceedings for the confirmation and collection of the special assessment or special tax are thus rendered unavailing, the corporate authorities shall pass a new ordinance for the making and collection of a new special assessment or special tax, and this new ordinance need not be presented by the board of local improvements.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-74 [First assessment insufficient]

At any time after the bids have been received pursuant to the provisions of this Division 2, if it appears to the satisfaction of the board of local improvements that the first assessment is insufficient to pay the contract price or the bonds or vouchers issued or to be issued in payment of the contract price, together with the amount required to pay the accruing interest thereon, the board shall make and file an estimate of the amount of the deficiency. Thereupon a second or supplemental assessment for the estimated deficiency of the cost of the work and interest may be made in the same manner as nearly as may be as in the first assessment, and so on until sufficient money has been realized to pay for the improvement and the interest. It shall be on objection to the supplemental assessment that the prior assessment has been levied, adjudicated, and collected unless it appears that in that prior cause upon proper issue made, it was specially found in terms, that the property objected for would be benefited by the improvement no more than the amount assessed against it in that prior proceedings [sic].

If too large a sum is raised at any time, the excess shall be refunded ratably to those against whom the assessment was made.

But if the estimated deficiency exceeds 10% of the original estimate, no contract shall be awarded until a public hearing has been held on the supplemental

proceeding in like manner as in the original proceedings. No more than one supplemental assessment shall be levied to meet any deficiency where the deficiency is caused by the original estimate made by the engineer being insufficient.

Where the improvement is to be constructed with the aid and assistance of any federal agency or other governmental agency after judgment of confirmation if there appears a deficiency in assessments levied in excess of 10% of the original estimate the municipality shall not proceed with the construction of the work until a new hearing has been held upon the levy of a special assessment to make up that deficiency.

However, the petitioner, in case it so elects, may dismiss the petition and vacate the judgment of confirmation at any time after the judgment of confirmation is rendered, and begin new proceedings for the same or a different improvement as provided in Section 9-2-65 [65 ILCS 5/9-2-65].

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-75 [Failure to collect special assessment or tax]

If from any cause any municipality fails to collect the whole or any portion of any special assessment or special tax which may be levied, which is not canceled or set aside by the order of any court, for any public improvement authorized to be made and paid for by a special assessment or a special tax, the corporate authorities, at any time within 5 years after the confirmation of the original assessment, may direct a new assessment to be made upon the delinquent property for the amount of the deficiency and interest thereon from the date of the original assessment, which assessment shall be made, as nearly as may be, in the same manner as is prescribed in this Division 2 for the first assessment. In all cases where partial payments have been made on such former assessments, they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If this new assessment proves insufficient, either in whole or in part, the corporate authorities, at any time within the specified period of 5 years, may order a third to be levied, and so on in the same manner and for the same purpose. It shall constitute no legal objection to any new assessment that the property may have changed hands, or been encumbered subsequent to the date of the original assessment.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-76 [Certification of assessment roll and judgment; warrant; recall]

Within 30 days after the filing of the report of the amount and date of the first voucher issued on account of work done, as provided in Section 9-2-48 [65 ILCS 5/9-2-48], the clerk of the court in which such judgment is rendered shall certify the assessment roll and judgment to the officer of the municipality authorized to collect the special assessment, or, if there has been an appeal taken on any part of the judgment, he shall certify such part of the judgment as is not included in that appeal. This certification shall be filed by the officer receiving it in his office. With the assessment roll and judgment the clerk of the designated court shall also issue a warrant for the collection of the assessment. The court has the power to recall such warrants as to all or any of the property affected at any time before payment or sale, in case the proceedings are abandoned by the petitioner or the judgment is vacated or modified in a material respect as hereinbefore provided, but not otherwise. In case the assessment roll has been abated and the judgment reduced in accordance with the provisions of Section 9-2-114 [65 ILCS 5/9-2-114], the clerk of the designated court, within 30 days thereafter, shall certify the order of reduction or the roll as so reduced or re-cast, under the directions of the court, to the officer so authorized to collect the special assessment, and shall issue a warrant for the collection of the assessment as so reduced or re-cast.

HISTORY:
P.A. 76-1556.

65 ILCS 5/9-2-77 [Warrant; assessment against municipality]

Whenever any warrant is issued by the clerk of the court in which the judgment of confirmation is rendered, for the collection of any special assessment specified in Section 9-2-19 [65 ILCS 5/9-2-19], that warrant shall not authorize the collection of any assessment levied against the municipality for and on account of public benefits, but the clerk shall likewise certify the assessment roll and judgment to the clerk or comptroller, if any, of that municipality upon being requested so to do by that officer. The several and respective installments of the amounts that may be assessed against the municipality for and on account of public benefits and confirmed by the court, shall be paid out by the municipal treasurer out of any money arising from the collection of the direct annual tax provided for in Section 9-2-38 [65 ILCS 5/9-2-38] and out of any other money in his hands that may be used for that purpose whenever he is legally authorized so to do, by an ordinance of that municipality. Any such municipality may pay for any land to be taken or damaged in the making of any local improvement specified in Section 9-2-19, before any such assessment or any installment thereof becomes due, and when the same becomes due, the amount so paid shall be credited upon the assessment against the municipality so paying in advance. The provisions of this section shall not apply to any city having a population of 500,000 or more.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-78 [Certification of appealed portion]

If an appeal is taken on any part of such judgment, and if the board elects to proceed with the improvement, notwithstanding such an appeal, as provided for in Section 9-2-102 [65 ILCS 5/9-2-102], the clerk shall certify the appealed portion, from time to time, in the manner above mentioned, as the judgment is rendered thereon, and the warrant accompanying this certificate in each case shall be authority for the collection of so much of the assessment as is included in the portion of the roll thereto attached.

The warrant in all cases of assessment, under this Division 2, shall contain a copy of the certificate of the judgment describing lots, blocks, tracts, and parcels of land assessed so far as they are contained in the portion of the roll so certified, and shall state the respective amounts assessed on each lot, block, tract, or parcel of land, and shall be delivered to the officer authorized to collect the special assessment. The collector having a warrant for any assessment levied to be paid by installments may receive any or all of the installments of that assessment, but if he receives only a part of the installments, then he shall receive them in their numerical order.

HISTORY:
Laws 1961, p. 576; P.A. 90-655, § 56.

65 ILCS 5/9-2-79 [Special assessment notice]

The collector receiving such a warrant shall give notice thereof within 10 days by publishing a notice once each week for 2 successive weeks in one or more newspapers published in the municipality, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality. In municipalities with less than 500 population in which no newspaper is published, publication may instead be made by posting a notice in 3 prominent places within the municipality. This notice may be substantially in the following form:

"SPECIAL ASSESSMENT NOTICE

Special Warrant, No. .....

Notice: Publication is hereby given that the (here insert title of court) has rendered judgment for a special assessment (or special tax) upon property benefited by the following improvement: (here describe the character and location of the improvement in general terms) as will more fully appear from the certified copy of the judgment on file in my office; that the warrant for the collection of this assessment (or special tax) is in my possession. All persons interested are hereby notified to call and pay the amount assessed at the collector's office (here insert location of office) within 30 days from the date hereof.

Dated (insert date).

.....
(Collector)."

When such an assessment or special tax is levied to be paid in installments, the notice shall contain also the amount of each installment, the rate of interest deferred installments bear, and the date when payable.

HISTORY:
Laws 1961, p. 576; P.A. 91-357, § 75.

65 ILCS 5/9-2-80 [Collector's duties; liability]

The collector, into whose possession the warrant comes, as far as practicable, shall call upon all persons, resident within the neighborhood, whose names appear upon the assessment roll, or the occupants of the property assessed, and personally, or by written or printed notices left at his or her usual place of abode or mailed to all persons whose names appear on the assessment roll, inform them of the special assessment, and request payment thereof. This notice shall be given by the collector within 10 days after his receipt of the warrant and shall indicate the date on or before which the assessment may be paid in whole or in part without interest. Under Section 9-2-48 [65 ILCS 5/9-2-48] interest on assessments shall begin to run from 60 days after the date of the first voucher issued on account of work done, except as otherwise provided in Section 9-2-113 [65 ILCS 5/9-2-113].

Any collector omitting to do so is liable to a penalty of $10 for every such omission, but the validity of the special assessment, or the right to apply for and obtain judgment thereon, is not affected by such an omission. It is the duty of such collector to write the word "paid" opposite each tract or lot on which the assessment is paid, together with the name and post office address of the person making the payment, and the date of payment.

HISTORY:
P.A. 87-532.

65 ILCS 5/9-2-81 [Cities with population of 1,000,000 or more; record on tax books]

In cities of this state having a population of 1,000,000 or more, when any officer is authorized to collect special assessments or special taxes, that officer, on or before March 10 each year, or if the general tax books have not been turned over to the county collector at that time then within 15 days after the county collector has received the general tax books, shall mark on the general tax books of the county collector, opposite the description of all lots, blocks, tracts, or parcels of land to be assessed, the number of the special assessment or special tax warrant. The county collector shall stamp or write in large letters on the face of all tax bills or receipts issued by him the number of the special assessment

or special tax warrant, and the words, "Special assessment due and payable."

HISTORY:
P.A. 82-1013.

65 ILCS 5/9-2-82 [County with population of 1,000,000 or more; report by collector]

In counties having a population of 1,000,000 or more the collector shall, on or before the first day of August in each year, make a report in writing to the general officer of the county (in which the respective lots, tracts, and parcels of land are situated) authorized by the general revenue laws of this State to apply for judgment and sell land for taxes due the county and State, of all the land, town lots, and real property on which he has been unable to collect special assessments or special taxes, or installments thereof matured and payable, or interest thereon, or interest due to the preceding January 2 on installments not yet matured on all warrants in his possession, with the amount of those delinquent special assessments or special taxes or installments and interest together with his warrants; or, in case of an assessment levied to be paid by installments, with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof. This report shall be accompanied with the oath of the collector (1) that the list is a correct return and report of the land, town lots, and real property on which the special assessment or special tax (levied by the authority of the city or incorporated town or village of ..... as the case may be), or installments thereof, or interest, remains due and unpaid, (2) that he is unable to collect the same, or any part thereof, and (3) that he has given the notice required by law that the specified warrants have been received by him for collection.

HISTORY:
P.A. 82-1013.

65 ILCS 5/9-2-83 [County with population less than 1,000,000; unpaid special assessment]

In counties having a population of less than 1,000,000, the general officer of the county having authority to receive State and county taxes shall, not later than August 15 each year, designate a day in the month of October upon which application will be made for judgment and order of sale for unpaid special assessments or installments thereof, and interest thereon, on delinquent land, town lots, and real property and also a Monday succeeding the date of that application, on which the land and lots for the sale of which an order is made will be exposed to public sale, and shall forthwith notify the collectors of all municipalities situated in whole or in part within the county of the dates so designated.

HISTORY:
P.A. 85-1137.

65 ILCS 5/9-2-84 [County with population less than 1,000,000; advertisement for return]

In counties having a population of less than 1,000,000, the collector of the municipality, at any time after August 15 in each year, shall publish an advertisement that a return will be made to the general officer of the county having authority to receive State and county taxes of all unpaid special assessments or installments thereof matured and payable, or interest thereon, or interest due to the preceding January 2 on installments not yet matured on all warrants in his hands. This advertisement (1) shall contain a list of the delinquent lands, town lots, and real property upon which the special assessment or installments thereof or interest thereon remain unpaid, the name of the person shown by the county collector's current warrant book to be the party in whose name the general real estate taxes were last assessed for each such property, the total amount due thereon, and the year for which the same are due; (2) shall give notice that the general officer of the county having authority to receive State and county taxes in the county in which those lands, town lots, or real property may be located, will make application on the day specified therein, for judgment against those lands, town lots, and real property for those special assessments, matured installments of special assessments, interest and costs due thereon, and for an order to sell those lands, town lots, and real property for the satisfaction thereof; and (3) shall give notice that on the Monday fixed by that general officer of the county for sale, all the lands, town lots, and real property, for the sale of which an order is made, will be exposed to public sale at the court house in that county for the amount of special assessments and matured installments of special assessments, interest and costs due thereon. The advertisement shall be sufficient notice of the intended application for judgment and of the sale of those lands, town lots, and real property under the order of the court.

Publication of the advertisement shall be made at least once not more than 30 nor less than 15 days in advance of the date upon which the judgment is to be sought. Such publication shall be made in one or more newspapers published in the municipality, or if no newspaper is published therein then in one or more newspapers with a general circulation in the municipality. In municipalities with less than 500 inhabitants, publication may instead be made by posting a notice in 3 prominent places within the municipality.

The municipal collector shall add to all special assessments and matured installments of special assessments and the interest thereon, when paid after August 15 in the year when they became due and payable, an amount equal to the actual costs, not to exceed 0.2% of the assessed value of each lot, tract,

or parcel of land upon which payment is made, to cover the cost of the advertisement as required in this Division 2.

HISTORY:
P.A. 85-1137; 91-864, § 5.

65 ILCS 5/9-2-85 [County with population less than 1,000,000; report to county collector]

In counties having a population of less than 1,000,000, the collector of the municipality, not later than 5 days prior to the date fixed for application for judgment, shall make a return or report in duplicate upon forms to be provided by the county collector to the general officer of the county having authority to receive State and county taxes in the county in which the respective lots, tracts, and parcels of land are situated. Such report shall list all the land, town lots, and real property on which he has been unable to collect the special assessments or special taxes or installments, thereof, matured and payable or interest thereon, or interest due to the preceding January 2 on installments not yet matured on all warrants in his possession. Also contained in the report shall be a list of the amount of those delinquent special assessments or special taxes or installments and interest together with a brief description of the warrant or warrants received by him, authorizing the collection thereof. The original of this report shall be accompanied with the oath of the collector (1) that the list is a correct return and report of the land, town lots, and real property on which the special assessment or special tax (levied by the authority of the city or incorporated town or village of ....., as the case may be), or installments thereof, or interest, remains due and unpaid, (2) that he is unable to collect the same, or any part thereof, (3) that he has given the notice required by law that the specified warrants have been received by him for collection, and (4) that he has published an advertisement in the manner prescribed by law, giving notice that an application will be made on the date specified therefor for judgment against all of those delinquent lands, town lots, and real property.

HISTORY:
P.A. 82-1013.

65 ILCS 5/9-2-86 [Report of municipal collector; objections lost; judgment of sale on installment]

The report of the municipal collector, when so made, shall be prima facie evidence that all the forms and requirements of the law, in relation to the making of the return have been complied with, and that the special assessments, or special taxes, or the matured installments thereof, and the interest thereon, and the interest accrued on installments not yet matured, mentioned in the report, are due and unpaid.

Upon the application for judgment of sale upon such an assessment or matured installments thereof, or the interest thereon, or the interest accrued on installments not yet matured, no defense or objection shall be made or heard which might have been interposed in the proceeding for the making of that assessment, or the application for the confirmation thereof. No errors in the proceeding to confirm not affecting the power of the court to entertain and consider the petition therefor, shall be deemed a defense to the application provided for in this Division 2.

When such an application is made for judgment of sale on an installment only of an assessment payable by installments, all questions affecting the jurisdiction of the court to enter the judgment of confirmation and the validity of the proceedings shall be raised and determined on the first of such applications. On application for judgment of sale on any subsequent installment, no defense, except as to the legality of the pending proceeding, the amount to be paid, or actual payment, shall be made or heard. And it shall be no defense to the application for judgment on any assessment or any installment thereof that the work done under any ordinance for an improvement does not conform to the requirements of that ordinance, if it appears that the work has been accepted by or under the direction of the board of local improvements. And the voluntary payment by the owner or his agent, of any installment, or of any assessment, levied on any lot, block, tract, or parcel of land, shall be held in law to be an assent to the confirmation of the assessment roll, and shall be held to release and waive the right of the owner to enter objections to the application for judgment of sale and order for sale.

The judgment of sale on any installment shall include all interest accrued on the installment up to the date of that judgment of sale, and also the annual interest due as returned delinquent by the municipal collector on any installment or installments not matured. All judgments of sale for a matured installment shall bear interest on the amount of the principal of that matured installment to the date of payment or sale.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-87 [Assessments and taxes unpaid; judgment; sale; application for judgment]

When the specified general officer in each county receives the report provided for, he shall proceed to obtain judgment against the lots and parcels of land and property for the special assessments and the special taxes, or installments thereof, and interest remaining due and unpaid, in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the county or State except that in counties having a population of

less than 1,000,000, no other notice of the application for this judgment shall be required than that specified in this Division 2 to be given by the collector of the municipality. The general collecting officer of the county shall proceed in the same manner to sell the same for the specified special assessments, special taxes, or installments thereof, and interest remaining due and unpaid except that in counties having a population of less than 1,000,000, no other notice of sale shall be required than that specified in this Division 2 to be given by the collector of the municipality. In obtaining these judgments and making this sale, the general collecting officer of the county shall be governed by the general revenue law of the State except as otherwise provided in this Division 2.

No application for judgment against land for unpaid special taxes or special assessments shall be made at a time different from the annual application for judgment against land upon which general taxes remain due and unpaid.

The application for judgment upon delinquent special assessments or special taxes in each year shall include only such special assessments, special taxes, or installments thereof, and interest, as have been returned as delinquent to the county collector on or before the first day of August in the year in which the application is made, and marked on the general tax books of the county collector on or before March 10, as provided in Section 9-2-81. However, in counties having a population of less than 1,000,000, such application shall include only the special assessments, special taxes, or installments thereof, and interest as have been returned or reported as delinquent to the general collecting officer of the county not less than 5 days prior to the date designated for application for judgment, in the year in which the application is made. Such judgment of sale shall include interest on matured installments up to the date of the judgment, as provided in this Division 2.

In the 5 years next following the completion of a general reassessment of real property in any county having a population of 1,000,000 or more, made pursuant to an order of the Department of Revenue of the State of Illinois, notwithstanding that those special assessments, special taxes, or installments thereof, and interest, have not been returned as delinquent to the county collector on or before the first day of August in the year in which the application is made, and notwithstanding that those special assessments, special taxes, or installments thereof, and interest, were not marked on the general tax books of the county collector on or before March 10 of the same year as provided in Section 9-2-81 or within 15 days after the county collector received the general tax books in that year, such an application shall be made on the first day of September for judgment and order of sale for special assessments, special taxes, or installments thereof, and interest, in each year on delinquent lands and lots. The county collector shall include in that application all special assessments, special taxes, and installments thereof, and interest, then remaining unpaid. Within 30 days after the county collector has received the general tax books the special assessments, special taxes, or installments thereof, and interest, then remaining unpaid, shall be marked therein, and if for any reason, that application cannot be made on the first day of September, it shall be made at any time not later than the first day of the next succeeding January.

In counties having a population of less than 1,000,000, the application for judgment and order of sale, and the sale, shall be made on the respective days previously designated by the general collecting officer of the county.

HISTORY:
P.A. 82-1013.

65 ILCS 5/9-2-88 [County with population less than 1,000,000; application for judgment]

In counties having a population of less than 1,000,000 in all cases, except where land or lots have been withdrawn from collection for want of bidders or forfeited to the State for nonpayment of special assessments 2 or more years in succession next preceding the year in which the application for judgment and order of sale is made, the collector of the municipality shall send a notice of the application for judgment and sale of the land or lots upon which special assessments remain due and unpaid, the date of sale, a description of the land or lots, and the amount of the special assessments together with interest and costs due thereon. The notice shall be sent by mail, either by letter or post card, postage prepaid, at least 5 days before the date of sale. The notice shall be addressed to the person shown by the county collector's current warrant book to be the party in whose name the general real estate taxes on such property were last assessed, and such notices shall be mailed to each such party at the address shown for such party in the county collector's current warrant book. For each such notice the collector of the municipality shall charge an amount equal to the actual costs, not to exceed 0.02% of the assessed value of each parcel, to be taxed and collected as costs.

HISTORY:
P.A. 85-1137; 91-864, § 5.

65 ILCS 5/9-2-89 [Payment on land or lots upon which judgment is prayed; report thereof]

In counties having a population of less than 1,000,000, any person owning or claiming land or lots upon which judgment is prayed, as provided in this Division 2, may pay the special taxes, special assessments, interest, and costs due thereon to the collector of the municipality in which the land or lots are situated at any time before sale. On the day fixed for sale, the collector shall report, under oath, to the

county clerk, all the land or lots upon which special assessments have been paid, if any, after the time of making the return mentioned in Section 9-2-85 [65 ILCS 5/9-2-85] and prior to that day. The clerk shall note this fact opposite each tract or lot upon which those payments have been made. This report shall include a statement by the collector, under oath, that notice of sale has been sent by mail, by letter or post card, as to all other land or lots included in the report as required by Section 9-2-88 [65 ILCS 5/9-2-88].

HISTORY:
P.A. 82-1013.

65 ILCS 5/9-2-90 [List of property sold; redemption]

After making the specified sale, the list of lots, parcels of land, and property sold thereat shall be returned to the office of the county clerk and redemption may be made as provided for by the general revenue laws of the State.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-91 [County with population of less than 1,000,000; list of property withdrawn from collection]

In counties having a population of less than 1,000,000, a list of all lots, parcels of land, and property withdrawn from collection at the sale by the corporate authorities levying the tax and a list of all lots, parcels of land, and property charged with delinquent special assessments which were forfeited to the State at that sale, shall be returned by the county clerk to the office of the municipal collector, where payment of any delinquent special assessment so withdrawn from collection or forfeited to the State may be made, as in the case of redemption from sale, at any time thereafter, unless and until again advertised and offered for sale and sold for the nonpayment thereof.

HISTORY:
P.A. 82-1013.

65 ILCS 5/9-2-92 [County with population of 1,000,000 or more; list of property withdrawn from collection]

In counties having a population of 1,000,000 or more, a list of all lots, parcels of land, and property withdrawn from collection at that sale by the corporate authorities levying the tax and a list of all lots, parcels of land, and property charged with delinquent special assessments which were forfeited to the State at that sale, shall also be returned to the office of the county clerk where payment of any delinquent special assessment so withdrawn from collection or forfeited to the State may be made, as in the case of redemption from sale at any time while the same is withdrawn from the county collector, or forfeited, or thereafter, if again advertised and sold, until the period of redemption at such subsequent sale under the general revenue laws of the State has expired and a tax deed is issued thereon.

HISTORY:
P.A. 82-1013.

65 ILCS 5/9-2-93 [Payment of withdrawn or forfeited assessment]

In case of such a payment of a withdrawn or forfeited special assessment, the municipal collector or county clerk, as the case may be, shall collect a penalty of 12% on the amount of the forfeiture and on the amount of the withdrawn special assessment together with interest and costs to the date of withdrawal or forfeiture for the first year after the date of that withdrawal or forfeiture, and after that first year interest at the rate of 6% annually. The municipal collector or the county clerk, as the case may be, shall pay over to the officer of the municipality entitled to receive the same, within 30 days after the collection has been made, all special assessments, together with interest, penalties, and also statutory costs advanced by the municipality and collected by him. But if any lot or parcel of land should again be offered for sale, because of failure to pay that delinquent special assessment, and again withdrawn from sale, there shall be no second charge of 12% for the first year following the subsequent withdrawal. Instead, the interest rate shall continue at the rate of 6% annually. There may be second and subsequent charges of 12% for successive forfeitures.

The municipal collector or county clerk shall be entitled to charge and collect from the person for whom the service is rendered, a fee of 40 cents for each estimate of the amount necessary to pay a withdrawn or forfeited special assessment, including costs, and a fee of $1 for each certificate of deposit for payment of such a withdrawn or forfeited special assessment.

HISTORY:
P.A. 85-1137.

65 ILCS 5/9-2-94 [County with population of 500,000 or more; collection]

In counties having a population of 500,000 or more, the city comptroller or other officer designated and authorized by the corporate authorities of any municipality which levies any special assessment has the power to collect the amounts due on tracts or lots which have been forfeited or withdrawn from sale, and the interest and penalties due thereon, based upon an estimate of the cost of redemption computed by the county clerk and at a rate to be fixed by the corporate authorities as to the interest and penalties thereon, and he shall issue a receipt therefor. However, the corporate authorities may authorize the municipal officer to waive the penalties for the first

year in excess of 7%. The person receiving this receipt shall file it with the county clerk.

Upon the presentation of such a receipt, the county clerk shall issue to the person a certificate of cancellation setting forth a description of the property, the special assessment warrant, and installment, and the amount received by the municipal officer, and this certificate of cancellation shall be evidence of the redemption of the property therein described. The form of such a certificate of redemption for filing with the county clerk shall be substantially as follows: Receipt of Deposit for Redemption. Volume ..... Page ..... State of Illinois Office of (give title of County of Cook municipal office)

I, (here give name, title of municipal officer), of the (give name of city, village, or incorporated town), do hereby certify that on (insert date), ... deposited in this office ..... Dollars for the redemption of ..... (describe property) ..... which ..... withdrawn or forfeited by the collector of this county on (insert date) for the nonpayment of ..... installment of special assessment warrant.

You are hereby authorized and ordered to cancel from the records and files in your office that withdrawal or forfeiture, and issue your certificate of redemption and cancellation.

(insert date).

(insert name of city, village, or incorporated town).

By ..... (proper officer).

HISTORY:
P.A. 82-1013; 91-357, § 75.

65 ILCS 5/9-2-95 [Liability of collector for wrongful sale]

If the collector receives any money for taxes or assessments, or installments thereof, and gives a receipt therefor, for any land or parcel of land, and afterwards makes a return that the tax assessment, or installment thereof was unpaid, to the State officers authorized to sell land for taxes, or receives the amount so payable after that return has been made, and that property is sold for any tax, assessment, or installment thereof which has been so paid and receipted for by himself or his clerks, the collector and his bondsmen shall be liable to the holder of the certificate given to the purchaser at that sale for double the amount of the face of the certificate. This sum may be demanded in 2 years from the date of the sale, and recovered in any court having jurisdiction of the amount. The municipality in no case shall be liable to the holder of such a certificate.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-96 [Collection of assessments]

The collector and the general officer to whom the warrants are returned, shall pay over to the municipal treasury to which the money belongs, all money collected by them, respectively, by virtue of such warrants, or upon any sale for taxes, or otherwise, at such time or times and in such manner as shall be prescribed by ordinance. They shall be allowed such compensation for their services in the collection of these assessments as the ordinance of the municipality may provide, except when their compensation is fixed by a general law.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-97 [Application of general revenue laws]

The general revenue laws of this State, with reference to proceedings to recover judgment for delinquent taxes, the sale of property thereon, the execution of certificates of sale and deeds thereon, the force and effect of such sales and deeds, and all other laws in relation to the enforcement and collection of taxes, and redemption from tax sales, except as otherwise provided in this Division 2, shall be applicable to proceedings to collect the special assessments and special taxes provided for in this Division 2.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-98 [Municipality as purchaser]

Except as otherwise provided in Section 9-2-113 [65 ILCS 5/9-2-113], any municipality interested in the collection of any tax or special assessment, in default of other bidders, may become a purchaser at any sale of property to enforce the collection of that tax or special assessment, and by ordinance may authorize and make it the duty of one or more municipal officers to attend such sales and bid thereat in behalf of the municipality. Such a municipality, through its officer or officers, acting under like authority, in default of bidders, may withdraw from collection at such a sale any special assessment or installment thereof levied by it on any lot, parcel of land, or property subject to sale. But such a withdrawal from collection shall not operate to cancel the assessment or impair the lien of the municipality so withdrawing it, and the assessment shall remain delinquent and payable at the office of the municipal collector or county clerk, with all fees, costs, penalties, interest, and charges that have accrued thereon. Such a lot, parcel of land, or property, may be readvertised and resold at any subsequent tax sale for such delinquent special assessments or installments thereof.

Where suit is instituted by a municipality to foreclose the lien of special assessments at the request of the owner of real property or his agent, the corporate authorities shall have the power to provide by ordinance for the payment by the owner of reasonable costs and expenses incurred by the municipality in connection with the suit. Any moneys collected for such purpose shall be expended by the municipality

in the same manner and for the same purposes as provided for in Section 8-1-10 [65 ILCS 5/8-1-10].

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-99 [Lien against municipality]

Except as otherwise provided in Section 9-2-113 [65 ILCS 5/9-2-113], no person obtaining contracts from the municipality and agreeing to be paid out of special assessments or special taxes, has any claim or lien upon the municipality in any event, except from the collection of special assessments or special taxes made or to be made for the work contracted for. However, the municipality shall cause collections and payments to be made with all reasonable diligence. If it appears that such an assessment or tax cannot be levied or collected, the municipality, nevertheless, is not in any way liable to a contractor in case of failure to collect the assessment or tax, but, so far as it can legally do so, with all reasonable diligence, it shall cause a valid assessment or assessments, or special taxes, to be levied and collected to defray the cost of the work until all contractors are fully paid. Any contractor is entitled to the summary relief of mandamus or injunction to enforce the provisions of this section.

The municipal treasurer shall keep a separate account of each special assessment warrant number, and of the money received thereunder.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-100 [Contract to lowest bidder]

Except as otherwise provided in Section 9-2-113 [65 ILCS 5/9-2-113], any work or other public improvement, to be paid for in whole or in part by special assessment or special taxation, when the expense thereof will exceed $10,000, shall be constructed by contract let to the lowest responsible bidder in the manner prescribed in this Division 2. Such contracts shall be approved by the president of the board of local improvements.

In case of any work which it is estimated will not cost more than $10,000, if after receiving bids it appears to the board of local improvements that the work can be performed better and cheaper by the municipality, the corporate authorities of the municipality shall perform that work and employ the necessary help therefor. The cost of that work by the municipality in no case shall be more than the lowest bid received.

HISTORY:
Laws 1961, p. 576; P.A. 96-138, § 5.

65 ILCS 5/9-2-101 [Alternate specifications]

Except as otherwise provided in Section 9-2-113 [65 ILCS 5/9-2-113], if the ordinance provides for alternate specifications for the kind, nature, character, and description of a proposed improvement, or the materials to be used in its construction, and more than one estimate has been prepared, then the assessing officer or commissioners appointed to make the assessment shall make his or their report and assessment roll, based upon the highest estimate of the cost of the proposed improvement.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-102 [Election to proceed with work]

Except as otherwise provided in Section 9-2-113 [65 ILCS 5/9-2-113], within 90 days after judgment of confirmation of any special assessment or special tax, levied in pursuance of this Division 2, has been entered, if there is no appeal perfected, or other stay of proceedings by a court having jurisdiction, or in case the judgment for the condemnation of any property for any such improvement, or the judgment of confirmation as to any property is appealed from, then, if the petitioner files in the cause a written election to proceed with the work, notwithstanding the appeal, or other stay, steps shall be taken to let the contract for the work in the manner provided in this Division 2. If the judgment of condemnation or of confirmation of the special tax or special assessment levied for the work is appealed from, or stayed by order of a court having jurisdiction, and the petitioner files no such election, then the steps provided in this Division 2 for the letting of the contract for the work shall be taken within 15 days after the final determination of the appeal, or the determination of the stay, unless the proceeding is abandoned as provided in this Division 2.

HISTORY:
P.A. 84-551.

65 ILCS 5/9-2-103 [Bids for construction; notice]

Except as otherwise provided in Section 9-2-113 [65 ILCS 5/9-2-113], notice shall be given by the board of local improvements that bids will be received for the construction of such an improvement, either as a whole or in such sections as the board shall specify in its notice, in accordance with the ordinance therefor. This notice shall state the time of opening of the bids, and shall further state where the specifications for the improvement are to be found, and whether the contracts are to be paid in cash or in bonds, and if in bonds, then the rate of interest the vouchers or bonds shall draw. The notice shall be published at least twice, not more than 30 nor less than 15 days in advance of the opening of the bids, in one or more newspapers designated by the board of local improvements in an order entered in its records, published in the municipality, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality. In

municipalities with less than 500 population in which no newspaper is published, publication may instead be made by posting a notice in 3 prominent places within the municipality.

Proposals or bids may be made either for the work as a whole or for specified sections thereof. All proposals or bids offered shall be accompanied by cash, or by a check payable to the order of the president of the board of local improvements in his official capacity, certified by a responsible bank, for an amount which shall not be less than 10% of the aggregate of the proposal, or by a bid bond, for an amount which shall be not less than 10% of the aggregate of the proposal. These proposals or bids shall be delivered to the board of local improvements. That board, in open session, at the time and place fixed in the specified notice, shall examine and publicly declare the proposals or bids. However, no proposals or bids shall be considered unless accompanied by such a check or cash.

HISTORY:
Laws 1961, p. 576; P.A. 91-296, § 10.

65 ILCS 5/9-2-104 [Successful bidder; bond]

Except as otherwise provided in Section 9-2-113 [65 ILCS 5/9-2-113], the successful bidder for the construction of such an improvement shall be required to enter into bond in a sum equal to one-third of the amount of his bid with sureties to be approved by the president of the board of local improvements. This bond shall be filed with the board of local improvements, or where there is no board of local improvements, with the municipal clerk. When entering into the contract for the construction of an improvement the bond shall provide that the contractor shall well and faithfully perform and execute the work in all respects according to the complete and detailed specifications, and full and complete drawings, profiles, and models therefor, and according to the time and terms and conditions of the contract, and also, that the bidder and contractor shall promptly pay all debts incurred by him in the prosecution of the work, including those for labor, and materials furnished.

Suit may be brought on the bond in case of default, or failure to pay these debts promptly, by and in the name of the municipality for all damages sustained either by the municipality, or by any person interested or for the damages sustained by the municipality and all parties in interest, or by any beneficiary or party interested, in the name of the municipality for the use of the party interested as beneficial plaintiff, to recover for the labor and materials furnished. However, in no case shall costs be adjudged against the municipality in any suit brought by any party in interest wherein the municipality is the nominal, but not the beneficial, plaintiff.

In advertising for bids or proposals for the construction of such an improvement, the board of local improvements shall give notice that such a bond will be required, and all bids or proposals shall contain an offer to furnish such a bond upon the acceptance of such a bid or proposal.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-105 [Rejection of proposals or bids; failure to perform contract]

Except as otherwise provided in Section 9-2-113 [65 ILCS 5/9-2-113], the board of local improvements may reject any and all proposals or bids, should they deem it best for the public good. If the board is of the opinion that a combination exists between contractors, either to limit the number of bidders, or to increase the contract price, and that the lowest bid is made in pursuance thereof, the board shall reject all proposals or bids. The board may reject the bid of any party who has been delinquent or unfaithful in any former contract with the municipality. It shall reject all proposals or bids other than the lowest regular proposals or bids of any responsible bidder and may award the contract for the specified work or improvement to the lowest responsible bidder at the prices named in his bid. Such an award shall be recorded in the record of its proceedings. Such an award, if any, shall be made within 20 days after the time fixed for receiving bids.

If no award is made within that time, another advertisement for proposals or bids for the performance of the work, as in the first instance, shall be made, and thereafter the board shall proceed in the manner above provided in this Division 2. Such a re-advertisement shall be deemed a rejection of all former bids, and thereupon the respective checks and bonds corresponding to the bids so rejected shall be returned to the proper parties. However, the check accompanying any accepted proposal or bid shall be retained in the possession of the president of the board until the contract for doing the work, as hereinafter provided, has been entered into either by the lowest responsible bidder or by the owners of a majority of the frontage, whereupon the certified check shall be returned to the bidder. But if that bidder fails, neglects, or refuses to enter into a contract to perform that work or improvement, as provided in this Division 2, the certified check accompanying his bid and the amount therein mentioned, shall be declared to be forfeited to the municipality, and shall be collected by it and paid into its fund for the repairing and maintenance of like improvements. Any bond forfeited may be prosecuted, and the amount due thereon collected and paid into the same fund.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-106 [Contract for waterworks system bridge or viaduct; bid provisional]

Except as otherwise provided in Section 9-2-113

[65 ILCS 5/9-2-113], whenever any contract has been awarded to any bidder for the construction of any waterworks system, bridge, or viaduct referred to in Section 9-2-19 [65 ILCS 5/9-2-19], the bid of the party to whom the contract has been awarded and the award therefor shall be treated as provisional and shall not be binding upon the party to whom the contract is awarded, or upon the municipality, until the levying of the tax provided for in Section 9-2-38 [65 ILCS 5/9-2-38], has been authorized by the electors of that municipality voting at an election to be held as provided in Section 9-2-38. The provisions of this Section 9-2-106 [65 ILCS 5/9-2-106] shall not apply to any city having a population of 500,000 or more.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-107 [Hearing on award; standing]

Except as otherwise provided in Section 9-2-113 [65 ILCS 5/9-2-113], any owner or person interested in any of the property assessed and any bidder shall be entitled to a hearing before the board on any question connected with any such award.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-108 [Notice of award of contract]

Except as otherwise provided in Section 9-2-113 [65 ILCS 5/9-2-113], a notice of such an award of contract shall be published in one or more newspapers, designated by the board of local improvements in an order entered in its records, published in the municipality, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality. In municipalities with less than 500 population in which no newspaper is published, publication may instead be made by posting a notice in 3 prominent places within the municipality.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-109 [Election not to require sealed bids]

Except as otherwise provided in Section 9-2-113 [65 ILCS 5/9-2-113], the owners of a majority of the frontage of the lots and land upon the street wherein the work is to be done, or their agents, who take oath that they are such owners or agents, shall not be required to present sealed proposals or bids, but, within 10 days after the first publication of the notice of such an award, may elect to take the work, and enter into a written contract to do the whole work at 10% less than the price at which the contract has been awarded.

Should those owners fail to elect to take the work, and to enter into a written contract therefor within 10 days, or to commence the work within 30 days after the first publication of the award, and to prosecute the work with diligence, the board of local improvements shall enter into a contract with the original bidder, to whom the contract was awarded, at the prices specified in his bid.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-110 [Failure of bidder to enter contract]

Except as otherwise provided in Section 9-2-113 [65 ILCS 5/9-2-113], if such original bidder fails or refuses for 20 days after the first publication of the notice of award, or in case a contract is made with the owners, and default by them, then, within 10 days after notice that the owners are in default, to enter into a contract, which shall be simultaneously executed by the municipality and signed by the president of the board of local improvements and attested by the municipal clerk under the municipal seal, then the board of local improvements, without further proceedings, shall again advertise for proposals or bids, as in the first instance, and award the contract for the work to the then regular lowest bidder. The bids of all persons, and the election of all owners as specified in Section 9-2-109 [65 ILCS 5/9-2-109] who have failed to enter into the contract as provided in this Division 2, shall be rejected in any bidding or election subsequent to the first for the same work.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-111 [Failure to complete work within specified time]

Except as otherwise provided in Section 9-2-113 [65 ILCS 5/9-2-113], if the owners or contractors, who may have taken any contract, do not complete the work within the time mentioned in the contract, or within such further time as the board of local improvements may give them, the board may relet the unfinished portions of that work, after pursuing the formalities prescribed hereinbefore for the letting of the whole in the first instance.

All contractors, contracting owners included, at the time of executing any contract for such public work, shall execute a bond to the satisfaction and approval of the board of local improvements of the municipality, in such sum as the board deems adequate, conditioned for the faithful performance of the contract. The sureties shall justify, before some person competent to administer an oath, in double the amount mentioned in that bond, over and above all statutory exemptions.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-112 [Appointment of engineers, clerks and inspectors]

Except as otherwise provided in Section 9-2-38 [65 ILCS 5/9-2-38], the board of local improvements in cities of 500,000 and over, may appoint an engineer for the board, and such assistant engineers, clerks, and inspectors as may be necessary to carry into effect the purposes of this Division 2.

The board is hereby authorized to make or cause to be made, the written contracts, and receive all bonds authorized by this Division 2, and to do any other act, expressed or implied, that pertains to the execution of the work provided for by such an ordinance. The board shall fix the time for the commencement of the work under such an ordinance and for the completion of the work under all contracts entered into by it. This work shall be prosecuted with diligence thereafter to completion and the board may extend the time so fixed from time to time, as they may think best for the public good. The work to be done pursuant to such contracts in all cases must be done under the direction and, except where the assessment is divided into installments, to the satisfaction of the board of local improvements, and all contracts made therefor must contain a provision to that effect, and also express notice that in no case, except as otherwise provided in the ordinance, or the judgment of the court, will the board, or municipality, except as otherwise provided in this Division 2, or any officer thereof, be liable for any portion of the expenses, nor for any delinquency of persons or property assessed.

The acceptance by the board of any improvement shall be conclusive in the proceeding to make the assessment, and in all proceedings to collect the assessment, or installments thereof, on all persons and property assessed therefor, that the work has been performed substantially according to the requirements of the ordinance therefor. But if any property owner is injured by any failure so to construct the improvement, or suffers any pecuniary loss thereby, he may recover the amount of the injury in a civil action against the municipality making the improvement, if the action is commenced within one year from the date of the acceptance of the work by the board of local improvements.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-113 [Improvement with aid and assistance of federal agency]

In any case where an improvement is to be constructed with the aid and assistance of any agency of the Federal Government, or any other governmental agency, the provisions of Sections 9-2-100 through 9-2-112 [65 ILCS 5/9-2-100 through 65 ILCS 5/9-2-112] shall not apply where they conflict with this section. The board of local improvements in cities having a population of 500,000 or more and the corporate authorities in municipalities having a population of less than 500,000 may proceed at any time within 90 days after the judgment of confirmation has been entered in the construction of the work. Within 90 days after the judgment of confirmation the board of local improvements in cities having a population of 500,000 or more and the corporate authorities in municipalities having a population of less than 500,000, shall adopt a resolution determining to proceed with the construction of the work, publish the resolution within 10 days in one or more newspapers published in the municipality, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality. In municipalities with less than 500 population in which no newspaper is published, publication may instead be made by posting a notice in 3 prominent places within the municipality.

Ten days after the publishing of this resolution a copy thereof, properly certified, shall be filed in the court in which the judgment of confirmation was entered. This resolution shall be authority for the issuing of the warrant to the collector for the collection of the assessment. Each assessment shall draw interest from the date of passage of the resolution of intention to proceed with the work, as provided in Sections 9-2-48 through 9-2-51 [65 ILCS 5/9-2-48 through 65 ILCS 5/9-2-51].

After this resolution has been filed and a warrant issued to the collector for the collection of the assessment, the municipality may issue bonds or vouchers to anticipate the collection of the unpaid portions of all installments of the assessment, including the first installment if it has not been certified delinquent, for the purpose of applying the proceeds of the bonds toward paying the cost of the improvement, including all expenses of making, levying, collecting the assessment and engineering and attorneys' fees. These bonds if issued shall be sold for not less than par and accrued interest and the proceeds used for that purpose, or the bonds may be issued, for not less than par and accrued interest, in payment for materials, labor, or services.

No person furnishing materials or supplying labor for the construction of any such local improvement shall have any claim or lien against the municipality except from the collection of the special assessments or special taxes made or to be made for that work, or from the proceeds of the sale of bonds to anticipate the collection of the same in case such bonds have been sold.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-114 [Certification of costs]

Except as otherwise provided in Section 9-2-117 [65 ILCS 5/9-2-117], within 30 days after the final completion and, where required, acceptance of the work, as provided in Section 9-2-112 [65 ILCS 5/9-2-112], the board of local improvements shall have the cost thereof, including the cost of engineer-

ing services, certified in writing to the court in which the assessment was confirmed, together with an amount estimated by the board to be required to pay the accruing interest on bonds or vouchers issued to anticipate collection. Thereupon, if the total amount assessed for the improvement upon the public and private property exceeds the cost of the improvement, all of that excess, except the amount required to pay such interest as is provided for in this Division 2, shall be abated and the judgment reduced proportionately to the public and private property owners and shall be credited pro rata upon the respective assessments for the improvement under the direction of the court.

In case the assessment is collectible in installments, this reduction shall be made so that all installments shall be equal in amount, except that all fractional amounts shall be added to the first installment so as to leave the remaining installments in the aggregate equal in amount and each a multiple of $100. If prior to the entry of the order abating and reducing the assessment the assessment has been certified for collection pursuant to the provisions of Section 9-2-76 [65 ILCS 5/9-2-76], and any of the installments of the assessment so certified for collection have become due and payable, the reduction and abatement above referred to shall be made pro rata upon the other installments. The intent and meaning of this is that no property owner shall be required to pay to the collector a greater amount than his proportionate share of the cost of the work and of the interest that may accrue thereon.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-115 [Application to determine accuracy of certificate]

In every assessment proceeding in which the assessment is divided into installments, the board of local improvements shall state in the certificate whether or not the improvement conforms substantially to the requirements of the original ordinance for the construction of the improvements, and shall make an application to the court to consider and determine whether or not the facts stated in the certificate are true. Thereupon the court, upon such an application, shall fix a time and place for a hearing upon the application, and shall record the application. The time of this hearing shall be not less than 15 days after the filing of the certificate and application. Public notice shall be given at least twice of the time and place fixed for that hearing by publishing in a newspaper, in the same manner and for the same period as provided in this Division 2 for publishing notice of application for the confirmation of the original assessment, the publication of this notice to be not more than 30 nor less than 15 days before the day fixed by the order for that hearing.

At the time and place fixed by the notice or at any time thereafter, the court shall proceed to hear the application and any objection which may be filed thereto within the time fixed in the order. Upon that hearing the specified certificate of the board of local improvements shall be prima facie evidence that the matters and things stated are true, but if any part thereof is controverted by objections duly filed thereto, the court shall hear and determine the objections in a summary manner and shall enter an order according to the fact.

HISTORY:
P.A. 79-1361.

65 ILCS 5/9-2-116 [Finding against allegations of certificate; completion of work]

If upon the hearing the court finds against the allegations of the certificate, it shall enter an order accordingly. The board of local improvements shall then procure the completion of the improvement in substantial accordance with the ordinance. The board, from time to time, may file additional or supplemental applications or petitions in respect thereto, until the court eventually is satisfied that the allegations of the certificate or applications are true, and that the improvement is constructed in substantial accordance with the ordinance.

If before the entry of such an order upon such a certificate there has been issued to the contractor in the progress of any such work, bonds to apply upon the contract price thereof, that contractor or the then owner or holder of those bonds, shall be entitled to receive in lieu thereof new bonds of equivalent amount, dated and issued after the entry of that order. Nothing contained in Sections 9-2-114 through 9-2-116 [65 ILCS 5/9-2-114 through 65 ILCS 5/9-2-116] shall apply to any proceedings under Sections 9-2-72 and 9-2-73 [65 ILCS 5/9-2-72 and 65 ILCS 5/9-2-73], or either of them, for the confirmation of new assessments, levied to pay for the cost of work already done.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-117 [Improvements with aid of federal agency; acceptance]

Where an improvement has been constructed with the aid of any agency of the Federal government, or other governmental agency, the provisions of Sections 9-2-114 through 9-2-116 [65 ILCS 5/9-2-114 through 65 ILCS 5/9-2-116] shall not apply except as to the manner of the final hearing. In that case, upon completion of the project the board of local improvements shall adopt a resolution accepting the project as constructed in full conformance with the ordinance and specifications therefor and approving the cost of the work upon its completion as being in compliance with the ordinance and specifications. Whereupon a certified copy of this resolution shall be filed in the court in which the judgment of confirmation was entered and a hearing had upon the cost and

completion in the same manner as is provided in Sections 9-2-114 through 9-2-116.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-118 [Designated inspector]

The board of local improvements shall designate someone to carefully inspect the entire work done pursuant to any such proceeding and contract, and the materials therefor, during the progress of the work, to the end that the contractor shall comply fully and adequately with all the provisions of the ordinance, and of the contract under which the work is to be done, and the specifications therefor. Upon the complaint of any property owner that the work or materials do not comply with those requirements, the president of the board of local improvements shall either examine the work and materials himself, or designate some member of the board to do so. The president of the board shall make a personal examination, and certify in writing as to the result thereof. This written certificate shall be filed with the papers pertaining to the board, and shall be open to public inspection at any time.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-119 [Anticipation of collection of second and succeeding installments; bonds]

For the purpose of anticipating the collection of the second and succeeding installments, provided for in this Division 2, a municipality may issue bonds, payable out of these installments, bearing interest at a rate specified in the ordinance referred to in Section 2-9-10 of the Illinois Municipal Code [65 ILCS 5/2-9-10] and not more than the rate the installments of the assessment against which the bonds are issued bear, payable annually and signed by such officers as may be by ordinance prescribed. Bonds shall be issued in sums of $100, or some multiple thereof, and shall be dated and draw interest from the date of their issuance. Each bond shall state on its face out of which installment it is payable, and shall state, by number or other designation, the assessment to which that installment belongs. The principal of these bonds shall not exceed, in the aggregate, the amount of the deferred installments, and shall be divided into as many series as there are deferred installments.

However, if there is a surplus to the credit of any such installment which is not required for the payment of any vouchers or bonds issued against that installment, that surplus shall be applied toward the payment of any outstanding vouchers or bonds already issued or to be issued, as the case may be, against any other installment or installments.

Each series shall become due at some time in the year in which the corresponding installment will mature, the date to conform, as nearly as may be, to the time when that installment will be actually collected. This time shall be estimated and determined by the municipal officers issuing the bonds. But it is lawful to provide in the case of any one or more of the bonds in any series, that that bond or bonds shall not become due until some subsequent date, not later than December 31 next succeeding the January in which the installment against which that series is issued will mature.

The bonds may be in the following form:

State of Illinois
ss
County of .....
$..... Series No. .....
Bond No. .....
..... of .....

Improvement Bond

The ..... of ..... in ..... County, Illinois, for value received, promises to pay to the bearer on (insert date), the sum of ..... dollars, with interest thereon from date hereof, at the rate of .....%, payable annually on presentation of the coupons hereto annexed.

Both principal and interest of this bond are payable at the office of the treasurer of said ..... of .....

This bond is issued to anticipate the collection of a part of the ..... installment of special assessment No. ..... levied for the purpose of ..... which installment bears interest from (insert date), and this bond and the interest thereon are payable solely out of the installment when collected.

Dated (insert date).

The bond may have coupons attached to represent the interest to accrue thereon.

In lieu of the bonds described in this Section, a municipality may issue bonds of the type described in Section 9-2-127 [65 ILCS 5/9-2-127], but all bonds issued under any one special assessment proceeding must be of the same type.

This amendatory Act of 1971 is not a limit upon any municipality which is a home rule unit.

HISTORY:
P.A. 82-642; 91-357, § 75.

65 ILCS 5/9-2-120 [Extension of time of payment of assessment; division of installments]

The court having jurisdiction of the original assessment proceeding is authorized at any time after the assessment has been confirmed to extend the time of payment of the assessment, or any installment thereof, whether due or not due, heretofore or hereafter levied, and in case securities have been issued, to refund the securities and past due interest thereon, heretofore or hereafter issued in anticipation of the collection of the assessment or any install-

ment thereof levied under the provisions of this Division 2, or any part thereof, and past due interest thereon (unless such past due interest is waived). In cases where no securities have been issued, the provisions of this section as to refunding securities shall not apply but the court, on petition of the municipality, has jurisdiction to extend the time of payment of the assessment. Securities not due may be refunded only when the holders thereof surrender the securities in exchange for refunding securities issued in lieu thereof, or deposit the securities as hereinafter provided and agree to accept payment therefor in cash in an amount not exceeding the par value thereof, together with accrued interest. This payment is to be made out of the proceeds of the sale by the municipality of those refunding securities. All securities against any installment to be refunded shall be so surrendered or deposited.

The specified court is hereby vested with authority to divide any assessment or any installment or installments thereof into a greater number of installments than was originally provided for in the order confirming the assessment and to fix the amount of each installment, if, in its judgment, such a redivision into a greater number of installments is for the best interest of all parties concerned.

As used in this section and Sections 9-2-121 through 9-2-124 [65 ILCS 5/9-2-121 through 65 ILCS 5/9-2-124], "securities" means bonds, coupons (except bonds or coupons issued under Sections 9-2-127 through 9-2-129) [65 ILCS 5/9-2-127 through 65 ILCS 5/9-2-129] and vouchers, public benefit vouchers, and warrants and accrued interest.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-121 [Ordinance; extended time of payment]

Whenever it is desired to extend the time of payment of any assessment or any of the installments thereof and issue refunding securities, any municipality that has issued securities in anticipation of the collection of the special assessment levied under the provisions of this Division 2, upon a petition of 75% of the holders of any securities issued against any assessment or any installment or installments thereof addressed to the corporate authorities of the issuing municipality, shall adopt an ordinance directing and providing for the extension of the time of payment of the assessment or any of the installments thereof and the sale and exchange of refunding securities in anticipation of the collection of the special assessment or any of the installments thereof the time of payment of which is to be extended. The ordinance so adopted shall direct the filing of a petition in the court having jurisdiction of the original assessment. In the ordinance, the municipality shall establish a date of issue of those refunding securities and this date of issue shall be also the date from which interest on those refunding securities shall run and from which interest on the assessment so extended shall run. The ordinance for this refunding shall refer to the original assessment proceeding and no estimate or recommendation by the board of local improvements shall be required.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-122 [Hearing on extension of time for payment]

The court shall hear the proceeding in a summary manner without a jury and there shall be no hearing on benefits or on any legal objections not arising subsequent and incidental to the proceeding provided for in Sections 9-2-120 through 9-2-124 [65 ILCS 5/9-2-120 through 65 ILCS 5/9-2-124]. No judgment confirming any such proceeding shall be entered until all unpaid securities have been either deposited in the court or with some depository under an escrow agreement approved by the court. The petition shall set forth the amount of the assessment or installments to be extended, the date of confirmation of the original assessment, the rate of interest of the original assessment, the amount of cash on hand in the particular assessment or installments, the unpaid securities or other obligations to be refunded, the date of maturity of the unpaid securities, and the rate of interest the unpaid securities bear. This petition shall also state that the holders of the securities issued in anticipation of the collection of the assessment or installments, will surrender their securities in exchange for refunding securities to be issued under the provisions of Sections 9-2-120 through 9-2-124, or accept in payment thereof an amount not exceeding the par value thereof, with accrued interest thereon. This petition shall also state what assessment or installments thereof are desired to be refunded, the desired maturity and the rate of interest of the extended installments, and the maturity, amount, and rate of interest of the refunding securities sought to be issued.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-123 [Petition for extension]

Accompanying the petition there shall be filed an assessment roll setting forth a description of the lots, blocks, tracts, and parcels of land assessed in the original proceeding, the total amount of the unpaid installments, and the interest thereon proposed to be extended against each tract, the amount, number and due date of each installment of the proposed extended assessment.

The assessment as extended shall be collected in the same manner as the original assessment.

When this petition is filed it shall be presented to the court and if found to be in proper form the court shall set the petition for hearing at such date as will enable the clerk of the court to give at least 10 days'

notice of the hearing thereon, and it is the duty of the clerk to publish a notice at least twice, not more than 30 nor less than 15 days before the date set for hearing, in one or more newspapers published in the municipality, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality. In municipalities with less than 500 population in which no newspaper is published, publication may instead be made by posting a notice in 3 prominent places within the municipality. This notice shall set forth the filing of the petition, the docket and warrant number of the assessment and the installment or installments thereof proposed to be extended and the number of installments in which it is proposed to divide the extended assessment. The notice shall also state when and where the court will hear objections to the petition.

At this hearing the court may extend the time of payment of one or more installments of the assessment, change the number of installments in which the assessment is divided, and subject to the provisions of Sections 9-2-120 through 9-2-124 [65 ILCS 5/9-2-120 through 65 ILCS 5/9-2-124], provide for the details of the issuance of the refunding securities, in accordance with the prayer of the petition, and enter an order confirming the assessment as extended.

Any property owner may pay the original assessment or any installment to be extended within 10 days after the entry of such an order. Upon the expiration of 10 days after the entry of such an order the corporate authorities shall issue the refunding securities authorized by the order of the court, but the delivery of the refunding securities shall be simultaneous with the surrender of the securities to be refunded or paid. The securities so surrendered shall be immediately cancelled. The collection and payment of the extended assessment and the securities issued under Sections 9-2-120 through 9-2-124 shall be in the manner as now provided by law.

HISTORY:
P.A. 79-1361.

65 ILCS 5/9-2-124 [Withdrawal from delinquent list based on extension]

Any assessment and all installments, the time for collection of which has been extended, shall continue to be a lien on the land assessed the same as in the original assessment and the refunding securities issued under the provisions of Section 9-2-120 through 9-2-124 [65 ILCS 5/9-2-120 through 65 ILCS 5/9-2-124] shall be payable therefrom.

Whenever the refunding of securities and the extending of the time of the payment of assessments or installments thereof include assessments or installments past due and these assessments or installments or any part thereof have been returned delinquent, withdrawn, or forfeited as provided by law, the court, in the order extending the time of payment and authorizing the refunding of the securities, shall order the county collector to withdraw those assessments or installments from the delinquent list and order the proper officers to release all property forfeited or withdrawn on account of those assessments or installments, the time of payment of which is to be extended, by a proper entry upon the tax sale and judgment record of the county. The county clerk shall charge the security holders a fee of 35 cents for each such service rendered by him in connection therewith.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-125 [Property sold with past due assessment]

Whenever, in a proceeding under Sections 9-2-120 through 9-2-124 [65 ILCS 5/9-2-120 through 65 ILCS 5/9-2-124], the refunding of securities and the extending of the time of payment of any assessment or installments thereof include an assessment or installments past due and the property against which the past due assessment or installments or any part thereof were levied has been sold at a sale of property to enforce the collection of the past due assessment to the municipality levying the assessment and the municipality has not paid the purchase price at that sale and a certificate of purchase has been issued and delivered to the municipality, this past due assessment or installments or any part thereof shall be extended, and the securities issued to anticipate their collection shall be refunded, as in the case of an assessment returned delinquent, withdrawn, or forfeited, and the lien of the original assessment and of the certificate of purchase shall be continued and preserved by the assessment as extended.

In such a case the court in which the proceeding is pending, in the order extending the time of payment and authorizing the refunding of the securities, shall order the municipality levying the assessment to present its certificate of purchase to the county clerk. The county clerk shall cancel this certificate by endorsing thereon the words “cancelled by assessment as extended” and shall enter a note of such cancellation upon his tax, judgment, sale redemption, and forfeiture record. Where this certificate or evidence thereof has been recorded with the recorder of deeds or registered with the registrar of titles the court shall order the county clerk to issue a certificate to the municipality showing the legal description of all lots, blocks, tracts, and parcels of land against which a certificate or evidence thereof has been recorded or registered and reciting the cancellation of the certificate of purchase by virtue of the extension of the assessment and refunding of the securities. This certificate shall be filed by the municipality with the recorder or the registrar of titles, as the case may be. Thereupon the lien of that assessment as extended shall stand in lieu of the lien of the original assessment and of the certificate of purchase, and the assessment as extended shall be

collected in the same manner as the original assessment.

The county clerk shall receive for his services rendered as set forth in this section a fee of 35 cents for each certificate so cancelled. This fee, together with the fees of the recorder and of the registrar of titles shall be paid by the security holders.

HISTORY:
P.A. 83-358.

65 ILCS 5/9-2-126 [Voucher, bond or interest coupons; lost, destroyed or stolen]

Whenever any voucher, bond or interest coupon issued by a municipality in anticipation of the collection of special assessments under any of the provisions of this Division 2 has been lost, destroyed or stolen and proof is made to the official of the municipality charged with making payments on the voucher, bond or interest coupon that the loss, theft or destruction occurred while the voucher, bond or interest coupon was owned by and in possession of the claimant, such official shall issue or cause to be issued and delivered to the claimant a duplicate of such voucher, bond or interest coupon alleged to have been lost, destroyed or stolen after first indorsing on the duplicate all payment of principal and interest made on the original voucher, bond or interest coupon. However, the claimant shall prior to issuance of any such duplicate execute and deliver to the municipality a bond in a penalty at least double the amount of the principal of such voucher, bond or interest coupon alleged to have been lost, destroyed or stolen with sufficient security to be approved by the municipal official, conditioned to indemnify the municipality against all claims by any other person on account of such voucher, bond or interest coupon and against all costs and expenses by reason thereof.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-127 [Bonds in exchange for vouchers]

In lieu of the bonds authorized in Section 9-2-119 [65 ILCS 5/9-2-119], the municipality upon the written request of the holders of all of the outstanding and unpaid vouchers issued in payment of the work, may issue and deliver to such voucher holders, in exchange for such vouchers, bonds provided for in this Section 9-2-127 [65 ILCS 5/9-2-127], provided that prior to the receipt of such request the municipality has not issued or has not made any commitment to issue any bonds the funds from which are to be used toward paying such outstanding and unpaid vouchers in full. The bonds shall be dated as of and shall draw interest from the date of their issuance, except when issued in exchange for vouchers theretofore issued in payment of the work. In such latter case the bonds shall be issued in the principal amount of the unpaid balance of the vouchers and shall bear the same date as the vouchers for which they are exchanged or the date to which interest was last paid on the vouchers, and the bonds shall draw interest from such date. The bonds shall be issued at not less than their par value. The bonds shall be executed by such officers as may be prescribed by ordinance of such municipality, with the corporate seal attached. The bonds shall bear interest at a rate specified in the ordinance referred to in Section 2-9-10 of the Illinois Municipal Code [65 ILCS 5/2-9-10] and of not more than the rate the installments of the assessment against which the bonds are issued bear. The bonds shall recite specifically that they are payable solely and only from the assessment levied for the payment of the cost of the improvement, designating the improvement for which the assessment has been levied, and shall mature on or before December 31 next succeeding the January 2 on which the last installment shall mature. Interest coupons attached to the bonds shall bear the official or facsimile signatures of the same officers who signed the bonds and shall be made payable at the office of the treasurer of the municipality. The bonds shall be numbered consecutively beginning with number one upwards and shall be payable in their numerical order and redeemable prior to maturity in numerical order as hereinafter provided. Each of the bonds issued pursuant to this Section 9-2-127 shall bear a legend on the face of the bond printed in bold face type and in a paragraph by itself to the effect that the bond is one of a series of bonds which are to be paid and redeemed in numerical order and not on a pro-rata basis.

As used in this Section and in Sections 9-2-128 and 9-2-129 [65 ILCS 5/9-2-128 and 65 ILCS 5/9-2-129], "treasurer" with respect to municipalities in which a comptroller is elected or appointed means treasurer or comptroller.

This amendatory Act of 1971 is not a limit upon any municipality which is a home rule unit.

HISTORY:
P.A. 82-642.

65 ILCS 5/9-2-128 [Form of bonds]

The bonds authorized in Section 9-2-127 [65 ILCS 5/9-2-127] may be in the following form:

United States of America

Number Dollars

....

State of Illinois County of .....

..... of .....

IMPROVEMENT BOND

KNOW ALL MEN BY THESE PRESENTS, That the ..... of ....., in the County of ....., State of Illinois, hereby acknowledges itself to owe, and for value received promises to pay to the BEARER, the sum of ..... Dollars ($.....) on the ..... day of ....., ..., but

subject to prepayment at the par value hereof at any time as hereinafter provided, together with interest thereon at the rate of .... per cent (....%) per annum, from date hereof until paid, payable on the ..... day of ....., ..., and annually thereafter on the ..... day of ..... in each year on presentation and surrender of the interest coupons hereto attached.

Both principal and interest on this bond are payable at the office of the treasurer of said ..... of ....., in lawful money of the United States of America.

This bond is issued in exchange for part of the vouchers issued in payment of the work done under Special Assessment No. ....., levied for the purpose of ....., which assessment bears interest from the ..... day of ....., ..., and this bond and the interest thereon are payable solely out of the installments of the assessment when collected.

THIS BOND IS ONE OF A SERIES OF BONDS WHICH ARE TO BE PAID AND REDEEMED IN NUMERICAL ORDER AND NOT ON A PRO-RATA BASIS.

The bonds in the series, aggregating ..... Dollars ($.....), are numbered from ..... to ..... inclusive, bonds numbered ..... to ..... being of the denomination of $..... each, and bonds numbered ..... to ..... being of the denomination of $..... each.

By the terms of the statute and ordinance authorizing these bonds, whenever there shall be sufficient funds in the hands of the treasurer of the ..... of ....., after the payment of all interest due on the bonds, and after the establishment of such reserve, if any, as the treasurer in his discretion may deem advisable to pay interest to become due at the next interest coupon date, to prepay one or more of the bonds, then it is the duty of such treasurer to call and pay such bond or bonds. The treasurer shall cause notice of such call for prepayment to be published in some newspaper of general circulation in the ..... of ....., Illinois, not less than 5 nor more than 30 days prior to the date fixed for prepayment. If no newspaper is published in the municipality, such notice shall be published in a newspaper with a general circulation in the municipality, and if there be no such newspaper, such notice shall be posted in at least 3 prominent places within the municipality. This bond will cease to bear interest on and after the date so fixed for prepayment. The presentation of the bond will waive the necessity of giving notice of its call for payment. Bonds shall be paid in numerical order beginning with the lowest numbered outstanding bond.

IN TESTIMONY WHEREOF, the ..... of ..... has caused its corporate seal to be hereto affixed, and this bond to be signed by the officers prescribed by ordinance, and the coupons hereto attached to be signed by such officials by their original or facsimile signatures, which officials, if facsimile signatures are used, do adopt by the execution hereof as and for their proper signatures their respective facsimile signatures appearing on the coupons, all as of the ..... day of ....., ...

....

SEAL

Interest coupons which may be attached to bonds authorized in this section may be in the following form:

Coupon No. .....
$.....

On the ..... day of ....., ..., unless the bond to which this coupon is attached shall have theretofore been called for payment at an earlier date and payment made or provided for,

The ..... of ..... in the County of ....., State of Illinois, will pay to BEARER ..... Dollars ($.....), out of funds realized from the collections of Special assessment No. ..... of the municipality, at the office of the treasurer of the municipality, for interest due on that day on its improvement bond dated as of the ..... day of ....., ...

BOND NO. .....

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-129 [Right to call and pay bonds]

The municipality shall have the right to call and pay the bonds authorized in Section 9-2-127 [65 ILCS 5/9-2-127], or any number thereof, in the following manner:

Whenever there are sufficient funds in the hands of the treasurer to redeem one or more of the bonds, after the payment of all interest due, and after the establishment of such reserve, if any, as the treasurer in his discretion may deem advisable to pay interest to become due at the next interest coupon date, the treasurer, by publication or posting of notice as provided in this section, shall call and pay such bond or bonds. The treasurer shall cause notice of such call for payment to be published in a newspaper published in the municipality, or if no newspaper is published therein, then in a newspaper with a general circulation within the municipality, and if there be no such newspaper, then by posting in at least 3 prominent places within the municipality. The notice shall specify the number or numbers of the bonds called, designating the assessment against which the bonds have been issued, and directing presentation of such bonds for payment and cancellation, and indicating that interest will cease on the bonds not less than 5 nor more than 30 days from the date of publication of such notice or posting, and thereafter the bonds shall cease to bear interest. The presentation of any bond to the treasurer for payment shall waive the necessity of giving notice of its call for payment.

The treasurer upon accumulation of sufficient funds shall pay one or more bonds and shall call and pay such bonds. Any bondholder or holder of any interest coupon appertaining to any bond, after giving reasonable notice, shall be entitled to summary relief by mandamus or injunction to enforce these provisions.

When bonds are issued under Section 9-2-127, all collections of the special assessment installments and all interest collected shall constitute a single fund which shall be applied first to the payment of interest due, and to the establishment of such reserve, if any, as the treasurer in his discretion may deem advisable to pay interest to become due at the next interest coupon date, and then to the redemption and payment of bonds as provided herein. However, in municipalities having a population of less than 500,000, where the ordinance for the improvement provides for the collection of costs, collections made on the first installment shall be used first to pay such costs, and any surplus shall be used to pay bonds and interest thereon as provided herein. Provision as to redemption and call of the bonds shall be inserted in each of the bonds issued in accordance with the provisions of this Section 9-2-129.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-130 [Sale of bonds]

The bonds may be sold, or paid to the contractor having the contract for the improvement for which the assessment was levied, at not less than their par value and interest accrued to time of delivery, whether sold, or paid to the contractor.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-131 [Payment for improvement in bonds]

Payment for any improvement done or performed under the provisions of this Division 2, to be paid for out of any special assessment or special tax levied in installments, as provided in this Division 2, may be made in the bonds provided for in this Division 2. In the event payment is made in the bonds authorized under Section 9-2-119 [65 ILCS 5/9-2-119], the first installment of such special assessment or special tax shall be paid to the person entitled thereto on the contract for that work. If this first installment is not collected when payments fall due, vouchers therefor may be issued, payable out of the first installment when collected. These vouchers shall bear interest at the rate specified in the ordinance referred to in Section 9-2-10 of the Illinois Municipal Code [65 ILCS 5/9-2-10] for bonds and not more than the rate the installments of the assessment against which the vouchers are issued bear, payable annually, and shall be signed by such officers as may be prescribed by ordinance.

In the event payment is made in the bonds authorized under Section 9-2-127 [65 ILCS 5/9-2-127], the first installment of such special assessment or special tax and all other installments thereof shall be held and used to pay the bonds and interest thereon as provided in Section 9-2-127.

However, in municipalities having a population of less than 500,000, where the ordinance for the improvement provides for the collection of costs, such costs shall be first paid out of this first installment and may be included in and evidenced by vouchers issued as provided in this Section 9-2-131.

This amendatory Act of 1971 is not a limit upon any municipality which is a home rule unit.

This amendatory Act of 1972 is not a limit upon any municipality which is a home rule unit.

HISTORY:
P.A. 82-642.

65 ILCS 5/9-2-132 [Payment of assessment]

Any property owner may pay his assessment wholly or in part, either before or after it is due, and whether or not the assessment has been withdrawn from collection or the property assessed has been sold to any municipality or forfeited to the State for nonpayment of that assessment, with the bonds or vouchers heretofore or hereafter issued under this Division 2 on account of that assessment, applying, however, bonds issued under Section 9-2-119 [65 ILCS 5/9-2-119] and vouchers of each series only to the payment of the installments to which they relate. If bonds issued under Section 9-2-127 [65 ILCS 5/9-2-127] are used to make such payments, such bonds may be applied to the payment of any and all installments, but only such of those bonds may be used as are next in numerical order of redemption at the time of making such payments. In making such payments, the vouchers and bonds shall be taken at their par value and interest accrued to the date of making the payment. All vouchers and bonds received in payment of such an assessment shall be cancelled by the officer receiving the vouchers, or bonds, as of the date of their receipt, and then deposited with the treasurer or the comptroller, as the case may be, of the municipality issuing the vouchers or bonds.

However, when the amount of the assessment is less than that of a bond or voucher, the officer receiving the same shall issue a receipt for the balance which shall entitle the owner to the same rights, except as to negotiability, as if the receipt were the original bond or voucher in the amount of the balance. Any such indorsement on any such bond or voucher shall be made by writing or stamping across the face thereof the words “payments upon this bond (or voucher) are listed upon the back.”

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-133 [Lien on waterworks system]

When any municipality provides by ordinance for the construction of a waterworks system, any portion of the cost of which is to be paid by special assessment and a direct annual tax is authorized by a vote as provided in Section 9-2-38 [65 ILCS 5/9-2-38], in order to secure the payment of the cost of that construction, the contractor and holders of the bonds that may be issued in payment of that cost, in the manner provided in this Division 2, shall have a lien upon the waterworks system, and upon the income to be derived from its operation, to secure the payment of the amounts due them respectively. This lien shall be to the fullest extent that the municipality may be authorized by law to create. Upon a request in writing of the contractor for the construction of such a waterworks system, or of the holders of a majority in amount of the specified bonds, the municipality shall convey by a deed of trust in the nature of a mortgage the waterworks system so to be constructed, and all the property, both real and personal, pertaining thereto. Such a deed of trust shall secure the payment of the assessment for public benefit or of the bonds as the contractor or holders of the bonds may elect. The trustees in such a deed of trust shall be selected by the contractor or the holders of a majority in amount of such bonds. The provisions of this section shall not apply to any city having a population of 500,000 or more.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-134 [Waterworks fund]

The entire proceeds arising from the operation of such waterworks system shall be paid into the municipal treasury and shall be kept in a separate fund to be known as the "waterworks fund." After the payment therefrom of the necessary running and operating expenses of the waterworks system, the balance from time to time shall be credited by the municipal treasurer upon the assessment levied against the municipality for public benefits and the respective installments thereof, and shall be applied toward the payment of the cost of the waterworks system in the manner provided by this Division 2. Until the bonds so issued to pay the cost of the construction of the waterworks system and the interest thereon have been fully paid, the municipal treasurer shall not pay any warrant drawn on the "waterworks fund" for any other purpose except for the payment of the necessary operating expenses of the waterworks system.

In case such a waterworks system is used and operated to supply water for any existing distributing system, the entire proceeds derived from the operation of the waterworks system and the distributing system so supplied with water shall be apportioned and divided in proportion to the original cost of the distributing system, and the cost of the waterworks system. These costs shall be determined by the municipal clerk. The portion of such income that is so determined to arise from the operation of the waterworks system shall be paid to the municipal treasurer and placed in the "waterworks fund" and used only in the manner specified in this section. The provision of this section shall not apply to any city having a population of 500,000 or more.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-135 [Liability of municipality to holders of vouchers or bonds]

No person accepting the vouchers or bonds as provided in this Division 2 shall have any claim or lien upon the municipality in any event for the payment of his vouchers or bonds or the interest thereon, except from the collection of the assessment against which the vouchers or bonds are issued. The municipality, nevertheless, shall not be in any way liable to the holders of these vouchers or bonds in case of a failure to collect the assessment, but with all reasonable diligence, so far as it can legally do so, it shall cause a valid special assessment or a special tax, as the case may be, to be levied and collected, to pay these bonds and vouchers, until all bonds and vouchers are fully paid. Any holder of vouchers or bonds, or his assigns, shall be entitled to summary relief by way of mandamus or injunction to enforce the provisions of this section.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-136 [Payment as work progresses]

From time to time, as the work under any contract for such an improvement progresses, upon certificates by the board of local improvements, or by some officer designated by the board for that purpose, payments may be made either in money, vouchers, or bonds, as provided in this Division 2, to apply upon the contract price, reserving, however, a sufficient amount upon each of the payments to properly secure, in the judgment of the board, the faithful performance of the contract. This reserve shall be paid over at such time and on such conditions as the board shall fix, after the specified work has been completed or accepted.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-137 [Credit of excess]

The board of local improvements before the crediting of the excess as provided for in Section 9-2-114 [65 ILCS 5/9-2-114], shall estimate an amount deemed sufficient to make up any probable deficiency of interest, in the event that from any cause, collections of interest may prove insufficient to meet the

interest to be paid on the bonds until they mature as hereinbefore provided. This estimated amount shall be deducted out of the installments as an item of expense before crediting rebates of excess as directed in this Division 2 and shall be used for no other purpose than to make up such a deficiency until the bonds are fully paid, both principal and interest. Any balance remaining of this estimated amount after the principal and interest of the bonds are fully paid may be used to reimburse the corporate fund for any advances made from this fund on account of costs of the special assessment or special tax or other expenses of the improvement for which the special assessment or special tax is levied.

However, in municipalities having a population of 500,000 or more, no deduction of this estimated amount out of the installments shall be made where the ordinance providing for the assessment provided that a certain sum not to exceed 5% of the amount of that special assessment or special tax shall be applied as provided in Sections 9-2-138 and 9-2-139 [65 ILCS 5/9-2-138 and 65 ILCS 5/9-2-139], or in case such a municipality, at any time before the crediting of such excess, shall annually appropriate or set aside a fund sufficient in amount to meet all estimated deficiencies in interest which may arise during the year for which the fund is provided.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-138 [Surplus]

If, after final settlement with the contractor for any improvement and after full payment of all vouchers or bonds except those bonds and interest coupons not presented for payment, although called and for which funds are available and reserved, within the period of time specified in Section 9-1-5 [65 ILCS 5/9-1-5], issued on account of that improvement, there is any surplus remaining in the special assessment or special tax above the specified payments and above the amount necessary for the payment of interest on those vouchers or bonds, such surplus shall be applied to reimbursing the public benefit fund for any amounts paid from such fund on account of the improvement. If, after the public benefit fund has been reimbursed, a surplus still remains, the proper authorities of the municipality shall declare at once a rebate upon each lot, block, tract, or parcel of land assessed, of its pro rata proportion of that surplus. Such rebate shall be paid to the owner of record of each such lot, block, tract, or parcel at the time of the declaration of the rebate. Should any additional funds be collected after the original rebate is declared, the municipality shall not be required to declare a supplemental rebate for 5 years from the date the original rebate is declared. The municipality may deduct for its cost and expenses for declaring and making any rebate not more than 5% of the amount declared to be rebated. The board of local improvements shall keep and exhibit publicly in its office, an index of all warrants upon which rebates are due and payable and upon proper proof, the warrants shall be repaid to the persons entitled thereto.

However, whenever any municipality having a population of 500,000 or more has appropriated or set aside a fund sufficient in amount to meet all estimated deficiencies in interest, cost of making, levying, and collecting a special assessment or special tax, and of letting and executing contracts, advertising, clerical hire, engineering and inspection, court costs and fees of commissioners in condemnation proceedings incurred in such a proceeding and has provided, in the ordinance providing for the assessment, that a certain sum not to exceed 5% of the amount of the assessment or special tax shall be applied toward the payment of the specified and other costs of making and collecting the assessment, the money collected in the fund created by this 5% so added as hereinbefore authorized shall be used to pay all deficiency in interest in the warrant, and the balance shall be used to reimburse the corporate funds for advances made from the corporate funds on account of costs of the special assessment or special tax or other expenses of the improvement for which the special assessment or special tax was levied.

HISTORY:
Laws 1965, p. 2969.

65 ILCS 5/9-2-139 [Costs and expenses of maintaining the board of local improvements]

The costs and expenses of maintaining the board of local improvements, for paying salaries of the members of the board, and the expense of making and levying special assessments or special taxes and of letting and executing contracts, and also the entire cost and expense attending the making and return of the assessment rolls and the necessary estimates, examinations, advertisements, and like matters, connected with the proceedings provided for in this Division 2, including the court costs and the fees to commissioners in condemnation proceedings, which are to be taxed as provided in this Division 2, shall be paid by the municipality out of its general corporate fund.

However, in municipalities having a population of less than 500,000, the municipality, in the ordinance providing for the prescribed assessment, may provide that a certain sum, not to exceed 6% of the amount of this assessment, shall be applied toward the payment of the specified and other costs of making and collecting this assessment. In municipalities having a population of less than 500,000, the estimate of cost of the improvement may also provide an item setting forth a reserve for deficiency in interest not to exceed 6% of the amount of the assessment.

The limitation in the preceding paragraph shall not apply to the costs of engineering and inspection connected with any local improvement, but these

costs in municipalities having a population of less than 500,000 may be included in the cost of the improvement to be defrayed by special assessment or special tax.

In municipalities having a population of 500,000 or more, the municipality, in the ordinance providing for the prescribed assessment, may provide that a certain sum not to exceed 5% of the amount of this assessment, as finally determined after the completion of the improvement in accordance with Sections 9-2-114 through 9-2-116 [65 ILCS 5/9-2-114 through 65 ILCS 5/9-2-116], shall be applied (but only by way of reimbursement of the general corporate fund as hereinafter in this Section provided) toward the payment of the cost of making, levying, and collecting the special assessment or special tax, and of letting and executing contracts, advertising, clerical hire, engineering and inspection, court costs and fees of commissioners in condemnation proceedings incurred in the proceeding and deficiency in interest in the matter of the special assessment or special tax. If the part of the assessment levied on account of the expenses specified in this paragraph, exceeds 5% of the entire assessment as finally determined in accordance with Sections 9-2-114 through 9-2-116, but does not exceed 5% of the assessment as originally levied and filed in court, that excess shall not constitute any objection to a judgment of confirmation of the assessment. But no larger sum on account of the expenses specified in this paragraph than 5% of the assessment as finally determined in accordance with Sections 9-2-114 through 9-2-116, shall be treated as a part of the cost of the improvement to be certified by the board of local improvements in accordance with Sections 9-2-114 through 9-2-116, and if the part of the assessment originally levied on account of the expenses specified in this paragraph exceeds 5% of the entire assessment as finally determined in accordance with that Section, any such excess shall be treated as a part of the excess to be abated in accordance with the provisions of Sections 9-2-114 through 9-2-116.

Such a deficiency in interest, if any, shall be first paid out of the fund so created by this 5% so added as in this Section authorized. The application of this fund toward the payment of the expenses specified in the preceding paragraph shall be only by paying over and transferring the balance of the fund after the payment of such a deficiency in interest, to the general corporate fund of the municipality for reimbursement for expenses of the improvement for which the assessment is levied, theretofore paid out of that general corporate fund.

HISTORY:
P.A. 76-758.

65 ILCS 5/9-2-140 [Appeal]

Appeals from final judgments or orders of any court made in the proceedings provided for by this Division 2, may be taken in the manner provided in other civil cases, by the municipality or by any of the owners or parties interested in land taken, damaged, or assessed therein. However, no appeal may be taken after 30 days from the entry of the final judgement or order. Such an appeal may be prosecuted jointly, and upon a joint bond, or severally, and upon several bonds, as may be specified in the order fixing the amount and terms of such bonds.

HISTORY:
P.A. 76-1407.

65 ILCS 5/9-2-141 [Civil appeal]

After the expiration of the 30 day period allowed for filing a notice of appeal under this Division 2, an appeal from any such judgment may be filed in the manner provided in other civil cases on petition or application of owners or parties interested in the property affected thereby, as shown by the record, at any time after the disposition of the last remaining objections to the confirmation, if any, prior to the first day of June following the entry of the judgment.

However, if the warrant for collection as to any parcel is not certified for collection so that an application for judgment of sale may be made in the year following the entry of the judgment, leave to appeal as to that parcel, on application, may be granted by the reviewing court within the period of one year after the entry of the judgment.

In every case there shall be filed with the clerk of the reviewing court, with the application for leave to appeal, an affidavit by the appellant or his agent setting forth the time when the warrant for collection, as to the property, was so certified, and further setting forth that the person to whom the notice of the filing of assessment roll as to the property, as shown by the record, did not receive the notice, or otherwise learn of the pendency of the proceedings for the confirmation of the assessment until less than 10 days before the entry of default against his property in the court below. In all such cases the notice of appeal shall contain a statement that it is filed pursuant to leave granted by the reviewing court under authority of this Division 2 and the notice of appeal shall be filed and served on or before the dates hereinabove fixed.

HISTORY:
Laws 1967, p. 3762.

65 ILCS 5/9-2-142 [Adoption of this Division]

Any municipality, not already controlled by this Division 2, if it so determines by ordinance, may adopt the provisions of this Division 2, and where it has so adopted this Division 2, it has the right to take all the proceedings provided for and to have the benefit of all the provisions of this Division 2.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-143 [Authority prior to January 1, 1942]

Whenever, immediately prior to January 1, 1942, authority of law existed in corporate authorities to levy special assessments or special taxes for local improvements, and for that purpose to use the proceedings provided by Article 9 of an act entitled "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, as amended [65 ILCS 5/9-2-1 et seq.], or by "An Act concerning local improvements," approved June 14, 1897, as amended, such corporate authorities are authorized to make use of the provisions of this Division 2 for the purpose, with the same effect, and to the same extent as heretofore authorized to use the provisions of either mentioned act. Any such corporate authorities as may be on and after January 1, 1942, authorized by law to levy such special assessments or special taxes, whether otherwise expressly authorized thereto or not, may make use of the provisions of this Division 2 in like manner.

If, in any such case, a board of local improvements, as required in this Division 2, does not exist, the corporate authorities shall take such steps for a public hearing, on the subject of the proposed improvement, to be paid for by special assessment or special taxation, as are required in this Division 2 of the board of local improvements, and they shall act as such a board in the manner provided in this Division 2, as nearly as may be, both in originating the improvement and in executing the work and making payment therefor.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/9-2-144 [Action pending at effective date of this Division]

The laws subsisting immediately prior to January 1, 1942, the time of the taking effect of this Division 2, shall continue to apply to all proceedings for the condemnation of land, or the confirmation of special assessment or special taxes for local improvements, which were pending in any court in this state at the time of the taking effect of this Division 2, and to all proceedings for the collection of any deficiency under past levies already made under any law existing at the time of the taking effect of this Division 2, and also to all proceedings for new assessments made in lieu of others annulled before this Division 2 took effect, by order of some court.

Whenever any installment of an assessment confirmed under prior acts matures, proceedings to return the installment delinquent, and to collect the installment shall conform to the provisions of this Division 2.

Whenever any bond issued under "An Act concerning local improvements," approved June 14, 1897, as amended [65 ILCS 5/9-2-1 et seq.], matures, proceedings to refund or enforce its payment shall conform to the provisions of this Division 2, so far as they are applicable.

Nothing in this Division 2 shall be construed to repeal any of the laws relating to civil service, and nothing in this Division 2 shall be construed to repeal or modify any of the rules of the civil service laws, and nothing in this Division 2 shall be construed to repeal Division 84 of Article 11 [65 ILCS 5/11-84-1 et seq.].

HISTORY:
Laws 1961, p. 576.

DIVISION 4.

IMPROVEMENTS AFFECTING PROPERTY NOT WITHIN MUNICIPALITY

65 ILCS 5/9-4-1 [Contiguous property]

Property not within the corporate limits but contiguous to any local improvement made by a municipality pursuant to the provisions of this Article may be charged by the corporate authorities of the municipality in an amount not greater than the benefit conferred by the local improvement on such property. This Division 4 shall apply only to municipalities of less than 500,000 inhabitants and shall not be exercised with respect to any contiguous property where such property is included within the corporate limits of another municipality.

HISTORY:
Laws 1965, p. 668.

65 ILCS 5/9-4-2 [Petition for charge]

The corporate authorities of a municipality who intend to charge benefits conferred by local improvements on property not within the corporate limits of such municipality against such property, as provided in this Division 4, shall commence a proceeding by filing a petition in the circuit court of the county in which the municipality making such local improvement is situated, or if such municipality is situated in more than one county and such proposed improvement lies in more than one county, then in the circuit court of the county in which the major part of the territory to be affected thereby is situated. Such petition shall contain (i) a statement that the board of local improvements or the committee on local improvements of such municipality is considering the making of a local improvement to be paid for by special assessment or by special tax and that the local improvement will benefit property not within the corporate limits of such municipality but contiguous to such local improvement; (ii) description of the extent, nature, kind, character and (when an estimate of the cost thereof is required under the provisions of Division 2 of this Article) the estimated cost

of the proposed local improvement; (iii) a description of the lots, blocks, tracts, or parcels of property not within such municipality which the corporate authorities determine may be charged under this Division 4 with any part of the cost for making such local improvement, together with the name and address of the person or persons to whom the tax bill was sent for general taxes on each such lot, block, tract or parcel for the last preceding year; and (iv) a statement of the time and place of the public hearing, if any, to be held on such local improvement by the board of local improvements or the committee on local improvements. Upon the filing of such petition, the clerk of the circuit court shall issue a summons as in civil cases to the person or persons to whom such tax bills were sent as set forth in such petition. The board of local improvements or the committee on local improvements shall give to each person to whom such summons is issued notice of the time and place of the public hearing on such local improvement in the same manner as such notice is given to persons with respect to property within such municipality, all in accordance with the applicable provisions of Division 2 or Division 3 of this Article [65 ILCS 5/9-2-1 et seq. or 65 ILCS 5/9-3-1 et seq.]. Any person to whom such summons is issued shall have the right to appear and be heard at such public hearing in accordance with the provisions of Division 2 or Division 3 of this Article, and the circuit court shall upon application of such municipality, enter an order staying further proceedings on such petition filed pursuant to this Division 4 pending the filing of and hearing on the petition contemplated by Division 2 or Division 3 of this Article, and shall consolidate for hearing by the court such petition filed under Division 2 or Division 3 of this Article with such petition filed under Division 4 of this Article. The procedure and issues on the hearing on a petition filed under Division 4 of this Article shall be the same, as near as may be, as the procedure and issues set forth in Division 2 or Division 3 of this Article, and at such hearing, the circuit court shall hear and determine all objections as to the amount set as a benefit to such property.

HISTORY:
P.A. 76-1549.

65 ILCS 5/9-4-3 [Lien]

The amount set by order of the circuit court shall be a lien against such property enforceable in the same manner as a lien created under Division 2 or Division 3 of this Article [65 ILCS 5/9-2-1 et seq. or 65 ILCS 5/9-3-1 et seq.].

HISTORY:
P.A. 76-1549.

ARTICLE 11.

CORPORATE POWERS AND FUNCTIONS

PUBLIC HEALTH, SAFETY AND WELFARE; POLICE PROTECTION AND PUBLIC ORDER

Division 4. Houses of Correction and Farm Colonies

DIVISION 4.

HOUSES OF CORRECTION AND FARM COLONIES

65 ILCS 5/11-4-1 [Establishment; purchase of land]

Except in any county having a population of more than 1,000,000, the corporate authorities of any city may establish a house of correction, which shall be used for the confinement and punishment of criminals, or persons sentenced or committed thereto under the provisions of this Division 4, or any law of this state, or ordinance of any city or village authorizing the confinement of convicted persons in any such house of correction.

The corporate authorities of any such city may purchase or otherwise acquire, own or control so much land within the incorporated limits of such city or outside and within the same county as such city may require, for the purpose of establishing thereon such house of correction and other buildings or appurtenances thereto, and for the purpose of establishing in connection therewith a farm colony. Any farm colony so established in connection with a house of correction shall also be used for the confinement and punishment of criminals or persons sentenced or committed thereto under the provisions of this Divi-

sion 4, or any law of this state, or ordinance of any city or village, authorizing the confinement of convicted persons in any such house of correction or farm colony.

When such land is purchased or acquired and house of correction or farm colony established by any such city outside of the corporate limits thereof, such city and the corporate authorities thereof shall have complete police powers, for the purpose of control and management of same and of the persons confined therein, over such lands and territory surrounding the same and highways leading thereto from such city as is now conferred by law upon cities, incorporated towns and villages within this state over territory lying within the corporate limits thereof.

HISTORY:
P.A. 76-425.

65 ILCS 5/11-4-2 [Management and direction]

The management and direction of any house of correction shall be under the control and authority of a board of inspectors, to be appointed for that purpose as in this section directed.

The mayor of each city shall, by virtue of his office, be a member of such board, who, together with 3 persons to be appointed by the mayor, by and with the advice and consent of the corporate authorities of the city, shall constitute the board of inspectors. The term of office for the appointed members of the board shall be 3 years, but the members first appointed shall hold their office, respectively, as shall be determined by lot at the first meeting of the board, for one, 2 and 3 years from and after the first Monday in May, 1871, and thereafter one member shall be appointed each year for the full term of 3 years.

The provisions of Divisions 9 and 10 of Article 8 [65 ILCS 5/8-9-1 et seq. and 65 ILCS 5/8-10-1 et seq.] shall apply in relation to letting of contracts and purchase orders by the board of inspectors in behalf of any such house of correction and the board of inspectors shall also be governed by the powers, functions and authority of the purchasing agent, board of standardization and the corporate authorities in such cities.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-4-3 [Board of inspectors; rules and regulations]

Whenever a board of inspectors has been organized, it may establish and adopt rules for the regulation and discipline of the house of correction, for which such board has been appointed. Upon the nomination of the superintendent thereof, the board may appoint the subordinate officers, guards and employees thereof, may fix their compensation and prescribe their duties generally, may make all such by-laws and ordinances in relation to the management and government thereof as the board deems expedient. No appropriation shall be made by the board of inspectors for any purpose other than the ordinary and necessary expenses and repairs of the institution, except with the sanction of the corporate authorities of the city.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-4-4 [Board of inspectors; compensation; duties]

The board of inspectors shall serve without fee or compensation. It shall be their duty to assure that the house of correction is operated in accordance with the minimum standards established by the Department of Corrections pursuant to Section 3-15-2 of the Unified Code of Corrections [730 ILCS 5/3-15-2]. There shall be a meeting of the entire board, at the house of correction, once every 3 months. At such meeting the board shall fully examine into the management in every department, hear and determine all complaints or questions not within the province of the superintendent to determine, and make such further rules and regulations for the good government of the house of correction as to them shall seem proper and necessary. One of the appointed inspectors shall visit the house of correction at least once in each month. All rules, regulations or other orders of the board shall be recorded in a book to be kept for that purpose, which shall be deemed a public record, and, with the other books and records of the house of correction, shall be at all times subject to the examination of any member or committee of the corporate authorities, the comptroller, treasurer, corporation counsel or attorney of any such city.

HISTORY:
P.A. 77-869; 91-239, § 5-240.

FIRE PROTECTION

Division 8. Fire Safety Regulations

Section

DIVISION 8.

FIRE SAFETY REGULATIONS

65 ILCS 5/11-8-5 [Storage of lumber, timber, wood, coal]

The corporate authorities of each municipality may regulate and prohibit the keeping of any lumber or coal yard, or the placing, piling, or selling of any lumber, timber, wood, coal, or other combustible material within the fire limits of the municipality.

HISTORY:
Laws 1961, p. 576.

CONTROL OVER BUILDING AND CONSTRUCTION

Division 31. Unsafe Property

Section
65 ILCS 5/11-31-1 Demolition, repair, enclosure, or remediation.

DIVISION 31.

UNSAFE PROPERTY

65 ILCS 5/11-31-1 Demolition, repair, enclosure, or remediation.

(a) The corporate authorities of each municipality may demolish, repair, or enclose or cause the demolition, repair, or enclosure of dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of the municipality and may remove or cause the removal of garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from those buildings. In any county having adopted by referendum or otherwise a county health department as provided by Division 5-25 of the Counties Code [55 ILCS 5/5-25001 et seq.] or its predecessor, the county board of that county may exercise those powers with regard to dangerous and unsafe buildings or uncompleted and abandoned buildings within the territory of any city, village, or incorporated town having less than 50,000 population.

The corporate authorities shall apply to the circuit court of the county in which the building is located (i) for an order authorizing action to be taken with respect to a building if the owner or owners of the building, including the lien holders of record, after at least 15 days' written notice by mail so to do, have failed to put the building in a safe condition or to demolish it or (ii) for an order requiring the owner or owners of record to demolish, repair, or enclose the building or to remove garbage, debris, and other hazardous, noxious, or unhealthy substances or materials from the building. It is not a defense to the cause of action that the building is boarded up or otherwise enclosed, although the court may order the defendant to have the building boarded up or otherwise enclosed. Where, upon diligent search, the identity or whereabouts of the owner or owners of the building, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section.

The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits. Any person entitled to bring an action under subsection (b) shall have the right to intervene in an action brought under this Section.

The cost of the demolition, repair, enclosure, or removal incurred by the municipality, by an intervenor, or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is recoverable from the owner or owners of the real estate or the previous owner or both if the property was transferred during the 15 day notice period and is a lien on the real estate; the lien is superior to all prior existing liens and encumbrances, except taxes, if, within 180 days after the repair, demolition, enclosure, or removal, the municipality, the lien holder of record, or the intervenor who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act [765 ILCS 35/0.01 et seq.].

The notice must consist of a sworn statement setting out (1) a description of the real estate sufficient for its identification, (2) the amount of money representing the cost and expense incurred, and (3) the date or dates when the cost and expense was incurred by the municipality, the lien holder of record, or the intervenor. Upon payment of the cost and expense by the owner of or persons interested in the property after the notice of lien has been filed, the lien shall be released by the municipality, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien. Unless the lien is enforced under subsection (c), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure [735 ILCS 5/15-1101 et seq.] or mechanics' lien foreclosures. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate.

All liens arising under this subsection (a) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

If the appropriate official of any municipality determines that any dangerous and unsafe building or uncompleted and abandoned building within its territory fulfills the requirements for an action by the municipality under the Abandoned Housing Rehabilitation Act [310 ILCS 50/1 et seq.], the municipality may petition under that Act in a proceeding brought under this subsection.

(b) Any owner or tenant of real property within 1200 feet in any direction of any dangerous or unsafe building located within the territory of a municipality with a population of 500,000 or more may file with

the appropriate municipal authority a request that the municipality apply to the circuit court of the county in which the building is located for an order permitting the demolition, removal of garbage, debris, and other noxious or unhealthy substances and materials from, or repair or enclosure of the building in the manner prescribed in subsection (a) of this Section. If the municipality fails to institute an action in circuit court within 90 days after the filing of the request, the owner or tenant of real property within 1200 feet in any direction of the building may institute an action in circuit court seeking an order compelling the owner or owners of record to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair or enclose or to cause to be demolished, have garbage, debris, and other noxious or unhealthy substances and materials removed from, repaired, or enclosed the building in question. A private owner or tenant who institutes an action under the preceding sentence shall not be required to pay any fee to the clerk of the circuit court. The cost of repair, removal, demolition, or enclosure shall be borne by the owner or owners of record of the building. In the event the owner or owners of record fail to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair, or enclose the building within 90 days of the date the court entered its order, the owner or tenant who instituted the action may request that the court join the municipality as a party to the action. The court may order the municipality to demolish, remove materials from, repair, or enclose the building, or cause that action to be taken upon the request of any owner or tenant who instituted the action or upon the municipality's request. The municipality may file, and the court may approve, a plan for rehabilitating the building in question. A court order authorizing the municipality to demolish, remove materials from, repair, or enclose a building, or cause that action to be taken, shall not preclude the court from adjudging the owner or owners of record of the building in contempt of court due to the failure to comply with the order to demolish, remove garbage, debris, and other noxious or unhealthy substances and materials from, repair, or enclose the building.

If a municipality or a person or persons other than the owner or owners of record pay the cost of demolition, removal of garbage, debris, and other noxious or unhealthy substances and materials, repair, or enclosure pursuant to a court order, the cost, including court costs, attorney's fees, and other costs related to the enforcement of this subsection, is recoverable from the owner or owners of the real estate and is a lien on the real estate; the lien is superior to all prior existing liens and encumbrances, except taxes, if, within 180 days after the repair, removal, demolition, or enclosure, the municipality or the person or persons who paid the costs of demolition, removal, repair, or enclosure shall file a notice of lien of the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of the county if the real estate affected is registered under the Registered Titles (Torrens) Act. The notice shall be in a form as is provided in subsection (a). An owner or tenant who institutes an action in circuit court seeking an order to compel the owner or owners of record to demolish, remove materials from, repair, or enclose any dangerous or unsafe building, or to cause that action to be taken under this subsection may recover court costs and reasonable attorney's fees for instituting the action from the owner or owners of record of the building. Upon payment of the costs and expenses by the owner of or a person interested in the property after the notice of lien has been filed, the lien shall be released by the municipality or the person in whose name the lien has been filed or his or her assignee, and the release may be filed of record as in the case of filing a notice of lien. Unless the lien is enforced under subsection (c), the lien may be enforced by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate.

All liens arising under the terms of this subsection (b) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

(c) In any case where a municipality has obtained a lien under subsection (a), (b), or (f), the municipality may enforce the lien under this subsection (c) in the same proceeding in which the lien is authorized.

A municipality desiring to enforce a lien under this subsection (c) shall petition the court to retain jurisdiction for foreclosure proceedings under this subsection. Notice of the petition shall be served, by certified or registered mail, on all persons who were served notice under subsection (a), (b), or (f). The court shall conduct a hearing on the petition not less than 15 days after the notice is served. If the court determines that the requirements of this subsection (c) have been satisfied, it shall grant the petition and retain jurisdiction over the matter until the foreclosure proceeding is completed. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorneys' fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate and are recoverable by the municipality from the owner or owners of the real estate. If the court denies the petition, the municipality may enforce the lien in a separate action as provided in subsection (a), (b), or (f).

All persons designated in Section 15-1501 of the Code of Civil Procedure [735 ILCS 5/15-1501] as necessary parties in a mortgage foreclosure action shall be joined as parties before issuance of an order of foreclosure. Persons designated in Section 15-1501 of the Code of Civil Procedure as permissible parties may also be joined as parties in the action.

The provisions of Article XV of the Code of Civil Procedure applicable to mortgage foreclosures shall apply to the foreclosure of a lien under this subsection (c), except to the extent that those provisions are inconsistent with this subsection. For purposes of foreclosures of liens under this subsection, however, the redemption period described in subsection (b) of Section 15-1603 of the Code of Civil Procedure [735 ILCS 5/15-1603] shall end 60 days after the date of entry of the order of foreclosure.

(d) In addition to any other remedy provided by law, the corporate authorities of any municipality may petition the circuit court to have property declared abandoned under this subsection (d) if:

(1) the property has been tax delinquent for 2 or more years or bills for water service for the property have been outstanding for 2 or more years;

(2) the property is unoccupied by persons legally in possession; and

(3) the property's condition impairs public health, safety, or welfare for reasons specified in the petition.

All persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, shall be named as defendants in the petition and shall be served with process. In addition, service shall be had under Section 2-206 of the Code of Civil Procedure [735 ILCS 5/2-206] as in other cases affecting property, including publication in a newspaper that is in circulation in the county in which the action is pending. At least 30 days prior to any declaration of abandonment, the municipality or its agent shall post a notice not less than 1 foot by 1 foot in size on the front of the subject building or property. The notice shall be dated as of the date of the posting and state that the municipality is seeking a declaration of abandonment for the property. The notice shall also include the case number for the underlying circuit court petition filed pursuant to this subsection and a notification that the owner should file an appearance in the matter if the property is not abandoned.

The municipality, however, may proceed under this subsection in a proceeding brought under subsection (a) or (b). Notice of the petition shall be served in person or by certified or registered mail on all persons who were served notice under subsection (a) or (b).

If the municipality proves that the conditions described in this subsection exist and (i) the owner of record of the property does not enter an appearance in the action, or, if title to the property is held by an Illinois land trust, if neither the owner of record nor the owner of the beneficial interest of the trust enters an appearance, or (ii) if the owner of record or the beneficiary of a land trust, if title to the property is held by an Illinois land trust, enters an appearance and specifically waives his or her rights under this subsection (d), the court shall declare the property abandoned. Notwithstanding any waiver, the municipality may move to dismiss its petition at any time. In addition, any waiver in a proceeding under this subsection (d) does not serve as a waiver for any other proceeding under law or equity.

If that determination is made, notice shall be sent in person or by certified or registered mail to all persons having an interest of record in the property, including tax purchasers and beneficial owners of any Illinois land trust having title to the property, stating that title to the property will be transferred to the municipality unless, within 30 days of the notice, the owner of record or any other person having an interest in the property files with the court a request to demolish any or all dangerous or unsafe buildings or to put the building in safe condition, or unless the owner of record enters an appearance and proves that the owner does not intend to abandon the property.

If the owner of record enters an appearance in the action within the 30 day period, but does not at that time file with the court a request to demolish the dangerous or unsafe building or to put the property in safe condition, or specifically waive his or her rights under this subsection (d), the court shall vacate its order declaring the property abandoned if it determines that the owner of record does not intend to abandon the property. In that case, the municipality may amend its complaint in order to initiate proceedings under subsection (a), or it may request that the court order the owner to demolish buildings or repair the dangerous or unsafe conditions of the property alleged in the petition or seek the appointment of a receiver or other equitable relief to correct the conditions at the property. The powers and rights of a receiver appointed under this subsection (d) shall include all of the powers and rights of a receiver appointed under Section 11-31-2 of this Code [65 ILCS 5/11-31-2].

If a request to demolish or repair a building or property is filed within the 30 day period, the court shall grant permission to the requesting party to demolish the building or repair the property within 60 days after the request is granted. An extension of that period for up to 60 additional days may be given for good cause. If more than one person with an interest in the property files a timely request, preference shall be given to the owner of record if the owner filed a request or, if the owner did not, the person with the lien or other interest of the highest priority.

If the requesting party (other than the owner of record) proves to the court that the building has

been demolished or put in a safe condition in accordance with the local safety codes within the period of time granted by the court, the court shall issue a quitclaim judicial deed for the property to the requesting party, conveying only the interest of the owner of record, upon proof of payment to the municipality of all costs incurred by the municipality in connection with the action, including but not limited to court costs, attorney's fees, administrative costs, the costs, if any, associated with property maintenance, and receiver's certificates. The interest in the property so conveyed shall be subject to all liens and encumbrances on the property. In addition, if the interest is conveyed to a person holding a certificate of purchase for the property under the Property Tax Code [35 ILCS 200/1-1 et seq.], the conveyance shall be subject to the rights of redemption of all persons entitled to redeem under that Act, including the original owner of record. If the requesting party is the owner of record and proves to the court that the building has been demolished or put in a safe condition in accordance with the local safety codes within the period of time granted by the court, the court shall dismiss the proceeding under this subsection (d).

If the owner of record has not entered an appearance and proven that the owner did not intend to abandon the property, and if no person with an interest in the property files a timely request or if the requesting party fails to demolish the building or put the property in safe condition within the time specified by the court, the municipality may petition the court to issue a judicial deed for the property to the municipality or another governmental body designated by the municipality in the petition. A conveyance by judicial deed shall operate to extinguish all existing ownership interests in, liens on, and other interest in the property, including tax liens, and shall extinguish the rights and interests of any and all holders of a bona fide certificate of purchase of the property for delinquent taxes. Any such bona fide certificate of purchase holder shall be entitled to a sale in error as prescribed under Section 21-310 of the Property Tax Code [35 ILCS 200/21-310].

(e) Each municipality may use the provisions of this subsection to expedite the removal of certain buildings that are a continuing hazard to the community in which they are located.

If a residential or commercial building is 3 stories or less in height as defined by the municipality's building code, and the corporate official designated to be in charge of enforcing the municipality's building code determines that the building is open and vacant and an immediate and continuing hazard to the community in which the building is located, then the official shall be authorized to post a notice not less than 2 feet by 2 feet in size on the front of the building. The notice shall be dated as of the date of the posting and shall state that unless the building is demolished, repaired, or enclosed, and unless any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials are removed so that an immediate and continuing hazard to the community no longer exists, then the building may be demolished, repaired, or enclosed, or any garbage, debris, and other hazardous, noxious, or unhealthy substances or materials may be removed, by the municipality.

Not later than 30 days following the posting of the notice, the municipality shall do all of the following:

(1) Cause to be sent, by certified mail, return receipt requested, a Notice to Remediate to all owners of record of the property, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, stating the intent of the municipality to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if that action is not taken by the owner or owners.

(2) Cause to be published, in a newspaper published or circulated in the municipality where the building is located, a notice setting forth (i) the permanent tax index number and the address of the building, (ii) a statement that the property is open and vacant and constitutes an immediate and continuing hazard to the community, and (iii) a statement that the municipality intends to demolish, repair, or enclose the building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials if the owner or owners or lienholders of record fail to do so. This notice shall be published for 3 consecutive days.

(3) Cause to be recorded the Notice to Remediate mailed under paragraph (1) in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate is registered under the Registered Title (Torrens) Act.

Any person or persons with a current legal or equitable interest in the property objecting to the proposed actions of the corporate authorities may file his or her objection in an appropriate form in a court of competent jurisdiction.

If the building is not demolished, repaired, or enclosed, or the garbage, debris, or other hazardous, noxious, or unhealthy substances or materials are not removed, within 30 days of mailing the notice to the owners of record, the beneficial owners of any Illinois land trust having title to the property, and all lienholders of record in the property, or within 30 days of the last day of publication of the notice, whichever is later, the corporate authorities shall have the power to demolish, repair, or enclose the building or to remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials.

The municipality may proceed to demolish, repair, or enclose a building or remove any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection within a 120-day

period following the date of the mailing of the notice if the appropriate official determines that the demolition, repair, enclosure, or removal of any garbage, debris, or other hazardous, noxious, or unhealthy substances or materials is necessary to remedy the immediate and continuing hazard. If, however, before the municipality proceeds with any of the actions authorized by this subsection, any person with a legal or equitable interest in the property has sought a hearing under this subsection before a court and has served a copy of the complaint on the chief executive officer of the municipality, then the municipality shall not proceed with the demolition, repair, enclosure, or removal of garbage, debris, or other substances until the court determines that that action is necessary to remedy the hazard and issues an order authorizing the municipality to do so. If the court dismisses the action for want of prosecution, the municipality must send the objector a copy of the dismissal order and a letter stating that the demolition, repair, enclosure, or removal of garbage, debris, or other substances will proceed unless, within 30 days after the copy of the order and the letter are mailed, the objector moves to vacate the dismissal and serves a copy of the motion on the chief executive officer of the municipality. Notwithstanding any other law to the contrary, if the objector does not file a motion and give the required notice, if the motion is denied by the court, or if the action is again dismissed for want of prosecution, then the dismissal is with prejudice and the demolition, repair, enclosure, or removal may proceed forthwith.

Following the demolition, repair, or enclosure of a building, or the removal of garbage, debris, or other hazardous, noxious, or unhealthy substances or materials under this subsection, the municipality may file a notice of lien against the real estate for the cost of the demolition, repair, enclosure, or removal within 180 days after the repair, demolition, enclosure, or removal occurred, for the cost and expense incurred, in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act; this lien has priority over the interests of those parties named in the Notice to Remediate mailed under paragraph (1), but not over the interests of third party purchasers or encumbrancers for value who obtained their interests in the property before obtaining actual or constructive notice of the lien. The notice of lien shall consist of a sworn statement setting forth (i) a description of the real estate, such as the address or other description of the property, sufficient for its identification; (ii) the expenses incurred by the municipality in undertaking the remedial actions authorized under this subsection; (iii) the date or dates the expenses were incurred by the municipality; (iv) a statement by the corporate official responsible for enforcing the building code that the building was open and vacant and constituted an immediate and continuing hazard to the community; (v) a statement by the corporate official that the required sign was posted on the building, that notice was sent by certified mail to the owners of record, and that notice was published in accordance with this subsection; and (vi) a statement as to when and where the notice was published. The lien authorized by this subsection may thereafter be released or enforced by the municipality as provided in subsection (a).

(f) The corporate authorities of each municipality may remove or cause the removal of, or otherwise environmentally remediate hazardous substances and petroleum products on, in, or under any abandoned and unsafe property within the territory of a municipality. In addition, where preliminary evidence indicates the presence or likely presence of a hazardous substance or a petroleum product or a release or a substantial threat of a release of a hazardous substance or a petroleum product on, in, or under the property, the corporate authorities of the municipality may inspect the property and test for the presence or release of hazardous substances and petroleum products. In any county having adopted by referendum or otherwise a county health department as provided by Division 5-25 of the Counties Code or its predecessor, the county board of that county may exercise the above-described powers with regard to property within the territory of any city, village, or incorporated town having less than 50,000 population.

For purposes of this subsection (f):

(1) "property" or "real estate" means all real property, whether or not improved by a structure;

(2) "abandoned" means;

(A) the property has been tax delinquent for 2 or more years;

(B) the property is unoccupied by persons legally in possession; and

(3) "unsafe" means property that presents an actual or imminent threat to public health and safety caused by the release of hazardous substances; and

(4) "hazardous substances" means the same as in Section 3.215 of the Environmental Protection Act [415 ILCS 5/3.215].

The corporate authorities shall apply to the circuit court of the county in which the property is located (i) for an order allowing the municipality to enter the property and inspect and test substances on, in, or under the property; or (ii) for an order authorizing the corporate authorities to take action with respect to remediation of the property if conditions on the property, based on the inspection and testing authorized in paragraph (i), indicate the presence of hazardous substances or petroleum products. Remediation shall be deemed complete for purposes of paragraph (ii) above when the property satisfies Tier I, II, or III remediation objectives for the property's most recent usage, as established by the Environmental Protection Act [415 ILCS 5/1 et seq.], and the rules and regulations promulgated thereunder.

Where, upon diligent search, the identity or whereabouts of the owner or owners of the property, including the lien holders of record, is not ascertainable, notice mailed to the person or persons in whose name the real estate was last assessed is sufficient notice under this Section.

The court shall grant an order authorizing testing under paragraph (i) above upon a showing of preliminary evidence indicating the presence or likely presence of a hazardous substance or a petroleum product or a release of or a substantial threat of a release of a hazardous substance or a petroleum product on, in, or under abandoned property. The preliminary evidence may include, but is not limited to, evidence of prior use, visual site inspection, or records of prior environmental investigations. The testing authorized by paragraph (i) above shall include any type of investigation which is necessary for an environmental professional to determine the environmental condition of the property, including but not limited to performance of soil borings and groundwater monitoring. The court shall grant a remediation order under paragraph (ii) above where testing of the property indicates that it fails to meet the applicable remediation objectives. The hearing upon the application to the circuit court shall be expedited by the court and shall be given precedence over all other suits.

The cost of the inspection, testing, or remediation incurred by the municipality or by a lien holder of record, including court costs, attorney's fees, and other costs related to the enforcement of this Section, is a lien on the real estate; except that in any instances where a municipality incurs costs of inspection and testing but finds no hazardous substances or petroleum products on the property that present an actual or imminent threat to public health and safety, such costs are not recoverable from the owners nor are such costs a lien on the real estate. The lien is superior to all prior existing liens and encumbrances, except taxes and any lien obtained under subsection (a) or (e), if, within 180 days after the completion of the inspection, testing, or remediation, the municipality or the lien holder of record who incurred the cost and expense shall file a notice of lien for the cost and expense incurred in the office of the recorder in the county in which the real estate is located or in the office of the registrar of titles of the county if the real estate affected is registered under the Registered Titles (Torrens) Act.

The notice must consist of a sworn statement setting out (i) a description of the real estate sufficient for its identification, (ii) the amount of money representing the cost and expense incurred, and (iii) the date or dates when the cost and expense was incurred by the municipality or the lien holder of record. Upon payment of the lien amount by the owner of or persons interested in the property after the notice of lien has been filed, a release of lien shall be issued by the municipality, the person in whose name the lien has been filed, or the assignee of the lien, and the release may be filed of record as in the case of filing notice of lien.

The lien may be enforced under subsection (c) or by foreclosure proceedings as in the case of mortgage foreclosures under Article XV of the Code of Civil Procedure or mechanics' lien foreclosures; provided that where the lien is enforced by foreclosure under subsection (c) or under either statute, the municipality may not proceed against the other assets of the owner or owners of the real estate for any costs that otherwise would be recoverable under this Section but that remain unsatisfied after foreclosure except where such additional recovery is authorized by separate environmental laws. An action to foreclose this lien may be commenced at any time after the date of filing of the notice of lien. The costs of foreclosure incurred by the municipality, including court costs, reasonable attorney's fees, advances to preserve the property, and other costs related to the enforcement of this subsection, plus statutory interest, are a lien on the real estate.

All liens arising under this subsection (f) shall be assignable. The assignee of the lien shall have the same power to enforce the lien as the assigning party, except that the lien may not be enforced under subsection (c).

(g) In any case where a municipality has obtained a lien under subsection (a), the municipality may also bring an action for a money judgment against the owner or owners of the real estate in the amount of the lien in the same manner as provided for bringing causes of action in Article II of the Code of Civil Procedure [735 ILCS 5/2-101 et seq.] and, upon obtaining a judgment, file a judgment lien against all of the real estate of the owner or owners and enforce that lien as provided for in Article XII of the Code of Civil Procedure [735 ILCS 5/12-101 et seq.].

HISTORY:

P.A. 86-680; 86-1158; 86-1364; 86-1475; 87-387; 87-825; 87-895; 87-1119, § 11-1; 87-1276, § 1; 88-646, § 5; 88-658, § 3; 88-670, § 3-28; 89-235, § 2-75; 89-303, § 5; 90-393, § 5; 90-597, § 5; 91-162, § 5; 91-177, § 10; 91-357, § 75; 91-542, § 5; 91-561, § 10; 92-16, § 45; 92-574, § 25; 92-681, § 5; 95-331, § 475; 95-931, § 5; 2021 P.A. 102-363, § 15, effective January 1, 2022.

POWERS OVER CERTAIN BUSINESSES

Division 42.1. Public Contracts

Section

DIVISION 42.1.

PUBLIC CONTRACTS

65 ILCS 5/11-42.1-1 [Delinquent taxpayers]

(a) Except as provided otherwise in this Section, a municipality may not enter into a contract or agree-

ment with an individual or other entity that is delinquent in the payment of any tax administered by the Department of Revenue unless the individual or other entity is contesting, in accordance with the procedures established by the appropriate revenue Act, its liability for the tax or the amount of tax. Before awarding a contract, the municipality shall obtain a statement under oath from the individual or entity that no such taxes are delinquent. Making a false statement is a Class A misdemeanor. In addition, making a false statement voids the contract and allows the municipality to recover all amounts paid to the individual or entity under the contract in a civil action. A municipality may not regulate contracts with individuals or entities that are delinquent in payment of such taxes in a manner inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution [Ill. Const., Art. VII, § 6] on the concurrent exercise by home rule municipalities of powers and functions exercised by the State.

(b) For purposes of this Section, a person or other entity shall not be considered delinquent in the payment of a tax if the person or entity (1) has entered into an agreement with the Department of Revenue for the payment of all such taxes that are due and (2) is in compliance with the agreement. In that case, the sworn statement required by subsection (a) shall state those facts.

(c) Notwithstanding the provisions of subsection (a), a municipality may enter into a contract with an individual or other entity that is delinquent in the payment of a tax if the contracting authority for the municipality determines that:

(1) the contract is for goods or services vital to the public health, safety, or welfare; and

(2) the municipality is unable to acquire the goods or services at a comparable price and of comparable quality from other sources.

HISTORY:
P.A. 86-1039.

PUBLIC WORKS, BUILDINGS AND PROPERTY EMINENT DOMAIN AND PUBLIC WORKS — GENERAL

Division 61. General Eminent Domain Power and Power to Purchase on Contract

Section

DIVISION 61.

GENERAL EMINENT DOMAIN POWER AND POWER TO PURCHASE ON CONTRACT

65 ILCS 5/11-61-1 [Eminent domain; condemnation]

The corporate authorities of each municipality may exercise the right of eminent domain by condemnation proceedings in conformity with the provisions of the constitution and statutes of the State of Illinois for the acquirement of property useful, advantageous or desirable for municipal purposes or public welfare including property in unincorporated areas outside of but adjacent and contiguous to the municipality where required for street or highway purposes by the municipality.

HISTORY:
Laws 1961, p. 2425.

65 ILCS 5/11-61-1.5 Acquiring property by gift, legacy, or grant

Every municipality has the power to acquire by gift, legacy, or grant any real estate or personal property, or rights therein, for purposes authorized under this Code as its governing body may deem proper, whether the land or personal property is located within or outside the municipal boundaries. This Section applies to gifts, legacies, and grants acquired before, on, or after the effective date of this amendatory Act of the 92nd General Assembly [P.A. 92-102].

HISTORY:
P.A. 92-102, § 5.

65 ILCS 5/11-61-1a [Quick-take procedures; rapid transit lines]

Any municipality with a population of over 500,000 may utilize the quick-take procedures if such procedures are commenced on or before January 1, 1990, for exercising the power of eminent domain under Section 7-103 of the Code of Civil Procedure (now Article 20 of the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.]) for the purpose of constructing or extending rapid transit lines within the area bounded by a line beginning at the intersection of East Jackson Boulevard and South Michigan Avenue in the City of Chicago, running South on South Michigan Avenue to East Pershing Road, then West on East Pershing Road and West Pershing Road to South Ashland Avenue, then South on South Ashland Avenue to West Garfield Boulevard, then West on

West Garfield Boulevard and West 55th Street to South Pulaski Road, then South on South Pulaski Road to West 63rd Street, then West on West 63rd Street to South Central Avenue, then North on South Central Avenue to West 55th Street, then East on West 55th Street to South Cicero Avenue, then North on South Cicero Avenue to West 47th Street, then East on West 47th Street to South Kedzie Avenue, then North on South Kedzie Avenue to West Cermak Road, then East on West Cermak Road to South Halsted Street, then North on South Halsted Street to West Jackson Boulevard, then East on West Jackson Boulevard and East Jackson Boulevard to the place of beginning.

HISTORY:
P.A. 84-1477; 94-1055, § 95-10-65.

65 ILCS 5/11-61-2 [Taking]

The corporate authorities of each municipality may vacate, lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and public grounds; and for these purposes or uses to take real property or portions thereof belonging to the taking municipality, or to counties, school districts, boards of education, sanitary districts or sanitary district trustees, forest preserve districts or forest preserve district commissioners, and park districts or park commissioners, even though the property is already devoted to a public use, when the taking will not materially impair or interfere with the use already existing and will not be detrimental to the public.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-61-3 [Purchase of property for public purpose]

The corporate authorities of each municipality having a population of less than 1,000,000 inhabitants shall have the express power to purchase or lease either real estate or personal property for public purposes through contracts which provide for the consideration for such purchase or lease to be paid through installments to be made at stated intervals during a certain period of time, but, in no case, shall such contracts provide for the consideration to be paid during a period of time in excess of 20 years nor shall such contracts provide for the payment of interest at a rate of more than that permitted in "An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", [30 ILCS 305/1 et seq.] approved May 26, 1970, as amended. The indebtedness incurred under this Section when aggregated with existing indebtedness may not exceed the debt limits provided in Division 5 of Article 8 of this Code [65 ILCS 5/8-5-1 et seq.].

The amendatory Acts of 1972 and 1973 are not a limit upon any municipality which is a home rule unit.

HISTORY:
P.A. 84-283; 91-493, § 10.

65 ILCS 5/11-61-4 Eminent domain

Notwithstanding any other provision of this Code, any power granted under this Code to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.].

HISTORY:
P.A. 94-1055, § 95-5-110.

STREETS AND PUBLIC WAYS

Division 80. General Powers Over Streets and Public Ways

Section

Division 81. Street and Bridge Tax

Division 82. Cost of Oiling Streets

DIVISION 80.

GENERAL POWERS OVER STREETS AND PUBLIC WAYS

65 ILCS 5/11-80-1 [Applicability of other laws]

All provisions of this Code relating to the control of streets, alleys, sidewalks and all other public ways are subject to the provisions of "The Illinois Vehicle Code", as now and hereafter amended [625 ILCS 5/1-100 et seq.], and the Illinois Highway Code, as now and hereafter amended [605 ILCS 5/1-101 et seq.].

HISTORY:
P.A. 81-840.

65 ILCS 5/11-80-2 [Power to regulate use of streets and other municipal property]

The corporate authorities of each municipality may regulate the use of the streets and other municipal property.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-80-2a [Restriction of streets for residential parking]

In areas zoned for residential use, the corporate authorities may restrict part of each street for "residents parking only".

HISTORY:
P.A. 79-545.

65 ILCS 5/11-80-3 [Prevention and removal of encroachments]

The corporate authorities of each municipality may prevent and remove encroachments or obstructions upon the streets and other municipal property.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-80-4 [Lighting of streets and other property]

The corporate authorities of each municipality may provide for the lighting of streets and other municipal property.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-80-5 [Tax for street lighting]

The corporate authorities of each municipality, with the concurrence of two-thirds of all of the alderpersons, trustees or commissioners elected therein, may levy and collect annually, in addition to all other taxes now authorized by law, a tax of not to exceed .05% of the value, as equalized or assessed by the Department of Revenue, of the taxable property in the municipality, to be used exclusively for the purpose of lighting streets. The tax authorized by this Section is in addition to taxes for general corporate purposes authorized by Section 8-3-1 [65 ILCS 5/8-3-1].

The foregoing tax rate limitation, insofar as it is applicable to municipalities of less than 500,000 population, may be increased or decreased under the referendum provisions of the General Revenue Law of Illinois.

HISTORY:
P.A. 86-280; 2021 P.A. 102-15, § 35, effective June 17, 2021.

65 ILCS 5/11-80-6 [Street cleaning]

The corporate authorities of each municipality may provide for the cleaning of streets and other municipal property.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-80-7 [Installation, maintenance and removal of gas or water utilities]

The corporate authorities of each municipality may regulate the openings in streets and other municipal property for the laying, building, repairing, and removing of gas or water mains and pipes, or sewers, tunnels, and drains and may erect gas lights.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-80-8 [Use of space above streets, alleys or other municipal property]

The corporate authorities of each municipality may regulate the use of the space over the streets, alleys, other municipal property, and public places of the city, and upon payment of proper compensation, to be fixed by ordinance, may permit the use of the space more than 12 feet above the level of such streets, alleys, property or places, except for purely private uses.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-80-9 [Activities tending to annoy or endanger persons or property on sidewalks, streets or other municipal property] [Effective until July 1, 2023]

The corporate authorities of each municipality may prevent and regulate all amusements and activities having a tendency to annoy or endanger persons or property on the sidewalks, streets, and other municipal property.

However, no municipality may prohibit a charitable organization, as defined in Section 2 of the Charitable Games Act [230 ILCS 30/2], from soliciting for charitable purposes, including solicitations taking place on public roadways from passing motorists, if all of the following requirements are met.

(1) The persons to be engaged in the solicitation are law enforcement personnel, firefighters, or other persons employed to protect the public safety of a local agency, and that are soliciting solely in an area that is within the service area of that local agency.

(2) The charitable organization files an application with the municipality having jurisdiction over the location or locations where the solicitation is to occur. The application shall be filed not later than 10 business days before the date that the solicitation is to begin and shall include all of the following:

(A) The date or dates and times of day when the solicitation is to occur.

(B) The location or locations where the solicitation is to occur along with a list of 3 alternate locations listed in order of preference.

(C) The manner and conditions under which the solicitation is to occur.

(D) Proof of a valid liability insurance policy in the amount of at least $1,000,000 insuring the charity or local agency against bodily injury and property damage arising out of or in connection with the solicitation.

The municipality shall approve the application within 5 business days after the filing date of the application, but may impose reasonable conditions in writing that are consistent with the intent of this Section and are based on articulated public safety concerns. If the municipality determines that the applicant's location cannot be permitted due to significant safety concerns, such as high traffic volumes, poor geometrics, construction, maintenance operations, or past accident history, then the municipality may deny the application for that location and must approve one of the 3 alternate locations following the

order of preference submitted by the applicant on the alternate location list. By acting under this Section, a local agency does not waive or limit any immunity from liability provided by any other provision of law.

For purposes of this Section, "local agency" means a municipality, special district, fire district, joint powers of authority, or other political subdivision of the State of Illinois.

A home rule unit may not regulate a charitable organization in a manner that is inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution [Ill. Const., Art. VII, § 6] on the concurrent exercise by home rule units of powers and functions exercised by the State.

HISTORY:
Laws 1961, p. 576; P.A. 97-692, § 10; 98-134, § 10; 98-756, § 240.

65 ILCS 5/11-80-9 [Activities tending to annoy or endanger persons or property on sidewalks, streets or other municipal property] [Effective July 1, 2023]

The corporate authorities of each municipality may prevent and regulate all amusements and activities having a tendency to annoy or endanger persons or property on the sidewalks, streets, and other municipal property. However, no municipality may prohibit a charitable organization, as defined in Section 2 of the Charitable Games Act [230 ILCS 30/2], from soliciting for charitable purposes, including solicitations taking place on public roadways from passing motorists, if all of the following requirements are met.

(1) The persons to be engaged in the solicitation are law enforcement personnel, firefighters, or other persons employed to protect the public safety of a local agency, and that are soliciting solely in an area that is within the service area of that local agency.

(2) The charitable organization files an application with the municipality having jurisdiction over the location or locations where the solicitation is to occur. The application shall be filed not later than 10 business days before the date that the solicitation is to begin and shall include all of the following:

(A) The date or dates and times of day when the solicitation is to occur.

(B) The location or locations where the solicitation is to occur along with a list of 3 alternate locations listed in order of preference.

(C) The manner and conditions under which the solicitation is to occur.

(D) Proof of a valid liability insurance policy in the amount of at least $1,000,000 insuring the charity or local agency against bodily injury and property damage arising out of or in connection with the solicitation.

The municipality shall approve the application within 5 business days after the filing date of the application, but may impose reasonable conditions in writing that are consistent with the intent of this Section and are based on articulated public safety concerns. If the municipality determines that the applicant's location cannot be permitted due to significant safety concerns, such as high traffic volumes, poor geometrics, construction, maintenance operations, or past crash history, then the municipality may deny the application for that location and must approve one of the 3 alternate locations following the order of preference submitted by the applicant on the alternate location list. By acting under this Section, a local agency does not waive or limit any immunity from liability provided by any other provision of law.

For purposes of this Section, "local agency" means a municipality, special district, fire district, joint powers of authority, or other political subdivision of the State of Illinois.

A home rule unit may not regulate a charitable organization in a manner that is inconsistent with this Section. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

HISTORY:
Laws 1961, p. 576; P.A. 97-692, § 10; 98-134, § 10; 98-756, § 240; 2022 P.A. 102-982, § 50, effective July 1, 2023.

65 ILCS 5/11-80-10 [Deposit of garbage and other offensive matter]

The corporate authorities of each municipality may regulate and prevent the depositing of ashes, offal, dirt, garbage, or any other offensive matter in, and to prevent injury to streets, alleys, or other municipal property.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-80-11 [Cross-walks, curbs, and gutters]

The corporate authorities of each municipality may provide for and regulate cross-walks, curbs, and gutters. However, after the effective date of this amendatory Act of 1973, all new curbs which are provided for by any municipality, and all existing curbs which are a part of any reconstruction, within any block which is contiguous to any highway and in which more than 50% of the territory is devoted to or zoned for business, commercial or industrial use shall comply with this Section. In order to enable persons using wheelchairs to travel freely and without assistance, at each cross-walk a ramp with non-slip surface shall be built into the curb so that the sidewalk and street blend to a common level. Such ramp shall conform to the standards adopted by the

Capital Development Board in accordance with the Environmental Barriers Act [410 ILCS 25/1 et seq.]. Where because of surrounding buildings or other restrictions it is impossible to conform the slope with this requirement, the ramp shall contain a slope with as shallow a rise as possible under the circumstances. In all ramps there shall be a gradual rounding at the bottom of the slope.

HISTORY:
P.A. 86-447.

65 ILCS 5/11-80-12 [Construction of mills, mill-races, and feeders]

The corporate authorities of each municipality may authorize the construction of and may regulate mills, mill-races, and feeders on, through, or across the streets and other municipal property.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-80-13 [Use, construction and repair of sidewalks]

The corporate authorities of each municipality may regulate the use of sidewalks, the construction, repair, and use of openings in sidewalks, and all vaults and structures thereon and thereunder, including telephone booths, and may require the owner or occupant of any premises to keep the sidewalks abutting the premises free from snow and other obstructions.

HISTORY:
Laws 1963, p. 2430.

65 ILCS 5/11-80-14 [Signs, posts and advertisements on streets, sidewalks and public property]

The corporate authorities of each municipality may regulate and prevent the use of streets, sidewalks, and public property for signs, sign posts, awnings, awning posts, telegraph poles, watering places, racks, posting handbills and advertisements.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-80-15 Street advertising; adult entertainment advertising

(a) The corporate authorities of each municipality may license street advertising by means of billboards, sign boards, and signs and may regulate the character and control the location of billboards, sign boards, and signs upon vacant property and upon buildings.

(b) The corporate authorities of each municipality may further regulate the character and control the location of adult entertainment advertising placed on billboards, sign boards, and signs upon vacant property and upon buildings that are within 1,000 feet of the property boundaries of schools, day care centers, cemeteries, public parks, and places of religious worship.

For the purposes of this subsection, "adult entertainment" means entertainment provided by an adult bookstore, striptease club, or pornographic movie theater whose business is the commercial sale, dissemination, or distribution of sexually explicit materials, shows, or other exhibitions.

HISTORY:
Laws 1961, p. 576; P.A. 89-605, § 5.

65 ILCS 5/11-80-16 [Exhibition or carrying of banners, signs, placards, advertisements, or handbills]

The corporate authorities of each municipality may regulate and prohibit the exhibition or carrying of banners, signs, placards, advertisements, or handbills on the sidewalks, streets, or other municipal property.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-80-17 [Flying of flags, banners, or signs]

The corporate authorities of each municipality may regulate and prevent the flying of flags, banners, or signs across streets or from houses.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-80-18 [Numbering of buildings and lots]

The corporate authorities of each municipality may regulate the numbering of buildings and lots. No change in the numbering of buildings and lots shall be effective until 30 days after the election authorities having jurisdiction in the area in which such numbering is changed and the post office branch serving that area have been notified by the corporate authority initiating such action of the change in writing by certified or registered mail.

HISTORY:
P.A. 80-398.

65 ILCS 5/11-80-19 [Naming of streets, avenues, alleys or other public places]

The corporate authorities of each municipality may name originally and then may change the name of any street, avenue, alley, or other public place. No change in the name of any street, avenue, alley or other public place shall be effective until 30 days after the election authorities having jurisdiction in the area in which the name of the public place is changed and the post office branch serving that area

have been notified by the corporate authority initiating such action of the change in writing by certified or registered mail.

HISTORY:
P.A. 80-398.

65 ILCS 5/11-80-20 [Traffic and sales upon streets, sidewalks, public places, and municipal property]

The corporate authorities of each municipality may regulate traffic and sales upon the streets, sidewalks, public places, and municipal property.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-80-21 [Use of railroad track, right-of-way or railroad company land]

The corporate authorities by condemnation or otherwise may extend any street or alley over or across, or may construct any sewer under any railroad track, or through the right-of-way or land of any railroad company. Where no compensation is made to the railroad company, however, the municipality shall restore the railroad track, right-of-way, or land so that its usefulness will not be impaired more than is reasonably necessary.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-80-23 [Compensation of school crossing guards]

The corporate authorities of each municipality may employ and fix the compensation of persons to serve as school crossing guards, on a part-time basis, by directing traffic and protecting children crossing the streets in going to and from school. The corporate authorities of any municipality may pay such compensation from general corporate funds or may levy, annually, in municipalities having a population of less than 500,000 a special tax for that purpose of not to exceed .02% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in that municipality. Such a tax is in addition to the amount authorized to be levied for general purposes by Section 8-3-1 [65 ILCS 5/8-3-1].

HISTORY:
P.A. 81-1509.

65 ILCS 5/11-80-24 Collocation of small wireless facilities.

(a) A municipality may propose that a small wireless facility be collocated on an existing utility pole within 200 feet of the wireless providers proposed location within its public rights-of-way under paragraph (3) of subsection (d) of Section 15 of the Small Wireless Facilities Deployment Act [50 ILCS 840/15] and the entity owning the utility pole shall provide access for that purpose.

(b) Any fee charged for the use of a utility pole under this Section shall be at the lowest rate charged by the entity owning the utility pole for other wireless providers and shall not exceed the entity's actual costs.

(c) Nothing in this Section alters anything in Section 15 of the Small Wireless Facilities Deployment Act.

HISTORY:
2021 P.A. 102-9, § 30, effective June 3, 2021.

DIVISION 81.

STREET AND BRIDGE TAX

65 ILCS 5/11-81-1 [Tax for street and bridge purposes of municipality which includes a township or road district within its corporate limits]

The corporate authorities of each municipality, whether incorporated under the general law or a special charter, which includes wholly within its corporate limits a township or townships, or a road district, may levy, annually, a tax for street and bridge purposes of not to exceed .06% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in any township or road district lying wholly within the limits of that municipality. But if, in the opinion of three-fourths of the members elected to the city council or board of trustees of such a municipality, a greater levy for bridge and street purposes is needed, an additional levy may be made of any sum not exceeding .04% of such taxable property. Municipalities having a higher limitation than .10% for street and bridge purposes on July 1, 1967 may continue to levy such higher rate.

The street and bridge tax authorized by this Section shall be in addition to: (1) any tax that such a municipality is now authorized to levy for street or bridge purposes, and (2) the tax that such a municipality is now authorized to levy upon all property within the municipality, and (3) the amount authorized to be levied for general purposes as provided by Section 8-3-1 [65 ILCS 5/8-3-1].

HISTORY:
P.A. 81-1509.

65 ILCS 5/11-81-2 [Tax for street or bridge purposes by other municipalities]

The city council of any city and the board of trustees of any village or incorporated town, whether organized under the general law or special charter, which does not correspond to the description set out in Section 11-81-1 [65 ILCS 5/11-81-1], may annually levy a tax for street and bridge purposes at a rate of

not to exceed .06% of the value, as equalized or assessed by the Department of Revenue, and may by a three-fourths vote of the members elected to such city council or board of trustees levy an additional tax for street and bridge purposes at a rate of not to exceed .04% of the value, as equalized or assessed by the Department of Revenue, of taxable property within such city, village or incorporated town. Municipalities having a higher limitation than .10% for street and bridge purposes on July 1, 1967 may continue to levy such higher rate. However, if any city, village or incorporated town levying such tax for street and bridge purposes is situated as a whole or in part within any road district in which a tax for road and bridge purposes has also been levied under the authority of Section 6-501 of the "Illinois Highway Code" as the same may from time to time be amended [605 ILCS 5/6-501], the county clerk shall as to the taxable property lying within such city, village or incorporated town, reduce and abate from such street and bridge tax levied by the authority of this Section 11-81-2 [65 ILCS 5/11-81-2] a rate equivalent to the amount of all road district road and bridge taxes accruing to such city, village or incorporated town in accordance with the provisions of Section 6-507 of the "Illinois Highway Code" as the same may from time to time be amended [605 ILCS 5/6-507].

Such street and bridge tax authorized by this Section 11-81-2 shall be in addition to any tax any such city, village or incorporated town is now authorized to levy for street or bridge purposes and shall be in addition to the tax that such city, village or incorporated town is now authorized to levy upon the aggregate valuation of all property within such city, village or incorporated town, and shall be in addition to the amount authorized to be levied for general purposes as provided by Section 8-3-1 [65 ILCS 5/8-3-1].

HISTORY:
P.A. 81-1509.

DIVISION 82.

COST OF OILING STREETS

65 ILCS 5/11-82-1 [Payment for oiling streets]

The corporate authorities of any city or village with a population of less than 20,000 may, for the purpose of oiling the streets or public highways within the corporate limits of the city or village, direct the payment of the costs thereof out of any money in the municipal treasury not otherwise appropriated.

HISTORY:
Laws 1961, p. 576.

DIVISION 83.

RESURFACING STREETS BY SPECIAL ASSESSMENT

65 ILCS 5/11-83-1 [Ordinance for resurfacing streets]

In addition to all other means or methods authorized by law for the repair, maintenance, resurfacing, or reconstruction of street pavements, any municipality, by ordinance, may provide for the resurfacing of streets paved by macadam, brick, granite, blocks, asphalt, cement, or other type of pavement, when that pavement becomes disintegrated at the surface or by reason of wear, usage, or lapse of time becomes otherwise inadequate, defective, or imperfect. The municipality, by that ordinance, may provide for the payment of the whole or any part of the cost of the resurfacing of those streets (1) by special taxation of the lots or parcels of land fronting upon those streets, or (2) by special assessment upon the property benefited by the improvement of those streets through the resurfacing, or (3) by apportioning the cost of the resurfacing so that part of the cost will be paid by special assessment upon the property benefited and part of it by appropriation from the fund accumulated through the vehicle tax levied in accordance with the statute for purposes of street and alley improvement or repair.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-83-2 [Levy and collection of special assessment]

The corporate authorities of any municipality may, of their own motion, pass ordinances providing for the resurfacing of streets as specified in Section 11-83-1 [65 ILCS 5/11-83-1], and for the nature, character, and locality, and description thereof. Upon the passage of an ordinance so providing, all proceedings thereafter to be had for the levy and collection of special assessments to defray the cost thereof shall be in accordance with the provisions of Article 9 [65 ILCS 5/9-1-1 et seq.].

HISTORY:
Laws 1961, p. 576.

DIVISION 84.

SIDEWALK CONSTRUCTION AND REPAIR

65 ILCS 5/11-84-1 [Construction and repair of sidewalks; taxation of adjoining parcels]

In addition to any other manner authorized by law, any municipality, by ordinance, may provide for the

construction and repair of sidewalks therein, along or upon any streets or part of streets therein. The corporate authorities, by that ordinance, may provide for the payment of the whole or any part of the cost thereof by special taxation of the lots, blocks, tracts, or parcels of land touching upon the line where such a sidewalk is ordered. This special taxation may be either by levying the whole or any part of the cost thereof upon each of the lots, blocks, tracts, or parcels of land touching upon the line of the sidewalk, pro rata, according to their respective values. The values of the lots, blocks, tracts, or parcels of land shall be determined by the last preceding assessment thereof for the purpose of state and county taxation. Or the whole or any part of the cost thereof may be levied upon such lots, blocks, tracts, or parcels of land in proportion to their frontage upon such sidewalk, or in proportion to their superficial area, as may be provided by ordinance ordering the laying down of the sidewalk. In case the ordinance only requires a part of the cost of the sidewalk to be paid by a special tax as provided in this section, the residue of the cost shall be paid out of any fund of the municipality raised by general taxation upon the property in the municipality and not otherwise appropriated. Such a municipality, by one and the same ordinance, may provide for the construction or repair of sidewalks under this article on 2 or more streets, or parts of streets, or on one or both sides of any street or streets, whenever the sidewalks are so connected, or otherwise related, as to constitute a single system of improvement. A duplicate copy of the ordinance, duly certified by law, shall be delivered by the clerk of the municipality to the recorder of deeds of each county in which any part of the property is located not less than 30 days before commencement of any construction by the municipality as specified hereinafter in this Division 84. Each recorder shall record the copy and keep it as part of the permanent records of the office of such recorder. Such special taxes are a lien upon the property against which they are charged from the date upon which a copy of said ordinance is filed or recorded, which lien is discharged when the tax has been paid or the property has been sold pursuant to Section 11-84-5 of this Act [65 ILCS 5/11-84-5].

When the tax has been fully paid, the corporate authorities of the municipality shall execute and record, in the recorder's office of the county in which the land is located, a release of the lien of the taxes so paid, and shall deliver a copy of the release to the owner of the property.

HISTORY:
P.A. 85-1252.

65 ILCS 5/11-84-2 [Ordinance]

Such an ordinance shall define the location of the proposed sidewalk or the sidewalk to be repaired with reasonable certainty, shall prescribe its width, the materials of which it is to be constructed and the manner of its construction, and may provide that the materials and construction shall be under the supervision of and subject to the approval of an officer or board of officers of the municipality to be designated in the ordinance.

The ordinance shall require all owners of lots, blocks, tracts, or parcels of land touching the line of a proposed sidewalk to construct or repair a sidewalk in front of or touching upon their respective lots, blocks, tracts, or parcels of land in accordance with the specifications of the ordinance, within 30 days after the mailing of notice of the passage of the ordinance, addressed to the party who last paid the general taxes on the respective lots, blocks, tracts, or parcels. In default thereof the municipality may furnish the materials and construct or repair the sidewalk in accordance with the ordinance, or may enter into a contract for the furnishing of the materials and the construction or repair of the sidewalk as hereinafter provided in this Division 84. The cost of such part thereof as may be fixed in the ordinance may be collected as hereinafter provided in this Division 84. The municipality may issue vouchers bearing not to exceed 6% interest annually in payment of these sidewalks, payable solely out of the special tax provided for in this Division 84 when the tax is collected.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-84-3 [Bill of costs; preparation of special tax list]

Such an ordinance may provide that a bill of the costs of the sidewalk, showing the cost of the construction or repair and supervision thereof, shall be made by the officer or board designated by the ordinance to take charge of the construction or repair of the sidewalk, together with a list of the lots, blocks, tracts, or parcels of land touching upon the line of the sidewalk, the names of the parties who last paid the general taxes on the respective lots, blocks, tracts, or parcels and the frontage, superficial area, or assessed value as specified in Section 11-84-1 [65 ILCS 5/11-84-1], according as the ordinance may provide for the levy of the cost by the frontage, superficial area or assessed value.

Thereupon, if the owner of any lot, block, tract, or parcel of land has failed or refused to construct or repair his portion of the sidewalk in accordance with the provisions of the ordinance, the specified officer or board shall proceed to prepare a special tax list against those lots, blocks, tracts or parcels of land in front of or touching upon which the sidewalk has not been constructed or repaired, ascertaining by computation the amount of special taxes and the annual installments thereof to be charged against each of those lots, blocks, tracts, or parcels of land on account of the construction or repair of the sidewalk, according to the rule fixed for the levy of that special tax by the ordinance.

This special tax list shall be filed in the office of the specified officer or board, and this officer or board shall thereupon issue warrants directed to the municipal collector, or to such officer as may be designated in the ordinance, for the collection of the amount of special tax so ascertained and appearing from this special tax list to be due from the respective lots, blocks, tracts, or parcels of land touching upon the line of the sidewalk. However, the aggregate amount of each special tax shall be divided into 5 annual installments of equal amounts, except that all fractional amounts shall be added to the first installment, so as to leave the remaining installments equal in amount and each a multiple of $100.

The first installment shall be due and payable on the second day of January next after the date of the first voucher issued on account of the work done, and the second installment one year thereafter, and so on annually until all installments are paid. The specified officer or board shall file in the office of the municipal collector, or such officer as may be designated to collect the tax, a certificate, signed by the officer or secretary of the board preparing the tax list, of the date of the first voucher and of the amount thereof within 30 days after the issuance thereof.

All the installments shall bear interest as provided in this section until paid, at the rate of not to exceed 6% annually. Interest on assessments shall begin to run from the date of the first voucher issued on account of work done. The interest on each installment shall be payable as follows: On the second day of January next succeeding the date of the first voucher as certified, the interest accrued up to date on all unpaid installments shall be due and payable and it shall be collected with the installment. Thereafter the interest on all unpaid installments shall be payable annually and be due and payable at the same time as the installment maturing in that year and be collected therewith.

In all cases the municipal collector, or the officer designated to collect the tax, whenever payment is made of any installment, shall collect all interest that is due up to the date of that payment, whether the payment is made at or after maturity. Any person may at any time pay the whole assessment against any lot, block, tract or parcel of land, or any installment thereof, with interest as provided in this section up to the date of payment. The municipal collector, or the officer designated to collect the tax, shall proceed to collect the warrants by mailing a written notice to the address of the party who last paid the general taxes on the respective lots, blocks, tracts, or parcels of land in the list, that the tax list is in his possession for collection. All money so collected shall be immediately paid over by that officer to the municipal treasurer of that municipality.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-84-4 [Report of municipal tax collector upon failure to collect special tax]

Upon failure to collect the special tax as hereinbefore provided in this Division 84, the municipal collector, or the officer designated to collect the tax on or before the first day of August in each year, shall make a written report of this special tax to such general officer of the county as may be authorized by law to apply for judgment against and sell lands for taxes due the county or state. This report shall also contain an enumeration of (1) all the lots, blocks, tracts, or parcels of land upon which this special tax remains unpaid, (2) the names of the respective owners thereof, so far as the names are known to the collecting officer, (3) the amount due and unpaid upon each lot, block, tract, or parcel and (4) a copy of the ordinance ordering the construction of the sidewalk. This report shall be accompanied by the oath of the officer that the list is a correct return of the lots, blocks, tracts, or parcels of land on which the special tax levied by authority of the municipality for the cost or partial cost, as the case may be, of the sidewalk specified in that ordinance remains due and unpaid, and that the amounts therein stated as due and unpaid, have not been collected, nor any part thereof. This report, when so made, is prima facie evidence that all the forms and requirements of the law in relation to making that return have been complied with, and that the special tax, as mentioned in the report, is due and unpaid.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-84-5 [Judgment for overdue or unpaid taxes]

When the specified general officer of the county receives such a report, he shall at once proceed to obtain judgment against the lots, blocks, tracts, or parcels of land enumerated therein for the special tax remaining due and unpaid, in the same manner as may be provided by law for obtaining judgment against land for taxes due and unpaid to the county and state, and in the same manner shall proceed to sell the same for the special tax due and unpaid. In obtaining this judgment, and making this sale, the specified officer shall be governed by the general revenue laws of Illinois, except when otherwise provided in this Division 84. The general revenue laws shall also apply to the execution of certificates of sales and deeds, and to the force and effect of these sales and deeds. All other laws in relation to the enforcement and collection of taxes, and redemption from tax sales, shall apply to proceedings to collect this special tax, except as otherwise provided in this Division 84.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-84-6 [Order for cost of sidewalk construction or repair, less special tax]

Whenever payment of the cost of such sidewalk is required to be made in part by special tax and in part out of any general fund of the municipality, and the owner of a lot, block, tract, or parcel of land constructs or repairs the sidewalk in accordance with the ordinance for its construction or repair the officer or board directed by the ordinance to superintend the construction or repair thereof shall thereupon have issued to that owner, an order on the municipal treasurer for the cost of the construction or repair of the sidewalk, less the amount of special tax chargeable to the lot, block, tract, or parcel of land of that owner on the line of which the sidewalk has been so constructed or repaired.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-84-7 [Contracts for sidewalk construction or repair]

Except as herein otherwise provided for municipalities of more than 500,000 population, all contracts for the construction or repair of sidewalks as provided in this Division 84, when the expense thereof exceeds $1,500, shall be let to the lowest responsible bidder in the following manner: Notice shall be given by the officer or board designated in the ordinance to take charge of the construction or repair and supervision of a sidewalk, by advertisement at least twice, not more than 30 nor less than 15 days in advance of the day of opening the bids, that bids will be received for the construction or repair of that sidewalk in accordance with the ordinance therefor, in one or more newspapers published within the municipality, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the municipality. In municipalities with less than 500 population in which no newspaper is published, publication may instead be made by posting a notice in 3 prominent places within the municipality. The notice shall state the time of opening the bids. All bids offered shall be accompanied by cash or a check payable to the order of the officer or board having charge of the improvement, and certified by a responsible bank, for an amount which shall not be less than 10% of the aggregate of the bid. All contracts shall be approved by the officer, or the presiding officer of the board, having the supervision of the construction or repair of that sidewalk.

In municipalities of more than 500,000 population, the letting of contracts for the construction or repair of sidewalks as provided in this Division 84 shall be governed by the provisions of Division 10 of Article 8 [65 ILCS 5/8-10-1 et seq.].

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-84-8 [Annulment of special tax; new ordinance]

If a special tax for the construction or repair of a sidewalk is annulled by the corporate authorities or set aside by any court, a new ordinance may be passed and a new tax may be made and returned. This power to pass a new ordinance providing for a new tax exists only when (1) the prior ordinance was passed under "An Act to provide additional means for the construction of sidewalks in cities, towns and villages," approved April 15, 1875, as amended, or under this Division 84, and (2) when the prior ordinance was merely defective but not void.

The proceedings therefor shall be the same as in the first instance, and all parties in interest shall have like rights and like powers in relation to any subsequent tax as are hereby given in relation to the first tax. No special tax shall be levied for work already done under a prior ordinance, unless it appears that the work was done in good faith, by the municipality, or under contract duly let and executed, pursuant to an ordinance providing that the sidewalk should be paid for by special tax.

HISTORY:
Laws 1961, p. 576.

DIVISION 85.

CERTAIN JOINT MUNICIPAL AND TOWNSHIP CONSTRUCTION PROJECTS

65 ILCS 5/11-85-1 [Municipal power to contract with contiguous township]

Municipalities lying within one or more townships, or whose boundaries are coextensive with the boundaries of a township, have the power to enter into a contract with any township within which the municipality lies, or with any township lying immediately contiguous to the municipality, and such township has the power to enter into a contract with such municipality, for the construction of any public improvement consisting of the construction of any bridge, subway, elevated way, or viaduct which may lie partly within the municipality, and partly outside the municipality and within the township, or consisting of the improvement of the roadway of any highway or street upon and along which runs the line of the corporate limits of the municipality, so that the improvement as proposed would lie partly within the municipality and partly within the township, in the manner authorized in this Division 85.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-85-2 [Plans, specifications and estimates; letting of contract]

The corporate authorities of such municipality and the commissioner of highways in and for such township, in the manner they agree upon, shall procure (1) detailed plans and specifications of the proposed improvement, (2) a detailed estimate of the cost thereof prepared by a competent engineer, showing the total estimated cost of the improvement, and (3) separate estimates from that engineer of the portions thereof within and without the municipality. As soon as the corporate authorities both of the municipality and of the township approve the plans, specifications, and estimates as a basis for the letting of a contract for the improvement, and as soon as the proportions of the cost thereof are agreed upon by the corporate authorities of the municipality and township, they may proceed jointly to let a contract therefor as provided in this section.

This contract shall be let only upon competitive bidding, in the manner provided for the letting of contracts by municipalities for the constructing of local improvements under the provisions of Article 9 [65 ILCS 5/9-1-1 et seq.], except that (1) the advertising for bids for the construction of the proposed improvement shall be authorized and made by the corporate authorities of both the municipality and the township, (2) bids for the construction shall be received by those corporate authorities jointly at the time and place agreed upon and stated in the notice for bids, and (3) no contract shall be let except by the approval of the corporate authorities of both the municipality and the township. All contracts shall be signed and executed by the officials of the municipality and of the township who may be vested generally, by law or ordinance, with the duty of the execution of contracts, for and in behalf of the respective bodies, and all bonds for the performance of a contract shall be made payable to those corporate bodies jointly.

All consents, agreements, and approvals provided for in this Division 85 shall be by writing and when hereby required to be made or given by a municipality, shall be made or given by a resolution of the corporate authorities of the municipality.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-85-3 [Ordinance for special assessment or tax]

If a municipality desires to pay its proportion of the cost of such an improvement by a special assessment or a special tax upon the property within the municipality benefited by the improvement, either before or after the letting of the contract as provided by Section 11-85-2 [65 ILCS 5/11-85-2], it may pass an ordinance providing for the improvement and that the cost thereof shall be paid by a special tax or a special assessment, to be levied upon the municipality and upon the property within the municipality specially benefited by the improvement. The proceedings thereafter for the levy of that special assessment or special tax, and the collection thereof, shall conform to the provisions of Article 9 [65 ILCS 5/9-1-1 et seq.], in so far as the provisions of Article 9 are applicable. It shall be no defense in any proceedings to levy a special assessment or a special tax hereunder that the special assessment or special tax is levied for work previously performed.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-85-4 [Jurisdiction of improvement]

A municipality participating in the construction of an improvement specified in this Division 85 has jurisdiction over the part thereof lying within the corporate limits of the municipality. The participating township has jurisdiction over that part of the improvement lying outside the municipality and within the township. The municipality and the township may repair, maintain, or reconstruct the portions of the improvement within their respective jurisdictions in the manner provided by law in cases of similar improvements lying wholly within their respective jurisdictions. But nothing contained in this section affects any power otherwise given by law to either the municipality or the township to expend money in the repair, maintenance, or reconstruction of the entire improvement or any part thereof.

Although parts of the improvements are under separate jurisdictions, the municipality and the township interested may enter into contracts with each other providing for the repair, maintenance, and upkeep, including lighting, of the improvement, apportioning the cost thereof and providing the method of that repair, maintenance, and upkeep, as may be agreed upon between them.

A township may surrender its jurisdiction over such an improvement to the municipality jointly interested, by agreement made between the corporate authorities of both the municipality and the township. The municipality thus assuming that jurisdiction thereafter shall be chargeable with the repair, maintenance, and upkeep of the part of the improvement so turned over, and may exercise its police powers thereover in like manner as if the improvement lay entirely within the municipality.

HISTORY:
Laws 1961, p. 576.

DIVISION 86.

MUNICIPAL AND PARK RELATIONSHIP CONCERNING STREETS

65 ILCS 5/11-86-1 [Construction and maintenance of elevated way]

Any city, incorporated town or village may con-

struct and maintain an elevated way in or upon any street, and construct and maintain all necessary approaches, inclines and superstructures, and may by ordinance authorize any commission or board having jurisdiction of a public park or parks to take over, maintain and control any street or way, incline, approach or superstructure therein upon terms fixed by such ordinance.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-86-2 [Taking and improving streets by means of surface or elevated ways]

Any city, incorporated town or village may by ordinance duly passed grant to any commission or board having jurisdiction over parks and boulevards the right to take and improve by means of surface or elevated ways for vehicles and pedestrians a street or streets not more than one mile in length in any one instance, and for that purpose to construct, maintain and control all approaches, inclines and superstructures convenient or necessary for the purpose aforesaid.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-86-3 [Extending streets through parks]

Where any park is located wholly within any city, the city council of such city shall have power by ordinance to extend streets through such park as the needs of the public shall demand. Such needs to be determined by the park commissioners having control thereof.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-86-4 [Construction and maintenance of depressed streets in parks]

If the street designated in Section 11-86-3 [65 ILCS 5/11-86-3] is to be used only for boulevard purposes, it may be extended through such park at the grade of other roadways to be crossed by such street so to be extended within such park in the discretion of the park commissioners having control thereof. If such street is to be used for general traffic purposes, it shall be depressed below the street level within such park, as the park commissioners, having control thereof, shall direct. The cost of the construction and maintenance of such depression shall be borne by the city. No such street or streets shall be extended through any park in any city without the consent and express direction of the park commissioners having control of such park.

HISTORY:
Laws 1961, p. 576.

DIVISION 87.

RE-LOCATING WATER COURSES

65 ILCS 5/11-87-1 [Changing or re-locating channel, course, or bed of natural or artificial water course or stream]

Whenever in the judgment of the corporate authorities of any city or village it becomes necessary to change or re-locate the channel, course, or bed of any natural or artificial water course or stream within the corporate limits of the city or village, in order to properly lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve the streets, alleys, avenues, and sidewalks, or any of them in any part of the city or village, the corporate authorities are hereby vested with the power to provide by ordinance for the laying out, establishing, opening, altering, widening, extending, grading, paving, or otherwise improving those streets, alleys, avenues, and sidewalks, or any of them in any such part of the city or village, and by the same ordinance to provide for the changing or re-locating of the channel, course, or bed of any such water course or stream within the corporate limits of the city or village. The entire improvement provided for by such an ordinance shall constitute a local improvement, the cost of which may be paid for by special assessment, by special taxation of contiguous property, or by general taxation, or otherwise, as the corporate authorities by ordinance shall direct, and in providing for such an improvement they may proceed in accordance with the provisions of Article 9 [65 ILCS 5/9-1-1 et seq.].

In case the corporate authorities re-locate any such channel or water course, the title of the State of Illinois in and to any land artificially made or reclaimed within the corporate limits of any city or village, which prior to the re-location was, but after the re-location is no longer a part of the channel, course, or bed of the natural or artificial water course or stream, shall vest in fee simple absolute, without further act or deed, in the city or village which so re-locates that channel, course, or bed. The State of Illinois shall take the same title and to the same extent in territory in metes and bounds in and to the channel course or bed of the watercourse or stream, after its re-location by the city or village, as it had in the channel course or bed of the watercourse or stream, before its re-location.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-87-2 [Water course or stream construed]

For the purpose of this Division 87, a water course or stream shall be construed to include all banks,

beds, and waters connected with, adjacent, and leading to the watercourse, or stream.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-87-3 [Filling in channel, course, or bed of watercourse]

Whenever any portion within the corporate limits of a city or village of a fork, branch, arm, canal, or slip terminating within the city or village of any natural or artificial watercourse or stream, or a fork, branch, arm, canal, or slip communicating therewith, has been declared non-navigable by the Congress of the United States of America, or the United States of America has surrendered, relinquished, or abandoned jurisdiction of such a portion thereof as a navigable body of water, and in the judgment of the corporate authorities of the city or village it becomes necessary to fill in all or any part of a portion of such a watercourse or stream in order to properly lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve streets, avenues, or alleys, or any of them, in any part of the city or village, without the construction of a bridge over or along such a watercourse or stream, the corporate authorities have the power to provide by ordinance for the laying out, establishing, opening, altering, widening, extending, grading, paving, or otherwise improving such streets, avenues, and alleys, or any of them, in that part of the city or village and by the same ordinance to provide for the filling in of the channel, course, or bed of a part or all of any portion of such a watercourse or stream within the corporate limits of the city or village.

By this ordinance the corporate authorities may provide for taking by eminent domain of so much of the specified portion of such a watercourse or stream as the city or village requires for the purposes of any such street, avenue, or alley and of the rights in such a watercourse or stream of all owners of land adjoining the specified portion of such a watercourse or stream. The entire improvement provided for by this ordinance shall constitute a local improvement, the cost of which may be paid for by special assessment or special taxation of contiguous property or by general taxation, or otherwise, as the corporate authorities shall direct by ordinance. In providing for such an improvement the corporate authorities may proceed in accordance with the provisions of Article 9 [65 ILCS 5/9-1-1 et seq.].

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-87-4 [Application of other laws]

The rights, powers, and authority granted in the preceding sections of this Division 87 shall be subject to the provisions of Section 18 of "An Act in relation to the regulation of the rivers, lakes and streams of the State of Illinois," approved June 10, 1911, as heretofore and hereafter amended [615 ILCS 5/18].

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-87-5 [Power to acquire property by condemnation]

Whenever any city or village has changed, altered, or relocated or provides by ordinance to change, alter, or relocate the channel, course, or bed of any natural or artificial watercourse or stream, within the corporate limits of the city or village, and provides by ordinance to lay out, establish, open, alter, widen, extend, grade, pave, construct, or otherwise improve streets, alleys, avenues, sidewalks, viaducts, subway tunnels, or any of them, and any such improvement consists of or requires the taking or damaging of property within one-half mile of any part of the channel, course, or bed of such a natural or artificial course or stream as changed or provided by ordinance to be changed, altered, or relocated, the corporate authorities of the city or village may acquire by condemnation, all property that may be required to enable them to make the improvement.

HISTORY:
Laws 1961, p. 576.

DIVISION 88.

GRANT TO PUBLIC AUTHORITY FOR LOCAL TRANSPORTATION

65 ILCS 5/11-88-1 [Construction and operation of facilities for local transportation; ordinance]

The corporate authorities of each municipality may grant to any political subdivision, municipal corporation or public authority of this state with authority to construct and operate transportation facilities, the right to construct and operate any facilities for local transportation within the municipality and to use the streets and other public places therefor. Such right may be granted for any duration of time and may be exclusive, subject to unexpired franchise ordinances, but shall not be exclusive of the public right in any of the streets and public places. Such grant shall not be effective unless and until it is adopted or approved by a majority of the electors of the municipality voting upon the proposition, and if such grant is by ordinance prescribing terms, conditions and limitations, it shall not be effective unless and until such ordinance is accepted in writing by the grantee and such acceptance is filed with the municipal clerk. Such ordinance may be submitted for approval or adoption at the same election at which any act may be adopted to create any political subdivision, municipal corporation or public authority for transportation of persons or property. The munici-

pal clerk shall promptly certify such ordinance and proposition for submission at an election in accordance with the general election law. It shall not be necessary to print such ordinance in full in the notice of election or on the ballot, but the notice and ballot shall briefly indicate the nature of the ordinance setting out its title and date of passage. After any ordinance prescribing the terms, conditions and limitations of such grant becomes effective, extensions and additions to such local transportation facilities may be authorized by ordinance with or without provision for referendum. After any ordinance prescribing the terms, conditions and limitations of such grant becomes effective, in cities of 500,000 or more population, amendments thereto may be made by ordinance, subject to acceptance in writing by the grantee, as herein provided, without provision for referendum. Such amendments shall not impair the security of any indebtedness of the grantee.

HISTORY:
P.A. 81-1489.

DIVISION 89.

TERMINABLE LOCAL TRANSPORTATION PERMITS

65 ILCS 5/11-89-1 [Construction, reconstruction, maintenance and operation of street railways, railroads and public utility motor vehicles or unified local transportation system]

Subject to the provisions of Section 11-89-2 [65 ILCS 5/11-89-2], every municipality may grant consent, permission, and authority to construct, reconstruct, and maintain and operate street railways, railroads and public utility motor vehicles, or a unified local transportation system comprising both street railways and railroads and which may also comprise public utility motor vehicle lines and any other local public utility transportation facilities in, over, across, along, under, or upon streets, alleys, subways, public ways or public grounds in the municipality, the major portion of which street railways, railroads, public utility motor vehicles, and other local public utility transportation facilities is or is to be located within, or the major portion of the service of which is or is to be supplied to the inhabitants of the municipality, without limiting or fixing any time for the duration of the grant, but reserving to the municipality the right or option to purchase and take over the local transportation properties of the grantee provided for in the grant at the time or times and at the price and upon the terms to be stated or provided for in the grant.

The grant may also provide that the grantee, if so required by the municipality, shall sell, assign, transfer, and convey to any other corporation designated as permittee for the purpose the optional properties at such time or times and at such price and upon such terms as may be stated or provided for in the grant.

Every such grant shall be known as a "terminable permit." The grantee therein, its successors and assigns have the right to construct, reconstruct, and maintain and operate the optioned properties until the municipality or its permittee has purchased and taken over those properties.

In addition to the provisions as to purchase by the municipality or its permittee, a terminable permit may contain any other terms and conditions not contrary to or inconsistent with this Division 89 or with the lawful exercise of the power of the state to regulate public utilities. These other terms and conditions may include, but are not limited to reasonable provisions for specified extensions and additions to lines and facilities, the retirement of investment by amortization or otherwise, or for compensation for the use of a public property computed either by some proportion of the receipts from the operation of the property of the grantee, or otherwise. The circuit court may enforce the provisions of this paragraph by means of injunction, mandamus, or other appropriate proceeding.

HISTORY:
P.A. 79-1361.

65 ILCS 5/11-89-2 [Submission of proposition to municipal electors]

No ordinance of any municipality granting a terminable permit shall become effective until a proposition to approve the ordinance has been submitted to the electors of the municipality and has been approved by a majority of the electors voting upon the proposition. Every such ordinance shall order such submission and shall designate the election at which the proposition is to be submitted. The municipal clerk shall promptly certify such proposition for submission.

The proposition need not include the ordinance in full but shall indicate the nature of the ordinance, and shall be substantially in the following form:

Shall the ordinance passed by the city council (or board of trustees) of (name of municipality) on (insert date), entitled ……., which granted a terminable permit to (here insert the name of the grantee) to construct, maintain, and operate a transportation system upon the terms and conditions therein stated, be approved?	YES NO

HISTORY:
P.A. 81-1489; 91-357, § 75.

65 ILCS 5/11-89-3 [Railroads construed]

The term "railroads" as used in this Division 89 does not include a railroad constituting or used as a part of a trunk line railroad system operated as a common carrier of freight and passengers.

HISTORY:
Laws 1961, p. 576.

DIVISION 90.

STREET RAILWAYS

65 ILCS 5/11-90-1 [Laying tracks for street railways in streets, alleys or public places]

Upon compliance with Section 11-90-2 [65 ILCS 5/11-90-2], and with "An Act in regard to street railroads, and to repeal certain acts herein referred to," approved March 7, 1899, as amended [610 ILCS 115/0.01 et seq.], the corporate authorities of each municipality may permit, regulate, or prohibit the locating, constructing, or laying a track of any street railway in any street, alley, or public place.

Permission under this section shall not be granted for a longer time than for 20 years, except as provided in Sections 11-90-3 and 11-90-4 [65 ILCS 5/11-90-3 and 65 ILCS 5/11-90-4] and Division 89 of this Article 11 [65 ILCS 5/11-89-1 et seq.].

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-90-2 [Petition of frontage land owners]

The corporate authorities shall not grant the use of or the right to lay tracks in any street of the municipality to any railroad or street railway corporation except upon the petition of the owners of record of the land representing more than one-half of the frontage of the street, or so much thereof as is sought to be used for railroad or street railway purposes. Whenever the street or part thereof sought to be used is more than one mile in extent, no petition of landowners shall be valid unless the petition shall be signed by the owners of record of the land representing more than one-half of the frontage of each mile and of the fraction of a mile, measuring from the initial point specified in the petition, of the street or of the part thereof sought to be used for railroad or street railway purposes. However, the corporate authorities, without any petition of landowners, may grant the right to lay, maintain and also to operate railroad or street railway tracks, in, upon, or along any street, alley, or public place of the municipality in which the tracks are already laid at the time of making the grant. Also the corporate authorities, without any petition of landowners, may grant the use of or the right to lay tracks in any tunnel or subway beneath the surface of any street, alley, or public place.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-90-3 [Extended term permitted]

Subject to the provisions of Section 11-90-4 [65 ILCS 5/11-90-4], every municipality may grant permission for a term longer than 20 years, but not exceeding 40 years, for locating, constructing, reconstructing, maintaining, operating, and laying tracks of any street railway in any street, alley, or public place in the municipality. However, this section has no application to a grant of a terminable permit expressly authorized by any law of this state.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-90-4 [Submission of proposed extended term to municipal electors]

No ordinance of any municipality granting permission under Section 11-90-3 [65 ILCS 5/11-90-3] for a term longer than 20 years shall become operative until a proposition to approve the ordinance has been submitted to the electors of the municipality and has been approved by a majority of the electors voting upon the proposition. Every such ordinance shall order such submission and shall designate the election at which the proposition is to be submitted in accordance with the general election law. The municipal clerk shall promptly certify such proposition to the proper election officials for submission.

The proposition need not include the ordinance in full but which shall indicate the nature of the ordinance, and shall be substantially in the following form:

Shall the ordinance passed by the city council (or board of trustees, etc.) of (name of municipality) on (insert date) entitled ……., which granted permission for a term of …… years to (here insert the name of the grantee) to locate, construct, reconstruct, maintain, operate, and lay tracks, of (here insert the name of the grantee) in certain streets, alleys, and public places upon the terms and conditions therein stated, be approved?	YES NO

HISTORY:
P.A. 81-1489; 91-357, § 75.

65 ILCS 5/11-90-5: [Repealed] Repealed by P.A. 91-147, § 10, effective September 30, 1999.

65 ILCS 5/11-90-6: [Repealed.] Repealed by P.A. 91-147, § 5, effective September 30, 1999.

65 ILCS 5/11-90-7 Continuation of certain powers derived from the Capital City Railroad Relocation Authority

(a) All of the statutory powers and duties that the Capital City Railroad Relocation Authority had to implement the agreements that it entered into for

Useable Segment 3 (including but not limited to the power to acquire property exchanged by the railroads for the railroad right-of-way acquired by the Authority and to sell, transfer, exchange, or assign property as it deems appropriate), which were transferred to the City of Springfield under Section 11-90-5 of this Code [65 ILCS 5/11-90-5 (now repealed)], shall continue in effect and may be exercised by the City of Springfield until the City has completed the transactions it was required to perform under Section 11-90-5, but only for the implementation of, and subject to, those agreements.

(b) Once the City of Springfield has completed the transactions required to perform the agreements referred to in subsection (a), its powers and duties under this Section are terminated.

(c) All otherwise lawful actions taken before the effective date of this Section in reliance on or pursuant to Section 11-90-5 or 11-90-6 of this Code [65 ILCS 5/11-90-5 or 65 ILCS 5/11-90-6 (now repealed)] by any officer or agency of State government or of the City of Springfield or by any other person or entity are hereby validated.

(d) This Section applies to all claims, civil actions, and proceedings arising out of actions taken in reliance on or pursuant to Section 11-90-5 or 11-90-6 of this Code that are pending on or filed on or after the effective date of this amendatory Act of the 91st General Assembly [P.A. 91-786].

HISTORY:
P.A. 91-786, § 5.

DIVISION 91.

VACATING OF STREETS AND ALLEYS

65 ILCS 5/11-91-1 [Vacating of streets and alleys; ordinance; payment for damaged property]

Whenever the corporate authorities of any municipality, whether incorporated by special act or under any general law, determine that the public interest will be subserved by vacating any street or alley, or part thereof, within their jurisdiction in any incorporated area, they may vacate that street or alley, or part thereof, by an ordinance. The ordinance shall provide the legal description or permanent index number of the particular parcel or parcels of property acquiring title to the vacated property. But this ordinance shall be passed by the affirmative vote of at least three-fourths of the alderpersons, trustees or commissioners then holding office. This vote shall be taken by ayes and noes and entered on the records of the corporate authorities.

No ordinance shall be passed vacating any street or alley under a municipality's jurisdiction and within an unincorporated area without notice thereof and a hearing thereon. At least 15 days prior to such a hearing, notice of its time, place and subject matter shall be published in a newspaper of general circulation within the unincorporated area which the street or alley proposed for vacation serves. At the hearing all interested persons shall be heard concerning the proposal for vacation.

The ordinance may provide that it shall not become effective until the owners of all property or the owner or owners of a particular parcel or parcels of property abutting upon the street or alley, or part thereof so vacated, shall pay compensation in an amount which, in the judgment of the corporate authorities, shall be the fair market value of the property acquired or of the benefits which will accrue to them by reason of that vacation, and if there are any public service facilities in such street or alley, or part thereof, the ordinance shall also reserve to the municipality or to the public utility, as the case may be, owning such facilities, such property, rights of way and easements as, in the judgment of the corporate authorities, are necessary or desirable for continuing public service by means of those facilities and for the maintenance, renewal and reconstruction thereof. If the ordinance provides that only the owner or owners of one particular parcel of abutting property shall make payment, then the owner or owners of the particular parcel shall acquire title to the entire vacated street or alley, or the part thereof vacated.

The determination of the corporate authorities that the nature and extent of the public use or public interest to be subserved in such as to warrant the vacation of any street or alley, or part thereof, is conclusive, and the passage of such an ordinance is sufficient evidence of that determination, whether so recited in the ordinance or not. The relief to the public from further burden and responsibility of maintaining any street or alley, or part thereof, constitutes a public use or public interest authorizing the vacation.

When property is damaged by the vacation or closing of any street or alley, the damage shall be ascertained and paid as provided by law.

HISTORY:
P.A. 79-1018; 90-179, § 5; 93-383, § 5; 93-703, § 5; 2021 P.A. 102-15, § 35, effective June 17, 2021.

65 ILCS 5/11-91-2 [Title to street or alley upon abandonment or vacation thereof]

Except in cases where the deed, or other instrument, dedicating a street or alley, or part thereof, has expressly provided for a specific devolution of the title thereto upon the abandonment or vacation thereof, whenever any street or alley, or any part thereof, is vacated under or by virtue of any ordinance of any municipality, the title to the land included within the street or alley, or part thereof, so vacated, vests in the then owners of the land abutting thereon, in the same proportions and to the same extent, as though the street or alley has been dedicated by a common law plat (as distinguished

from a statutory plat) and as though the fee of the street or alley had been acquired by the owners as a part of the land abutting on the street or alley.

HISTORY:
Laws 1961, p. 576.

DIVISION 91.1.

PERSONS DISPLACED BY FEDERAL AID SYSTEM OF STREETS AND HIGHWAYS

65 ILCS 5/11-91.1-1 [Payment to persons displaced by federal highway project]

The municipality is authorized to pay, as part of the cost of construction of any project on the federal aid system of streets and highways, to a person displaced by said highway project the actual reasonable expenses in moving said person, his family, his business, or his farm operation, including the moving of personal property. The allowable expenses for transportation shall not exceed the cost of moving 50 miles from the point from which such person, family, business or farm is being displaced.

The municipality is authorized to adopt rules and regulations as may be determined necessary to implement the payments as authorized by this section.

HISTORY:
P.A. 76-1644.

65 ILCS 5/11-91.1-2 [Moving expense and dislocation allowances]

In lieu of the actual moving expenses heretofore authorized to be paid, the municipality may pay any person displaced, from a dwelling, who elects to accept such payment, a moving expense allowance determined according to a schedule to be established by the municipality, not to exceed $200, and a further dislocation allowance of $100.

HISTORY:
P.A. 76-1644.

65 ILCS 5/11-91.1-3 [Relocation payment for business or farm operations]

In lieu of the actual moving expenses heretofore authorized to be paid, the municipality may pay any person who moves or discontinues his business or farm operation, who elects to accept such payment, a fixed relocation payment in an amount equal to the average annual net earnings of the business or the farm operation, or $5,000, whichever is the lesser. In the case of a business, no payment shall be made unless the municipality is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not part of a commercial enterprise having at least one other establishment not being acquired for highway purposes which is engaged in the same or similar business. The term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before Federal, State and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property being acquired for such project, and includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such two year period.

HISTORY:
P.A. 76-1644.

65 ILCS 5/11-91.1-4 [Payment to owner of single, two or three family dwelling acquired for Federal Aid highway project owned and occupied for not less than one year prior to initiation of negotiations for acquisitions of property]

In addition to the amounts heretofore authorized to be paid by the municipality, the municipality may, as a part of the cost of construction, make a payment to the owner of real property acquired for a Federal Aid highway project which is improved by a single, two or three family dwelling actually owned and occupied by the owner for not less than one year prior to the initiation of negotiations for the acquisition of such property, an amount which, when added to the acquisition payment, equals the average price required for a comparable dwelling determined in accordance with standards established by the municipality to be a decent, safe and sanitary dwelling adequate to accommodate the displaced owner, reasonably accessible to public services and places of employment and available on the private market. Such payment shall not exceed the sum of $5,000, and shall be made only to a displaced owner who purchases and occupies a dwelling that meets the standards established by the municipality within one year subsequent to the date on which he is required to move from the dwelling acquired for the highway project. Any individual or family not eligible to receive such payment, who is displaced from any dwelling which dwelling was actually and lawfully occupied by such individual and family for not less than ninety days prior to the initiation of negotiations for acquisition of such property, may be paid by the municipality an amount necessary to enable such individual or family to lease or rent for a period not to exceed two years, or to make the down payment on the purchase of a decent, safe and sanitary dwelling of standards adequate to accommodate such individual or family in areas not generally less desirable in regard to public utilities and public and commercial facilities. Such payment shall not exceed the sum of $1,500.

HISTORY:
P.A. 76-1644.

65 ILCS 5/11-91.1-5 [Reimbursement for other reasonable and necessary expenses]

In addition to the amounts heretofore authorized to be paid, the municipality may reimburse the owner of real property acquired for a Federal Aid highway project the reasonable and necessary expenses incurred for (1) recording fees, transfer taxes, and similar expenses incidental to conveying such property; and (2) penalty costs for prepayment of any mortgages entered into in good faith encumbering such real property, if such mortgage is on record or has been filed for record under applicable State law on the date of final approval by the Department of Transportation of the location of such highway project.

HISTORY:
P.A. 81-840.

65 ILCS 5/11-91.1-6 [Element of damages not created]

Nothing contained in this amendatory Act creates in any proceedings brought under the power of eminent domain any element of damages not in existence as of the date of enactment of this amendatory Act.

HISTORY:
P.A. 76-1644.

DIVISION 91.2.

JURISDICTION OVER ROADS BY AGREEMENT

65 ILCS 5/11-91.2-1 [Surrender by county or State of jurisdiction over right-of-way and improvements of county or State highways, streets or roads by agreement]

A county or the State may surrender its jurisdiction over the right-of-way and improvements of all or part of a county or State highway, street or road to a municipality by agreement made between the corporate authorities of the municipality and the county board or the Illinois Department of Transportation, as the case may be. The agreement shall provide that the right-of-way and improvements continue to be used as a road, street or highway and that the municipality be chargeable with the repair, maintenance and upkeep of the right-of-way and improvements. The municipality may exercise its police powers over the right-of-way and improvements in like manner as if the right-of-way and improvements lay entirely within the municipality.

HISTORY:
P.A. 85-1421.

BRIDGES, VIADUCTS, TUNNELS, FERRIES

Division 107. Bridges, Viaducts and Tunnels

Division 108. Ferries and Toll Bridges

DIVISION 107.

BRIDGES, VIADUCTS AND TUNNELS

65 ILCS 5/11-107-1 [Construction, repair and regulation of use]

The corporate authorities of each municipality may construct, repair, and regulate the use of bridges, viaducts, and tunnels.

HISTORY:
Laws 1961, p. 576.

DIVISION 108.

FERRIES AND TOLL BRIDGES

65 ILCS 5/11-108-1 [Establishment, construction and regulation]

The corporate authorities of each municipality may establish ferries for hire and construct toll bridges, and also may regulate them and their charges.

HISTORY:
Laws 1961, p. 576.

TRANSPORTATION SYSTEMS

Division 120. Transportation System Tax

Division 121. Subway System

DIVISION 120.

TRANSPORTATION SYSTEM TAX

65 ILCS 5/11-120-1 [Annual tax levy to operate, maintain and improve local transportation system]

The corporate authorities of any city, village or incorporated town may levy, annually, a tax of not to exceed .03% of the value, as equalized or assessed by the Department of Revenue, on all taxable property therein, to provide revenue for the purpose of operating, maintaining and improving any local transportation system owned and operated by such city, village or incorporated town. This tax shall be in addition to all taxes authorized by law to be levied and collected in the municipality and shall be in addition to the amount authorized to be levied for general purposes as provided by Section 8-3-1 [65 ILCS 5/8-3-1].

HISTORY:
P.A. 81-1509.

65 ILCS 5/11-120-2 [Adoption of Division]

This Division 120 shall not be in force in any city, village or incorporated town until the question of its adoption is certified by the clerk and submitted to the electors of the city, village or incorporated town and approved by a majority of those voting on the question.

The question shall be in substantially the following form:

Shall Division 120 of the Illinois Municipal Code permitting municipalities to levy an additional annual tax of not to exceed .03% for the purpose of operating, maintaining and improving local transportation systems be adopted?	YES NO

If a majority of the votes cast on the question is in favor of adopting this Division 120, such division shall be adopted. It shall be in force in the adopting city, village or incorporated town for the purpose of the fiscal years succeeding the year in which the election is held.

HISTORY:
P.A. 81-1489.

DIVISION 121.

SUBWAY SYSTEM

65 ILCS 5/11-121-1 [Construction, contracts for or acquisition of subways; subways defined]

Every municipality may construct or enter into contracts for the construction of or to otherwise acquire in, under, upon, across, or along the streets, alleys, and public places of the municipality, and in, under, and upon any other property owned by the municipality or leased to it for the purpose, subways for local transportation and other public utility purposes and for any other municipal purpose. The term "subways" as used in this Division 121, includes all tunnels, entrances, exits, passageways, connections, approaches, inclines, elevators, stations, and other structures, equipment, appliances, or appurtenant property, appropriate to a system of such subways.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-121-2 [Acquisition of real or personal property by eminent domain]

Every municipality may acquire in the manner provided for by any law of eminent domain of this state, any real or personal property necessary or convenient for the purpose of constructing and operating subways, as provided in Section 11-121-1 [65 ILCS 5/11-121-1].

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-121-3 [Levy for costs of subway construction]

The cost of constructing or otherwise acquiring such subways, or the property necessary or appropriate for the operation thereof, or such part of that cost as may be just and reasonable, may be levied in any municipality upon and collected from the property specially benefited thereby, if any, in the manner provided by Article 9 [65 ILCS 5/9-1-1 et seq.].

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-121-4 [Borrowing money and issuing interest bearing revenue bonds or certificates]

In order to defray the cost of such subways, or such portion of the cost as may not be raised by special assessment, the municipality may borrow money and issue its bonds or other obligations therefor. Also it may use the available funds belonging to the municipality, including the special funds accumulated from money received by the municipality from street railroad companies and from the operation of local transportation facilities within such municipality, including but not limited to the operation of all subways owned by such municipality, and accretions of interest thereon and principal thereof.

Furthermore, the municipality may borrow money for the purpose of paying the cost of constructing such subways and of extending or improving such subways and of any property and equipment useful therefor. To evidence the obligation of the municipality to repay any money borrowed as aforesaid, the municipality may, pursuant to ordinance adopted by the corporate authorities, from time to time, issue and dispose of its interest bearing revenue bonds or certificates and may also, from time to time, issue and dispose of its interest bearing revenue bonds or certificates to refund any revenue bonds or certificates at maturity or pursuant to redemption provisions or at any time before maturity with the consent of the holders thereof. All such revenue bonds and certificates shall be payable solely from the revenues or income to be derived by the municipality from the operation of local transportation facilities within such municipality, including but not limited to the operation of all subways owned by such municipality, it being intended that the revenues or income from any or all of such local transportation operations may be pledged for the payment of any such revenue bonds and certificates.

The money to be received by such municipality as reimbursement for the initial depreciated cost of furnishing and installing transportation equipment in such subways as defined and required to be paid by the grantee in any ordinance granting the right to operate transportation facilities in such municipality may also be pledged for the payment of any such revenue bonds or certificates and where the amount of such payments to be paid monthly has been agreed upon by such municipality and such grantee prior to the issuance of such bonds or certificates, the amount of such monthly payments so pledged shall not be reduced until all such bonds or certificates shall have been paid.

These bonds and certificates may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, and bear interest at such rate or rates, not exceeding the maximum rate authorized by the Bond Authorization Act, as amended [30 ILCS 305/0.01 et seq.] at the time of the making of the contract, payable semiannually, may be in such form, and carry such registration privileges, may be executed in such manner, may be payable in such place or places, may be made subject to redemption in such manner and upon such terms with or without premium as is stated on the face thereof, may be authenticated in such manner and may contain such terms and covenants all as may be provided in such ordinance. Notwithstanding the form or tenor thereof and in the absence of an express recital on the face thereof that it is nonnegotiable, all such revenue bonds and certificates shall be negotiable instruments. Pending the preparation and execution of any such revenue bonds or certificates, temporary bonds or certificates may be issued with or without interest coupons as may be provided by ordinance.

These revenue bonds or certificates may be issued without submission thereof to the electors of the municipality for approval.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts [5 ILCS 70/8] are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

The amendatory Acts of 1971, 1972 and 1973 are not a limit upon any municipality which is a home rule unit.

HISTORY:
P.A. 86-4.

65 ILCS 5/11-121-5 [Trust agreement to secure payment of bonds or certificates]

To secure the payment of any or all of such revenue bonds or certificates and for the purpose of setting forth the covenants and undertakings of the munici-

pality in connection with the issuance thereof, and the issuance of any additional revenue bonds or certificates payable from such revenues or income, as well as the use and application of the revenues or income to be derived from the operation of local transportation facilities within such municipality, including but not limited to the operation of all subways owned by such municipality, the municipality may execute and deliver a trust agreement or agreements or all such covenants and undertakings to secure the payment of the bonds or certificates may be included in the ordinance authorizing the bonds or certificates. However, no lien upon any physical property of the municipality shall be created thereby. A remedy for any breach or default of the terms of any such trust agreement or ordinance by the municipality may be by mandamus proceedings in any court of competent jurisdiction to compel performance and compliance therewith, but the trust agreement or ordinance may prescribe by whom or upon whose behalf such action may be instituted. Under no circumstances shall any revenue bonds or certificates issued by the municipality hereunder be or become an indebtedness or obligation of the municipality within the purview of any constitutional limitation or provision. It shall be plainly stated on the face of each revenue bond and certificate that it does not constitute such an indebtedness or obligation, but is payable solely from the revenues or income as aforesaid.

In case any officer whose signature appears on any bond or certificate or interest coupon, issued under this Division 121 ceases to hold his office before delivery thereof, his signature shall be valid and sufficient for all purposes with the same effect as if he had remained in office until delivery thereof.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-121-6 [Construction in subways of railroad and street railway tracks; lease or use of subways for other transportation facilities]

Without any petition or consent of any property owner, a municipality has the power to lay down and construct in such subways, railroad and street railway tracks and all necessary appurtenances and operate the same for transportation purposes. Likewise, without any petition or consent of any property owner, but subject to the provisions of Section 11-121-7 [65 ILCS 5/11-121-7], a municipality may lease, consent to, permit, or grant the use of such subways, or portions thereof, for transportation purposes, including the right to pay down, construct, and operate railroad and street railway tracks therein, to any political subdivision, municipal corporation or public authority of this state authorized to construct and operate transportation facilities or to any railroad or street railway or other local transportation corporation upon such terms and conditions as the corporate authorities of the municipality by ordinance shall prescribe and for such duration of time as may be authorized by any law of this state governing the grant of permits for local transportation purposes in the streets of the municipality. The municipality may also use the subways or lease or permit the use of the subways for transportation facilities other than railroads and street railways, and to the extent that the subways are not used for transportation purposes, the municipality may use the subways, or lease or permit the use of the subways, for the purposes.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-121-7 [Voter approval of ordinance]

No ordinance of any municipality granting any lease of, or consent, permit, or right to use such subways for local transportation purposes shall become operative until a proposition to approve the ordinance has been submitted to the electors of the municipality and has been approved by a majority of the electors voting upon the proposition. Every such ordinance shall order such submission and shall designate the election at which the proposition is to be submitted. The municipal clerk shall promptly certify such ordinance and proposition for submission.

The proposition need not include the ordinance in full but shall indicate the nature of the ordinance, and shall be substantially in the following form:

Shall the ordinance passed by the city council (or board of trustees) of (name of municipality) on (insert date), entitled ..... which grants to (name of grantee) a lease of (or consent, permit, or right to use, as the case may be) of the municipally owned subways therein specified, for local transportation purposes, be approved?	YES NO

However, when any municipality by ordinance grants a permit to construct and operate or maintain and operate a local transportation system, including the use of municipally owned subways, and that ordinance is submitted to and approved on a referendum, it is not necessary to pass or to submit to a referendum a separate ordinance granting a lease of or consent, permission, or right for the use of those subways.

HISTORY:
P.A. 81-1489; 91-357, § 75.

65 ILCS 5/11-121-8 [Public utility structures and appliances defined; power of municipality to remove or relocate; limitations on power]

In this section, the term "public utility structures

and appliances" includes lines of a street railroad or other railroad, or both, and the property used to supply or deal in gas, electricity, lighting, water, heating, refrigerating, power, telephone, telegraph, and other public utilities, and any conduits, pipes, wires, poles, or other properties used for the specified purposes or any of them.

Every municipality has the power to require persons owning or operating public utility structures and appliances in, upon, under, over, across, or along the streets, alleys, or public places of the municipality in which it is proposed to construct subways, (1) to remove these public utility structures and appliances from their locations in the streets, alleys, or public places, and (2) to relocate them in such places in the subways or elsewhere in the streets, alleys, or public places of the municipality as may be designated by the municipality, either temporarily or for the remainder of the period of the grant, license, or franchise which the specified persons have to occupy the streets, alleys, and public places for public utility purposes. If any person owning or operating public utility structures and appliances fails or refuses so to remove or relocate them, the municipality may remove or relocate them.

However, the power of the municipality to so remove or relocate public utility structures and appliances itself, or to require persons owning or operating public utility structures and appliances to so remove or relocate them, shall be exercised only upon such terms and conditions as the municipality and these persons may agree upon, or in default of such an agreement, upon such fair and reasonable terms and conditions as the municipality may prescribe. These terms and conditions may include fair and reasonable provisions as to how much, if any, of the expense of the removal, or relocation, shall be paid by the owners or operators of public utility structures and appliances, respectively, and as to what compensation, if any, shall be paid to the municipality by the owners or operators of public utility structures and appliances, respectively, for the use or occupation of such space, if any, as they may use or occupy in the subways.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-121-9 [Actions to recover damage by reason of subway construction, maintenance or operation; priority]

If, within the period of limitations of actions provided in such cases, owners of land abutting or fronting upon any street, alley, or public place in which a subway has been constructed commence actions to recover any damage by reason of the construction, maintenance, or operation of subways under this Division 121, the clerk of the court in which the proceedings are brought shall make up a special trial calendar of all such cases, and the court thereupon shall designate an early time for the hearing thereof. Such cases shall have priority in hearing and determination over all other civil proceedings pending in that court, except election contests.

HISTORY:
P.A. 83-334.

DIVISION 122.

STREET RAILWAYS

65 ILCS 5/11-122-1 [Operation of street railways; street railways defined; rules and regulations; rates and charges; regulation of use]

Subject to the provisions of Section 11-122-6 [65 ILCS 5/11-122-6], every city may own, construct, acquire, purchase, maintain, and operate street railways within its corporate limits. For the purpose of this Division 122 the expression "street railways" includes railways above, on, or below the surface of the city streets. But no city shall proceed to operate street railways unless the proposition to operate is first submitted to the electors of the city as a separate proposition and approved by three-fifths of those voting thereon.

The city council of any city that decides by popular vote, as provided in this Division 122, to operate street railways, has the power to make all needful rules and regulations respecting the operation thereof, including the power to fix and prescribe rates and charges. But these rates and charges shall be high enough (1) to produce a revenue sufficient to bear all costs of maintenance and operation, (2) to meet interest charges on all bonds or certificates issued on account of these railways, and (3) to permit the accumulation of a surplus or sinking fund sufficient to meet all such outstanding bonds or certificates at maturity. Street railways owned and operated by such a city, or owned by the city and leased for operating purposes to a private company, may carry passengers and their ordinary baggage, parcels, packages, and United States mail, and may be utilized for such other purposes as the city council of the city may deem proper. Such street railways may be operated by such motive power as the city council may approve, except steam locomotives.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-122-2 [Lease of street railways by city; reservation of rights; ordinance; voter approval; petition; rental]

Subject to the provisions of Section 11-122-6 [65 ILCS 5/11-122-6], every city may lease street railways, or any part thereof, owned by the city to any

company incorporated under the laws of this state for the purpose of operating street railways for any period, not longer than 20 years, on such terms and conditions as the city council deems for the best interests of the public.

Such a city has the power to incorporate in any grant of the right to construct or operate street railways a reservation of the right on the part of the city to take over all or part of those street railways, at or before the expiration of the grant, upon such terms and conditions as may be provided in the grant. The city also has the power to provide in such a grant that in case the reserved right is not exercised by the city and the city grants a right to another company to operate a street railway in the streets or part of the streets occupied by its grantee under the former grant, the new grantee shall purchase and take over the street railways of the former grantee upon the terms that the city might have taken them over. The city council of the city has the power to make a grant, containing such a reservation, for either the construction or operation or both the construction and operation of a street railway in, upon, and along any of the streets or public ways therein, or portions thereof, in which street railway tracks are already located at the time of the making of the grant, without the petition or consent of any of the owners of the land abutting or fronting upon any street or public way, or portion thereof, covered by the grant.

No ordinance authorizing a lease for a longer period than 5 years, nor any ordinance renewing any lease, shall go into effect until the expiration of 30 days from and after its publication. The ordinance shall be published in a newspaper of general circulation in the city. The publication or posting of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of authorizing the lease of a street railway for a period longer than 5 years to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The city clerk shall provide a petition form to any individual requesting one. And if, within that 30 days, there is filed with the city clerk a petition signed by voters in the municipality equal to 10% or more of the registered voters in the municipality, asking that the ordinance be submitted to a popular vote, the ordinance shall not go into effect unless the question of its adoption is first submitted to the electors of the city and approved by a majority of those voting thereon.

The signatures to the petition need not all be on one paper but each signer shall add to his signature, which shall be in his own handwriting, his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer competent to administer oaths, that each signature on the paper is the genuine signature of the person whose name it purports to be.

In case of the leasing by any city of any street railway owned by it, the rental reserved shall be based on both the actual value of the tangible property and of the franchise contained in the lease, and the rental shall not be less than a sufficient sum to meet the annual interest upon all outstanding bonds or street railway certificates issued by the city on account of that street railway.

HISTORY:
P.A. 87-767.

65 ILCS 5/11-122-3 [Borrowing money and issuing bonds; voter approval; condemnation of private property; valuation]

For the purpose of acquiring street railways either by purchase or construction, as provided for in this Division 122, or for the equipment of any such street railways, any city may borrow money and issue its negotiable bonds therefor, pledging the faith and credit of the city. But no such bonds shall be issued unless the proposition to issue the bonds is first submitted to the electors of the city and approved by two-thirds of those voting thereon, nor shall the bonds be issued in an amount in excess of the cost to the city of the property for which the bonds are issued, ascertained as provided in this Division 122, and 10% of that cost in addition thereto.

In the exercise of the powers, or any of them, granted by this Division 122, a city has the power to acquire, take, and hold all necessary property, real, personal, or mixed, for the purposes specified in this Division 122, either by purchase or condemnation in the manner provided by law for the taking and condemning of private property for public use. However, in no valuation of street railway property for the purpose of any such acquisition, except of street railways now operated under existing franchises, shall any sum be included as the value of any earning power of that property or of the unexpired portion of any franchise granted by the city.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-122-4 [Issuance of street railway certificates]

In lieu of issuing bonds pledging the faith and credit of the city, as provided for in Section 11-122-3 [65 ILCS 5/11-122-3], any city may issue and dispose of interest bearing certificates, to be known as "street railway certificates," which, under no circumstances, shall be or become an obligation or liability of the city or payable out of any general fund thereof, but shall be payable solely out of a specified portion of the income to be derived from the street railway property for the acquisition of which they were issued. These certificates shall not be issued and secured by any street railway property in an amount in excess of the cost to the city of that property, as provided in this Division 122, and 10% of that cost in addition thereto.

In order to secure the payment of these street railway certificates and the interest thereon, the city may convey, by way of mortgage or deed of trust, any or all of the street railway property acquired or to be acquired through the issuance thereof. This mortgage or deed of trust shall be executed in such manner as may be directed by the city council and acknowledged and recorded in the manner provided by law for the acknowledgment and recording of mortgages of real estate, and may contain such provisions and conditions not in conflict with the provisions of this Division 122 as may be deemed necessary to fully secure the payment of the street railway certificates described therein. The mortgage or deed of trust may contain the grant of a privilege or right to maintain and operate the street railway property covered thereby, for a period not exceeding 20 years from the date that that property may come into the possession of any person as the result of foreclosure proceedings. This privilege or right may fix the rates of fare which the person securing the privilege or right as the result of foreclosure proceedings shall be entitled to charge in the operation of the property for a period not exceeding 20 years.

Whenever, and as often as, default is made in the payment of any street railway certificate issued and secured by a mortgage or deed of trust, as provided in this section, or in the payment of the interest thereon when due, and that default has continued for the space of 12 months, after notice thereof has been given to the mayor and the financial officer of the city issuing the certificates, it is lawful for the mortgagee or trustee, upon the request of the holders of a majority in amount of the certificates issued and outstanding under the mortgage or deed of trust, to declare the whole of the principal of all such certificates as may be outstanding, to be at once due and payable, and to proceed to foreclose the mortgage or deed of trust in any court of competent jurisdiction.

At a foreclosure sale, the mortgagee, or trustee, or the holders of the certificates may become the purchaser or purchasers of the property and the rights and privileges sold, if he or they be the highest bidders. Any street railway acquired under such a foreclosure shall be subject to regulation by the corporate authorities of the city to the same extent as if the right to construct, maintain, and operate that property had been acquired through a direct grant without the intervention of foreclosure proceedings.

However, no street railway certificates, mortgage, or deed of trust shall ever be issued by any city under the provisions of this Division 122 until the question of the adoption of the ordinance making provision for the issuance thereof has been submitted to a popular vote and approved by a majority of the electors of the city voting upon that question.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-122-5 [Books of account; annual report; examination]

Every city owning, or owning and operating, street railways, shall keep the books of account for these street railways distinct from other city accounts and in such manner as to show the true and complete financial results of the city ownership, or ownership and operation, as the case may be. These accounts shall be so kept as to show: (1) the actual cost to the city of street railways owned, (2) all costs of maintenance, extension, and improvement, (3) all operating expenses of every description, in case of city operation, (4) the amount set aside for sinking fund purposes, (5) if water or other service is furnished for the use of the street railways without charge, as nearly as possible, the value of this service, and also the value of any similar service rendered by the street railways to any other city department without charge, (6) reasonable allowances for interest, depreciation, and insurance, and (7) estimates of the amount of taxes that would be chargeable against the property if owned by a private corporation. The city council shall print annually for public distribution, a report showing the financial results, in the form specified in this section, of the city ownership, or ownership and operation.

The accounts of those street railways, shall be examined at least once a year by a licensed Certified Public Accountant permitted to perform audits under the Illinois Public Accounting Act [225 ILCS 450/0.01 et seq.], who shall report to the city council the results of his examination. This accountant shall be selected in such manner as the city council may direct, and he shall receive for his services such compensation, to be paid out of the income from those street railways, as the city council may prescribe.

HISTORY:
Laws 1961, p. 576; P.A. 94-465, § 15.

65 ILCS 5/11-122-6 [Where Division in force; voter approval adoption]

This Division 122 shall be in force in every city in which "An Act to authorize cities to acquire, construct, own, operate and lease street railways, to provide the means therefor, and to provide for the discontinuance of such operation and ownership," approved May 18, 1903, as amended, has been heretofore adopted and was in force immediately prior to January 1, 1942. This Division 122 shall not be in force in any other city until the question of its adoption in such other city has been submitted to the electors of the city and approved by a majority of those voting thereon.

If the city council in any city has heretofore incorporated or hereafter incorporates in any grant to a private company of the right to construct or operate street railways a provision reserving to the city the right to take over the street railways at or before the expiration of the grant, in case the city later adopted "An Act to authorize cities to acquire, construct, own, operate and lease street railways, to provide the means therefor, and to provide for the discontinuance of such operation and ownership," approved May 18,

1903, as amended, or adopts this Division 122, as the case may be, that provision shall be as valid and effective for all purposes, in case the city later adopts this Division 122 as provided in this section, as if the provision were made a part of a grant after the adoption of this Division 122 by the city.

HISTORY:
Laws 1961, p. 576.

65 ILCS 5/11-122-7 [Necessity of ordinance for vote]

In all cases provided in Sections 11-122-1 through 11-122-6 [65 ILCS 5/11-122-1 through 65 ILCS 5/11-122-6] for the submission of questions or propositions to popular vote, the city council shall pass an ordinance stating the substance of the proposition or question to be voted upon and designating the election at which the question or proposition is to be submitted. The city clerk of the city shall promptly certify the ordinance and the proposition for submission at an election in accordance with the general election law.

HISTORY:
P.A. 81-1489.

65 ILCS 5/11-122-8 [Discontinuance; sale or disposal of property; referendum; publication]

Any city having a population of less than 500,000 which has constructed, acquired, or purchased street railways under "An Act to authorize cities to acquire, construct, own, operate and lease street railways, to provide the means therefor, and to provide for the discontinuance of such operation and ownership," approved May 18, 1903, as amended, or under this Division 122, by ordinance of the city council may provide for the discontinuance of their operation and maintenance and may provide for the sale or disposal, in such manner as the city council may determine, of the property and equipment so constructed, acquired, or purchased.

This ordinance shall not become effective until the question of its adoption is certified by the clerk and submitted to a referendum vote of the electors of the city at an election designated in the ordinance. At that election, the ordinance shall be submitted without alteration to the vote of the electors of the city.

The question shall be in substantially the following form:

	YES
Shall the ordinance (stating the nature of the proposed ordinance) be adopted?	NO

If a majority of the electors voting on the question of the adoption of the proposed ordinance vote in favor thereof, the ordinance shall thereupon become a valid and binding ordinance of the city.

Prior to the election upon this ordinance, the city clerk shall have the ordinance published at least once in one or more newspapers published in the city, or, if no newspaper is published therein, then in one or more newspapers with a general circulation within the city. This publication shall be not more than 30 nor less than 15 days in advance of the election.

HISTORY:
P.A. 81-1489.

65 ILCS 5/11-122-9 [Limitation on term of lease or grant]

Nothing contained in this Division 122 authorizes any city to make any street railway grant, or to lease any street railway property, for a period exceeding 20 years from the making of the grant or lease. However, when a right to maintain and operate a street railway for a period not exceeding 20 years is contained in a mortgage or deed of trust to secure street railway certificates, and no such right shall be implied, that period shall commence as provided in Section 11-122-4 [65 ILCS 5/11-122-4].

HISTORY:
Laws 1961, p. 576.

DIVISION 122.1.

CONTRACT FOR PRIVATELY OWNED LOCAL TRANSPORTATION SYSTEM

65 ILCS 5/11-122.1-1 [Authority to contract; terms]

Any municipality shall have power to contract for the operation of a privately owned, local passenger transportation system or a portion thereof within its corporate limits or within a radius of one-half mile thereof upon terms satisfactory to it and to the owner of said system. By such contract, the municipality may bind itself to pay to said owner and operator such sums as may be sufficient, when added to the fares collected from its patrons by the operator, to equal an agreed cost of said service, which cost may include an allowance for depreciation and a reasonable sum for operating and maintaining said transportation system or portion thereof. Such contract shall provide that the municipality may fix the fares to be charged and the service to be rendered by the operator; and a municipality entering into such contract shall have exclusive jurisdiction and control of rates of fare to be charged and service to be provided by such contracting, owning and operating company for the transportation to be provided pursuant to such contract. Upon the execution of such a contract and within 10 days after its effective date the owner of the system shall file 3 copies of such contract certified by the clerk of the municipal corporation executing the same with the Illinois Commerce Commission and shall cause public notice of such contract

to be published in a newspaper of general circulation in the area to be served pursuant to such contract. Thereafter the Illinois Commerce Commission shall enter an order suspending that portion of the operating rights of the owner of the system covered by the provisions of such contract for the period covered by the contract. Such order shall direct continued compliance by the owner of the system with the provisions of Sections 55a and 55b of "An Act concerning public utilities", approved June 29, 1921, as amended.

HISTORY:
Laws 1965, p. 2850.

65 ILCS 5/11-122.1-2 [Authority to contract; payment for service]

Any municipality may contract for the operation of privately owned, local passenger transportation system or a portion thereof within its corporate limits or within a radius of one-half mile thereof upon terms satisfactory to it and to the owner of such system. By the contract, the municipality may bind itself to pay to the owner and operator such sums as may be agreed upon by the municipality.

HISTORY:
P.A. 76-100.

65 ILCS 5/11-122.1-3 [Lease, sale or purchase of property]

Any municipality may lease, sell or purchase, on the installment basis or otherwise, real or personal property for use by such system.

HISTORY:
P.A. 76-100.

65 ILCS 5/11-122.1-4 [Loans, grants, services, financial assistance and projects of Federal government]

A municipality may apply for and accept loans, grants, services, or other financial assistance from, and may participate in projects of, the United States of America, or any agency or instrumentality thereof, under the Federal "Urban Mass Transportation Act of 1964", as now or hereafter amended [49 U.S.C. § 1601 et seq.], or similar Federal mass transportation acts, and may enter into and carry out contracts in connection therewith.

This Section applies to any contract which is otherwise valid and made for the purposes authorized in this Section, even though the contract was executed before the effective date of this amendatory Act of 1969 or the municipality made no appropriation for the contract before it was executed either before or after the effective date of this amendatory Act.

HISTORY:
P.A. 76-100.

DIVISION 122.2.

REGIONAL TRANSPORTATION AUTHORITY

65 ILCS 5/11-122.2-1 [Powers of municipality]

In addition to all its other powers, every municipality shall, in all its dealings with the Regional Transportation Authority established by the "Regional Transportation Authority Act" [70 ILCS 3615/1.01 et seq.], enacted by the 78th General Assembly, have the following powers:

(a) to cooperate with the Regional Transportation Authority in the exercise by the Regional Transportation Authority of all the powers granted it by the Act;

(b) to receive funds from the Regional Transportation Authority upon such terms and conditions as shall be set forth in an agreement between the municipality and the Suburban Bus Board or the Commuter Rail Board, which contract or agreement may be for such number of years or duration as they may agree, all as provided in the "Regional Transportation Authority Act";

(c) to receive financial grants from a Service Board, as defined in the "Regional Transportation Authority Act", upon such terms and conditions as shall be set forth in a Purchase of Service Agreement or other grant contract between the municipality and the Service Board, which contract or agreement may be for such number of years or duration as the Service Board and the municipality may agree, all as provided in the "Regional Transportation Authority Act";

(d) to acquire from the Regional Transportation Authority or a Service Board any Public Transportation Facility, as defined in the "Regional Transportation Authority Act", by purchase contract, gift, grant, exchange for other property or rights in property, lease (or sublease) or installment or conditional purchase contracts, which contracts or leases may provide for consideration to be paid in annual installments during a period not exceeding 40 years; such property may be acquired subject to such conditions, restrictions, liens or security or other interests of other parties as the municipality may deem appropriate and in each case the municipality may acquire a joint, leasehold, easement, license or other partial interest in such property;

(e) to sell, sell by installment contract, lease (or sublease) as lessor, or transfer to, or grant to or provide for the use by the Regional Transportation Authority or a Service Board any Public Transportation Facility, as defined in the "Regional Transportation Authority Act" upon such terms and for such consideration, or for no consideration, as the municipality may deem proper;

(f) to cooperate with the Regional Transportation Authority or a Service Board for the protection of employees and users of public transportation facili-

ties against crime and also to protect such facilities; such cooperation may include, without limitation, agreements for the coordination of police or security forces;

(g) to file such reports with and transfer such records, papers or documents to the Regional Transportation Authority or a Service Board as may be agreed upon with, or required by, the Regional Transportation Authority or a Service Board.

In exercising any of the powers granted in this Section the municipality shall not be subject to the provisions of this Code or any Act making public bidding or notice a requirement for any purchase or sale by a municipality. Notwithstanding any provision of this Code to the contrary, every municipality may enter into Purchase of Service Agreements, grant contracts, other contracts, agreements or leases, as provided in this Section, and may incur obligations and expenses thereunder without making a previous appropriation therefor.

HISTORY:
P.A. 83-886.

CHAPTER 70

SPECIAL DISTRICTS

STREET LIGHT

Street Lighting District Act

STREET LIGHTING DISTRICT ACT

70 ILCS 3305/0.01 Short title.

This Act may be cited as the Street Lighting District Act.

HISTORY:
P.A. 86-1324; 2021 P.A. 102-558, § 340, effective August 20, 2021.

70 ILCS 3305/1 [Incorporation into district; procedure; form of proposition]

Any area not included within the corporate boundaries of a city, village or incorporated town may be incorporated as a street lighting district in the manner following:

Fifty or more of the legal voters resident within the limits of such proposed district or a majority thereof if less than 100, may petition the circuit court for the county which contains all or the largest portion of the proposed district to order the question to be submitted to the legal voters of such proposed district, whether such proposed territory shall be organized as a street lighting district under this Act; such petition shall be addressed to the court and shall contain a definite description of the boundaries of the territory to be embraced in the proposed district, and the name of such proposed district: Provided, that the territory incorporated in any district formed hereunder may contain any territory not previously included in any street lighting district.

Upon filing any such petition in the office of the circuit clerk of the county in which such petition is made it shall be the duty of the court to consider the boundaries of any such proposed street lighting district whether the same shall be those stated in the petition or otherwise.

Notice shall be given by the court to whom the petition is addressed of the time and place of a hearing upon the subject of the petition which shall be inserted at least once in a newspaper of general circulation published within the proposed street lighting district, or if no newspaper of general circulation is published within such proposed street lighting district, then in a newspaper published in the county which contains all or the largest portion of such proposed district and having a general circulation in such district, at least 20 days before such meeting.

At such meeting the court shall preside; and all persons in such proposed street lighting district shall have an opportunity to be heard; and if the court finds that the petition does not comply with the provisions of law or that the allegations of the petition are not true, the court shall dismiss the petition; but if the court finds that the petition complies with the provisions of law and that the allegations of the petition are true, the same shall be incorporated in an order which shall be filed of record in the court. Upon the entering of such order the court shall certify the proposition to the proper election officials, who shall submit to the legal voters of the proposed street lighting district the question of organization and establishment of the proposed street lighting district at an election. Notice of the referendum shall be given in accordance with the general election law. Such notice shall specify the purpose of such referendum with a description of such proposed district.

The proposition under this section shall be in substantially the following form:

For Street Lighting District
Against Street Lighting District

The court shall cause a written statement of the results of such election to be filed of record in the court. If a majority of the votes cast upon the question shall be in favor of the incorporation of the proposed street lighting district, such district shall thenceforth be an organized street lighting district

under this Act, and the court shall enter an order accordingly and cause the same to be filed of record in the court and shall also cause to be sent to the County Clerk of any and all other counties in which any portion of the district lies a certified copy of the order organizing such district and a plat of the same indicating what lands of the district lie in such other county or counties.

HISTORY:
P.A. 83-343.

70 ILCS 3305/2 [Judicial notice]

All courts in this State shall take judicial notice of the existence of all street lighting districts organized under this Act and every such district shall constitute a body corporate and as such may sue or be sued.

HISTORY:
Laws 1949, p. 1363.

70 ILCS 3305/2a [Addition of territory; procedure; form of proposition]

Additional territory having the qualifications set forth in Section 1 [70 ILCS 3305/1] may be added to any street lighting district as provided for in this Act in the manner following:

Fifty or more of the legal voters resident within the limits of such proposed addition to such street lighting district may petition the circuit court of the county in which the original petition for the formation of said street lighting district was filed, to cause the question to be submitted to the legal voters of such proposed additional territory whether such proposed additional territory shall become a part of any street lighting district organized under this Act and whether the voters of the additional territory shall assume a proportionate share of the bonded indebtedness of such district. The petition shall be addressed to the court and shall contain a definite description of the boundaries of the territory to be embraced in the proposed addition and shall allege facts in support of the addition.

Upon filing the petition in the office of the circuit clerk of the county in which the original petition for the formation of such street lighting district was filed, it shall be the duty of the court to fix a time and place of a hearing upon the subject of said petition.

Notice shall be given by the circuit court, or by the circuit clerk or sheriff upon order of the circuit court of the county in which such petition is filed, of the time and place of a hearing upon the petition in the manner as provided in Section 1. The conduct of the hearing and the manner of conducting a subsequent referendum on the question whether the proposed additional territory shall become a part of the street lighting district, shall be carried out in the manner described in Section 1, as nearly as may be, and in accordance with the general election law but the question shall be in substantially the following form, to-wit:

For joining the ..... Street Lighting District and assuming a proportionate share of bonded indebtedness, if any.
Against joining the ..... Street Lighting District and assuming a proportionate share of bonded indebtedness, if any.

If a majority of the votes cast at the election upon the question of becoming a part of any street lighting district shall be in favor of becoming a part of such street lighting district and if the trustees of said street lighting district accept the proposed additional territory by resolution, such proposed additional territory shall thenceforth be deemed an integral part of such street lighting district and shall be subject to all the benefits of service and responsibilities of said district as herein set forth.

The owner or owners of any tract or tracts of land not included in a street lighting district, may file a written petition, addressed to the trustees of the street lighting district to which they seek to have their tract or tracts of land attached, containing a definite description of the boundaries of the territory and a statement that they desire that their property become a part of the street lighting district to which their petition is addressed, and that they are willing that their property assume a proportionate share of the bonded indebtedness, if any, of such street lighting district.

When such a petition is filed with the trustees, they shall immediately pass a resolution to accept or reject the territory proposed to be attached. If the trustees resolve in favor of accepting such territory, they shall file with the court of the county where the street lighting district was organized the original petition and a certified copy of the resolution and the circuit clerk shall then enter an order stating that such proposed annexed territory shall thenceforth be deemed an integral part of such street lighting district and subject to all of the benefits of service and responsibilities of the district. The circuit clerk shall transmit a certified copy of the order to the county clerk of each county in which any of the territory affected is situated.

HISTORY:
P.A. 81-1489.

70 ILCS 3305/2b [Disconnection of area from district]

The owner or owners of record of any area of land consisting of one or more tracts lying within the boundaries of any street lighting district which (1) is not contiguous in whole or in part to any other street lighting district; (2) contains 20 or more acres; (3) is not subdivided into residential lots and blocks; (4) is located on the border of the street lighting district; and (5) which, if disconnected, will not result in the isolation of any part of the street lighting district

from the remainder of the street lighting district, may have the area disconnected as follows:

The owner or owners of record of any such area of land shall file a petition in the circuit court of the county where the land is situated alleging facts in support of the disconnection. The street lighting district from which disconnection is sought shall be made a defendant and it or any taxpayer residing in that street lighting district, may appear and defend against the petition. If the court finds that the allegations of the petition are true and that the area of land is entitled to disconnection, it shall order the specified land disconnected from the designated street lighting district.

The area of land or any part thereof disconnected from a street lighting district under the provisions of this section shall not be annexed or added to a street lighting district or included in any petition seeking annexation or addition to any street lighting district, for a period of 2 years from the date of such disconnection.

The disconnection of any such area of land shall not exempt it from taxation for the purpose of paying any indebtedness contracted by the corporate authorities of the street lighting district prior to the filing of the petition for disconnection. On the contrary, the territory designated shall be assessed and taxed to pay such indebtedness until this indebtedness is completely paid the same as though the territory had not been disconnected.

HISTORY:
Laws 1967, p. 4046.

70 ILCS 3305/2c Disconnection

Any territory within a street lighting district that is or has been annexed to a city, village or incorporated town that provides street lighting within such city, village or incorporated town is, by operation of law, disconnected from the street lighting district as of the January first after such territory is annexed to the city, village or incorporated town, or in case territory has been so annexed prior to the effective date of this amendatory Act of 1959, as of January 1, 1960. If there are any bonds of the street lighting district outstanding and unpaid at the time such territory is annexed to the city, village or incorporated town, such territory shall remain liable for its proportionate share of such bonded indebtedness and the street lighting district may continue to levy and extend taxes upon the taxable property in such territory for the purpose of amortizing such bonds until such time as such bonds are retired.

Territory shall not be disconnected from a street lighting district if all of the following criteria are met: (i) the municipality which contains all or part of the street lighting district does not levy a property tax on the taxable property in the territory, (ii) the municipality passes an ordinance permitting the street lighting district to operate and levy a tax, and (iii) the municipality does not collect a franchise fee from an electrical utility.

HISTORY:
Laws 1959, p. 2048; P.A. 96-336, § 5.

70 ILCS 3305/3 [Board of trustees; appointment; terms of office; quorum]

A board of trustees consisting of 3 members for the government and control of the affairs and business of the street lighting district incorporated under this Act shall be created in the following manner:

(1) If the district is located wholly within a single county, trustees for the district shall be appointed by the presiding officer of the county board with the advice and consent of the county board;

(2) If the district is located in more than one county, the number of trustees who are residents of a county shall be in proportion, as nearly as practicable, to the number of residents of the district who reside in that county in relation to the total population of the district.

Upon the expiration of the term of a trustee who is in office on the effective date of this amendatory Act of 1975, the successor shall be a resident of whichever county is entitled to such representation in order to bring about the proportional representation required herein, and he shall be appointed by the county board of that county, or in the case of a home rule county as defined by Article VII, Section 6 of the Constitution of 1970, the chief executive officer of that county, with the advice and consent of the county board.

Thereafter, each trustee shall be succeeded by a resident of the same county who shall be appointed by the same appointing authority; however, the provisions of the preceding paragraph shall apply to the appointment of the successor to each trustee who is in office at the time of the publication of each decennial Federal census of population.

Within 60 days after the creation of a street lighting district as provided in Section 1 hereof [70 ILCS 3305/1], the appropriate appointing authority shall appoint 3 trustees. The trustees shall hold their offices for one, 2 and 3 years from the first Monday of May next after their appointment and until their successors have been appointed and qualified. Thereafter on or before the second Monday in April of each year the appointing authority shall appoint one trustee whose term shall be for 3 years commencing on the first Monday in May next after they are respectively appointed. The length of term of the first trustees shall be determined by lot at their first meeting.

The appointing authority shall require each of the trustees to enter into bond with security to be approved by the appointing authority in such sum as the appointing authority may determine.

A majority of the board of trustees shall constitute a quorum. No trustee or employee of the district shall be directly or indirectly interested financially in any

contract, work or business or the sale of any article, the expense, price or consideration of which is paid by the district. The trustees shall provide and adopt a corporate seal for the district.

HISTORY:
P.A. 79-319; 79-855; 79-1454.

70 ILCS 3305/4 [Vacancy in board of trustees]

Whenever a vacancy in the board of trustees shall occur, either by death, resignation, refusal to qualify or for any other reason, the circuit court, as that term is defined in Section 3 of this Act [70 ILCS 3305/3], shall fill such vacancy by appointment for the unexpired term; and such person so appointed shall fill the vacancy until the next regular election for that office.

HISTORY:
P.A. 81-1489.

70 ILCS 3305/5 [Powers and duties of trustees; officers; ordinances, rules and regulations]

The trustees shall exercise all of the powers and control all the affairs and property of such district. The board of trustees, immediately after their appointment and at their first meeting in May of each year thereafter, shall elect one of their number as president and one of their number as secretary. The board shall prescribe the duties and fix the compensation of all of the officers and employees of the street lighting district: Provided that a member of the board of trustees shall in no case receive a sum to exceed $300.00 per annum. The board of trustees shall have full power to pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of the street lighting district for carrying into effect the objects for which the district was formed.

HISTORY:
Laws 1953, p. 226.

70 ILCS 3305/5.1 [Prompt payment]

Purchases made pursuant to this Act shall be made in compliance with the "Local Government Prompt Payment Act," approved by the Eighty-fourth General Assembly [50 ILCS 505/1 et seq.].

HISTORY:
P.A. 84-731.

70 ILCS 3305/6 [Publication of ordinances imposing penalty or making appropriation; effective date]

All ordinances imposing any penalty or making any appropriations shall be published at least once in a newspaper of general circulation published in said district, or if no newspaper of general circulation is published therein, then in a newspaper published in the county which contains all or the largest portion of such district and having a general circulation in the district; and no such ordinance shall take effect until ten days after it is so published, and all other ordinances and resolutions shall take effect from and after their passage unless otherwise provided therein.

HISTORY:
P.A. 82-367.

70 ILCS 3305/7 [Proof of ordinances, orders, and resolutions]

All ordinances, orders, and resolutions and the date of publication thereof, may be proven by the certificate of the secretary under the seal of the corporation and when printed in book or pamphlet form and purporting to be published by the board of trustees, such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, orders and resolutions as of the dates mentioned in such book or pamphlet, in all courts without further proof.

HISTORY:
Laws 1949, p. 1363.

70 ILCS 3305/8 [Contracts with city, village or incorporated town; borrowing money; bonds; form of question]

The board of trustees of any street lighting district organized hereunder may contract with any city, village or incorporated town lying adjacent to such district or with a public utility for street lighting service to be furnished by such municipality or utility for the street within such district. The board of trustees may also contract for the installation, rental or use of street lights within the street lighting district and for the furnishing of electric service to be used within such district for street lighting purposes.

Any street lighting district incorporated under this Act may borrow money for corporate purposes and may issue bonds therefor, but shall not become indebted in any manner, or for any purpose to an amount in the aggregate to exceed 5% on the valuation of taxable property therein to be ascertained by the last assessment for State and County taxes previous to the incurring of such indebtedness. Whenever the board of trustees of such district desire to issue bonds hereunder they shall order the question submitted to referendum at any election to be held in such district in accordance with the general election law. The notice and conduct of the referendum shall be in accordance with the general election law. If a majority of the voters voting on the question shall have voted in favor of the issue of said bonds, the board of trustees shall order and direct the execution of the bonds for and on behalf of said district. All bonds issued hereunder shall mature

within 20 years. The question under this section shall be in substantially the following form:

Shall bonds be issued for street lighting in the amount of ..... dollars?	YES NO

HISTORY:
P.A. 81-1489.

70 ILCS 3305/9 [Direct annual tax]

At the time of or before incurring any indebtedness the board of trustees shall provide for the collection of a direct annual tax sufficient to pay the interest on the debt as it falls due, and also to pay and discharge the principal thereof as it shall fall due and at least within 20 years from the time of contracting the indebtedness. The tax rate shall not exceed .075 per cent of value, as equalized or assessed by the Department of Revenue.

HISTORY:
P.A. 81-1509.

70 ILCS 3305/10 [Taxes for corporate purposes]

The Board of trustees may levy and collect other taxes for corporate purposes upon property within the territorial limits of such street lighting district, the aggregate amount of which including the tax levied for payment of any bonds issued for each year, shall not exceed .125 per cent of value, as equalized or assessed by the Department of Revenue, except as provided by Section 10.1 [70 ILCS 3305/10.1]. The foregoing limitation upon tax rate may be increased or decreased under the referendum provisions of the General Revenue Law of Illinois.

HISTORY:
P.A. 81-1509.

70 ILCS 3305/10.1 [Levy of more than authorized rate percent; form of proposition]

If the board desires to levy or cause to be levied, annually, more than the rate per cent authorized for corporate purposes by Section 10 [70 ILCS 3305/10] or the rate as increased pursuant to this section, as the case may be, the board may adopt a resolution and certify such resolution and the proposition for an assent to increase the annual tax rate to the proper election officials who shall submit the proposition to the voters of the district at an election in accordance with the general election law. The rate as so increased shall not exceed 2.00%. If at such referendum a majority of the votes cast on the proposition is in favor thereof, the board and the authorities of such district may thereafter, until such authority is revoked in like manner, levy annually upon all taxable property of the district, for corporate purposes, the tax so authorized.

The notice of such referendum election shall specify the proposed increase in the tax rate and shall be published in accordance with the general election law. The proposed increase in the annual tax rate for corporate purposes shall be printed on the ballot and the proposition shall be in substantially the following form:

Shall the annual tax rate for corporate purposes in (insert name of district) be increased by .....% from (insert present rate) to (insert proposed rate)?	YES NO

The board of any district which has the authority to levy the tax at a rate not to exceed .50% as provided for in this Section before October 1, 1977 does not have the authority to increase the tax levy to a rate not to exceed 1.00% unless the question of increasing the taxing authority is submitted to the voters of the district and approved by a majority of the votes cast upon the proposition.

The board of any district which has the authority to levy the tax at a rate not to exceed .50% as provided for in this Section before October 1, 1977 or at a rate not to exceed 1.00% as provided for in this Section before the effective date of this amendatory Act of 1980 does not have the authority to increase the tax levy to a rate not to exceed 2.00% unless the question of increasing the taxing authority is submitted to the voters of the district and approved by a majority of the votes cast upon the proposition.

HISTORY:
P.A. 82-783.

70 ILCS 3305/11 Cessation of district organization.

Notwithstanding any other provision of law, if a majority vote of the board of trustees is in favor of the proposition to annex the district to another district whose boundaries are contiguous, or consolidate the district into a municipality with which the district is coterminous or substantially coterminous, or consolidate the district into the county in which the district sits if the district contains territory within only one county, or consolidate the district into the township in which the district sits if the entire district is located within the district, and if the governing authorities of the governmental unit assuming the functions of the former district agree by resolution to accept the functions (and jurisdiction over the territory, if applicable) of the consolidated or annexed district, then the district shall cease. On the effective date of the annexation or consolidation, all the rights, powers, duties, assets, property, liabilities, indebtedness, obligations, bonding authority, taxing authority, and responsibilities of the district shall vest in and be assumed by the governmental unit assuming the functions of the former district.

The employees of the former district shall be transferred to the governmental unit assuming the functions of the former district. The governmental unit assuming the functions of the former district shall exercise the rights and responsibilities of the former district with respect to those employees. The status and rights of the employees of the former district under any applicable contracts or collective bargaining agreements, historical representation rights under the Illinois Public Labor Relations Act [5 ILCS 315/1 et seq.], or under any pension, retirement, or annuity plan shall not be affected by this amendatory Act.

HISTORY:
2014 P.A. 98-1002, § 50, effective August 18, 2014; 2017 P.A. 100-107, § 25, effective January 1, 2018.

TRANSIT

Regional Transportation Authority Act

REGIONAL TRANSPORTATION AUTHORITY ACT

Article II. Powers

Section

ARTICLE II.
POWERS

70 ILCS 3615/2.39 Prioritization process for Northeastern Illinois transit projects.

(a) The Authority shall develop a transparent prioritization process for Northeastern Illinois transit projects receiving State capital funding. The prioritization process must consider, at a minimum: (1) access to key destinations such as jobs, retail, healthcare, and recreation, (2) reliability improvement, (3) capacity needs, (4) safety, (5) state of good repair, (6) racial equity and mobility justice, and (7) economic development. All State capital funding awards shall be made by the Regional Transportation Authority in accordance with the prioritization process. An appropriate public input process shall be established. The Authority shall make a report to the General Assembly each year describing the prioritization process and its use in funding awards.

(b) A summary of the project evaluation process, measures, program, and scores or prioritization criteria for all candidate projects shall be published on the Authority's website in a timely manner.

(c) Starting April 1, 2022, no project shall be included in the 5-year capital program, or amendments to that program, without being evaluated under the selection process described in this Section.

HISTORY:
2021 P.A. 102-573, § 10, effective August 24, 2021.

CHAPTER 105

SCHOOLS

COMMON SCHOOLS

School Code

SCHOOL CODE

Article 27. Courses of Study — Special Instruction

Section

ARTICLE 27.

COURSES OF STUDY — SPECIAL INSTRUCTION

105 ILCS 5/27-24.1 Definitions.

As used in the Driver Education Act [105 ILCS 5/27-24 through 105 ILCS 5/27-24.8] unless the context otherwise requires:

"State Board" means the State Board of Education.

"Driver education course" and "course" means a course of instruction in the use and operation of cars, including instruction in the safe operation of cars and rules of the road, the laws of this State relating to motor vehicles, and law enforcement procedures during traffic stops, including appropriate interactions with law enforcement officers, which meets the minimum requirements of this Act and the rules and regulations issued thereunder by the State Board and has been approved by the State Board as meeting such requirements.

"Car" means a motor vehicle of the first division as defined in the Illinois Vehicle Code [625 ILCS 5/1-100 et seq.].

"Motorcycle" or "motor driven cycle" means such a vehicle as defined in the Illinois Vehicle Code.

"Driver's license" means any license or permit issued by the Secretary of State under Chapter 6 of the Illinois Vehicle Code [625 ILCS 5/6-100 et seq.].

"Distance learning program" means a program of study in which all participating teachers and students do not physically meet in the classroom and instead use the Internet, email, or any other method other than the classroom to provide instruction.

With reference to persons, the singular number includes the plural and vice versa, and the masculine gender includes the feminine.

HISTORY:

P.A. 81-1508; 2019 P.A. 101-183, § 5, effective August 2, 2019; 2021 P.A. 102-455, § 5, effective January 1, 2022; 2021 P.A. 102-558, § 350, effective August 20, 2021.

CHAPTER 220

UTILITIES

Illinois Underground Utility Facilities Damage Prevention Act
Telegraph Act
Telephone Company Act

ILLINOIS UNDERGROUND UTILITY FACILITIES DAMAGE PREVENTION ACT

Section

220 ILCS 50/1 [Short title]

This Act shall be known and may be cited as the Illinois Underground Utility Facilities Damage Prevention Act [220 ILCS 50/1 through 220 ILCS 50/14], and for the purposes of participating in the State of Illinois Joint Purchasing Program, the State-Wide One-Call Notice System, commonly referred to as "JULIE, Inc.", shall be considered as created by this Act.

HISTORY:
P.A. 86-674; 96-714, § 5.

220 ILCS 50/2 Definitions

As used in this Act, unless the context clearly otherwise requires, the terms specified in Sections 2.1 through 2.11 [220 ILCS 50/2.1 through 220 ILCS 50/2.11] have the meanings ascribed to them in those Sections.

HISTORY:
P.A. 86-674; 92-179, § 5; 94-623, § 5.

220 ILCS 50/2.1 [Person defined]

"Person" means an individual, firm, joint venture, partnership, corporation, association, municipality or other governmental unit, department or agency, utility cooperative, or joint stock association, and includes any trustee, receiver, or assignee or employee or agent thereof.

HISTORY:
P.A. 86-674; 96-714, § 5.

220 ILCS 50/2.1.3 No show request

"No show request" means a notice initiated by an excavator through the State-Wide One-Call Notice System to the owners or operators of underground utility facilities notified in the prior locate request that either failed to mark their facilities or to communicate their non-involvement with the excavation prior to the requested dig start date and time.

HISTORY:
P.A. 96-714, § 5.

220 ILCS 50/2.1.4 Incomplete request

"Incomplete request" means a notice initiated by an excavator through the State-Wide One-Call Notice System to the owners or operators of underground utility facilities notified in a prior locate request that such facility owners or operators, as identified by the person excavating, did not completely mark the entire extent or the entire segment of the proposed excavation, as identified by the excavator in the prior notice.

HISTORY:
P.A. 96-714, § 5.

220 ILCS 50/2.1.5 Re-mark request

"Re-mark request" means a notice initiated by an excavator through the State-Wide One-Call Notice System to the owners or operators of underground utility facilities notified in the initial locate request requesting facility owners or operators to re-mark all or part of the work area identified in the initial locate request, because facility markings are becoming or have become indistinguishable due to factors, includ-

ing, but not limited to, weather, fading, construction activity, or vandalism.

HISTORY:
P.A. 96-714, § 5.

220 ILCS 50/2.1.6 Residential property owner

"Residential property owner" means any individual or entity that owns or leases real property that is used by such individual or entity as its residence or dwelling. Residential property owner does not include any persons who own or lease residential property for the purpose of holding or developing such property or for any other business or commercial purposes.

HISTORY:
P.A. 96-714, § 5.

220 ILCS 50/2.1.9 JULIE Excavator Handbook

"JULIE Excavator Handbook" means the handbook periodically updated and published by the State-Wide One-Call Notice System that provides information for excavators and facility owners and operators on the use and services of the State-Wide One-Call Notice System.

HISTORY:
P.A. 96-714, § 5.

220 ILCS 50/2.1.10 Internal electric grid of a wind turbine generation farm

"Internal electric grid of a wind turbine generation farm" means those facilities located within a wind generation farm from a tower to a substation.

HISTORY:
P.A. 96-714, § 5.

220 ILCS 50/2.2 Underground utility facilities.

"Underground utility facilities" or "facilities" means and includes wires, ducts, fiber optic cable, conduits, pipes, sewers, and cables and their connected appurtenances installed beneath the surface of the ground by:

(1) a public utility as defined in the Public Utilities Act [220 ILCS 5/1-101 et seq.];

(2) a municipally owned or mutually owned utility providing a similar utility service;

(3) a pipeline entity transporting gases, crude oil, petroleum products, or other hydrocarbon materials within the State;

(4) a telecommunications carrier as defined in the Universal Telephone Service Protection Law of 1985 [220 ILCS 5/13-100 et seq.], or by a company described in Section 1 of the Telephone Company Act [220 ILCS 65/1];

(5) a community antenna television system, as defined in the Illinois Municipal Code [65 ILCS 5/1-1-1 et seq.] or the Counties Code [55 ILCS 5/1-1001 et seq.];

(6) a holder, as that term is defined in the Cable and Video Competition Law of 2007 [220 ILCS 5/21-100 et seq.];

(7) any other entity owning or operating underground facilities that transport generated electrical power to other utility owners or operators or transport generated electrical power within the internal electric grid of a wind turbine generation farm; and

(8) an electric cooperative as defined in the Public Utilities Act.

HISTORY:
P.A. 86-674; 92-179, § 5; 94-623, § 5; 96-714, § 5; 2018 P.A. 100-863, § 375, effective August 14, 2018.

220 ILCS 50/2.3 Excavation

"Excavation" means any operation in which earth, rock, or other material in or on the ground is moved, removed, or otherwise displaced by means of any tools, power equipment or explosives, and includes, without limitation, grading, trenching, digging, ditching, drilling, augering, boring, tunneling, scraping, cable or pipe plowing, and driving but does not include farm tillage operations or railroad right-of-way maintenance or operations or coal mining operations regulated under the Federal Surface Mining Control and Reclamation Act of 1977 [30 U.S.C. § 1201 et seq.] or any State law or rules or regulations adopted under the federal statute, or land surveying operations as defined in the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330/1 et seq.] when not using power equipment, or roadway surface milling.

HISTORY:
P.A. 86-674; 86-1195; 87-125; 92-179, § 5; 94-623, § 5.

220 ILCS 50/2.4 [Demolition defined]

"Demolition" means the wrecking, razing, rending, moving, or removing of a structure by means of any power tool, power equipment (exclusive of transportation equipment) or explosives.

HISTORY:
P.A. 86-674.

220 ILCS 50/2.5 [Damage defined]

"Damage" means the contact or dislocation of any underground utility facility or CATS facility during excavation or demolition which necessitates immediate or subsequent repair by the owner of such facility.

HISTORY:
P.A. 86-674.

220 ILCS 50/2.6 Emergency locate request

"Emergency locate request" means a locate request for any condition constituting an imminent danger to

life, health, or property, or a utility service outage, and which requires repair or action before the expiration of 48 hours.

HISTORY:
P.A. 92-179, § 5; 96-714, § 5.

220 ILCS 50/2.7 Tolerance zone

"Tolerance zone" means the approximate location of underground utility facilities or CATS facilities defined as a strip of land at least 3 feet wide, but not wider than the width of the underground facility or CATS facility plus 1-1/2 feet on either side of such facility based upon the markings made by the owner or operator of the facility. Excavation within the tolerance zone requires extra care and precaution including, but not limited to, as set forth in Section 4 [220 ILCS 50/4].

HISTORY:
P.A. 92-179, § 5.

220 ILCS 50/2.8 Approximate location

"Approximate location" means a strip of land at least 3 feet wide, but not wider than the width of the underground facility or CATS facility plus 1.5 feet on either side of the facility.

HISTORY:
P.A. 92-179, § 5.

220 ILCS 50/2.9 Forty-eight hours

"Forty-eight hours" means 2 business days beginning at 8 a.m. and ending at 4 p.m. (exclusive of Saturdays, Sundays, and holidays recognized by the State-Wide One-Call Notice System or the municipal one-call notice system). All requests for locates received after 4 p.m. will be processed as if received at 8 a.m. the next business day.

HISTORY:
P.A. 94-623, § 5.

220 ILCS 50/2.10 Open cut utility locate

"Open cut utility locate" means a method of locating underground utility facilities that requires excavation by the owner, operator, or agent of the underground facility.

HISTORY:
P.A. 94-623, § 5.

220 ILCS 50/2.11 Roadway surface milling

"Roadway surface milling" means the removal of a uniform pavement section by rotomilling, grinding, or other means not including the base or subbase.

HISTORY:
P.A. 94-623, § 5.

220 ILCS 50/3 [State-Wide One-Call Notice System]

The owners or operators of underground utility facilities or CATS facilities that are not currently participants in the State-Wide One-Call Notice System shall, within 6 months of the effective date of this Act, join the State-Wide One-Call Notice System. This Section shall not apply to utilities operating facilities or CATS facilities exclusively within the boundaries of a municipality with a population of at least one million persons.

HISTORY:
P.A. 86-674.

220 ILCS 50/4 Required activities

Every person who engages in nonemergency excavation or demolition shall:

(a) take reasonable action to inform himself of the location of any underground utility facilities in and near the area for which such operation is to be conducted;

(b) plan the excavation or demolition to avoid or minimize interference with underground utility facilities within the tolerance zone by utilizing such precautions that include, but are not limited to, hand excavation, vacuum excavation methods, and visually inspecting the excavation while in progress until clear of the existing marked facility;

(c) if practical, use white paint, flags, stakes, or both, to outline the dig site;

(d) provide notice not less than 48 hours but no more than 14 calendar days in advance of the start of the excavation or demolition to the owners or operators of the underground utility facilities in and near the excavation or demolition area through the State-Wide One-Call Notice System or, in the case of nonemergency excavation or demolition within the boundaries of a municipality of at least one million persons which operates its own one-call notice system, through the one-call notice system which operates in that municipality.

At a minimum, the notice required under this subsection (d) shall provide:

(1) the person's name, address, phone number at which a person can be reached, and fax number, if available;

(2) the start date and time of the planned excavation or demolition;

(3) all counties, cities, or townships, or any combination thereof, where the proposed excavation shall take place;

(4) the address at which the excavation or demolition shall take place;

(5) the type and extent of the work involved; and

(6) the section or quarter sections when the information in items (1) through (5) of this subsection (d) does not allow the State-Wide One-Call Notice System to determine the appropriate exca-

vation or demolition site. This item (6) does not apply to residential property owners;

(e) provide, during and following excavation or demolition, such support for existing underground utility facilities in and near the excavation or demolition area as may be reasonably necessary for the protection of such facilities unless otherwise agreed to by the owner or operator of the underground facility;

(f) backfill all excavations in such manner and with such materials as may be reasonably necessary for the protection of existing underground utility facilities in and near the excavation or demolition area;

(g) after February 29, 2004, when the excavation or demolition project will extend past 28 calendar days from the date of the original notice provided under clause (d), the excavator shall provide a subsequent notice to the owners or operators of the underground utility facilities in and near the excavation or demolition area through the State-Wide One-Call Notice System or, in the case of excavation or demolition within the boundaries of a municipality having a population of at least 1,000,000 inhabitants that operates its own one-call notice system, through the one-call notice system that operates in that municipality informing utility owners and operators that additional time to complete the excavation or demolition project will be required. The notice will provide the excavator with an additional 28 calendar days from the date of the subsequent notification to continue or complete the excavation or demolition project;

(h) exercise due care at all times to protect underground utility facilities. If, after proper notification through the State-Wide One-Call Notice System and upon arrival at the site of the proposed excavation, the excavator observes clear evidence of the presence of an unmarked or incompletely marked utility in the area of the proposed excavation, the excavator shall not begin excavating until all affected facilities have been marked or 2 hours after an additional call is made to the State-Wide One-Call Notice System for the area. The owner or operator of the utility shall respond within 2 hours of the excavator's call to the State-Wide One-Call Notice System; and

(i) when factors, including, but not limited to, weather, construction activity, or vandalism, at the excavation site have caused the utility markings to become faded or indistinguishable, the excavator shall provide an additional notice through the State-Wide One-Call Notice System requesting that only the affected areas where excavation or demolition is to continue be re-marked. Facility owners or operators must respond to the notice to re-mark according to the requirements of Section 10 of this Act [220 ILCS 50/10].

Nothing in this Section prohibits the use of any method of excavation if conducted in a manner that would avoid interference with underground utility facilities.

HISTORY:

P.A. 86-674; 87-125; 88-578, § 5; 88-681, § 45; 92-179, § 5; 93-430, § 5; 94-623, § 5; 96-714, § 5.

220 ILCS 50/5 Notice of preconstruction conference

When the Illinois Department of Transportation notifies an owner or operator of an underground utility facility or CATS facility that the Department will conduct a preconstruction conference concerning new construction, reconstruction, or maintenance of State highways in and near the area in which such owner or operator has placed underground utility facilities, such notification shall, except as otherwise provided in this Section constitute compliance by the Department or its contractors with paragraphs (a), (b), and (d) of Section 4 of this Act [220 ILCS 50/4]. In instances when notification of a preconstruction conference is provided to the owner or operator of an underground utility facility or CATS facility but no specific date is established at the preconstruction conference for the new construction, reconstruction or maintenance of State highways in and near the area in which the owner or operator has placed underground utility facilities or CATS facilities, then the Department or its contractors shall later comply with paragraph (d) of Section 4 of this Act.

HISTORY:

P.A. 86-674; 92-179, § 5.

220 ILCS 50/6 Emergency excavation or demolition

(a) Every person who engages in emergency excavation or demolition outside of the boundaries of a municipality of at least one million persons which operates its own one-call notice system shall take all reasonable precautions to avoid or minimize interference between the emergency work and existing underground utility facilities in and near the excavation or demolition area, through the State-Wide One-Call Notice System, and shall notify, as far in advance as possible, the owners or operators of such underground utility facilities in and near the emergency excavation or demolition area, through the State-Wide One-Call Notice System. At a minimum, the notice required under this subsection (a) shall provide:

(1) the person's name, address, and (i) phone number at which a person can be reached and (ii) fax number, if available;

(2) the start date of the planned emergency excavation or demolition;

(3) the address at which the excavation or demolition will take place; and

(4) the type and extent of the work involved.

There is a wait time of 2 hours or the date and time requested on the notice, whichever is longer, after an emergency locate notification request is made through the State-Wide One-Call Notice System. If the conditions at the site dictate an earlier

start than the required wait time, it is the responsibility of the excavator to demonstrate that site conditions warranted this earlier start time.

Upon notice by the person engaged in emergency excavation or demolition, the owner or operator of an underground utility facility in or near the excavation or demolition area shall communicate with the person engaged in emergency excavation or demolition within 2 hours or by the date and time requested on the notice, whichever is longer by (1) marking the approximate location of underground facilities; (2) advising the person excavating that their underground facilities are not in conflict with the emergency excavation; or (3) notifying the person excavating that the owner or operator shall be delayed in marking because of conditions as referenced in subsection (g) of Section 11 of this Act [220 ILCS 50/11].

The notice by the owner or operator to the person engaged in emergency excavation or demolition may be provided by phone or phone message or by marking the excavation or demolition area. The owner or operator has discharged the owner's or operator's obligation to provide notice under this Section if the owner or operator attempts to provide notice by telephone but is unable to do so because the person engaged in the emergency excavation or demolition does not answer his or her telephone or does not have an answering machine or answering service to receive the telephone call. If the owner or operator attempts to provide notice by telephone or by facsimile but receives a busy signal, that attempt shall not discharge the owner or operator from the obligation to provide notice under this Section.

(b) Every person who engages in emergency excavation or demolition within the boundaries of a municipality of at least one million persons which operates its own one-call notice system shall take all reasonable precautions to avoid or minimize interference between the emergency work and existing underground utility facilities in and near the excavation or demolition area, through the municipality's one-call notice system, and shall notify, as far in advance as possible, the owners and operators of underground utility facilities in and near the emergency excavation or demolition area, through the municipality's one-call notice system.

(c) The reinstallation of traffic control devices shall be deemed an emergency for purposes of this Section.

(d) An open cut utility locate shall be deemed an emergency for purposes of this Section.

HISTORY:

P.A. 86-674; 87-125; 92-179, § 5; 94-623, § 5; 96-714, § 5.

220 ILCS 50/7 Damage or dislocation

In the event of any damage to or dislocation of any underground utility facilities in connection with any excavation or demolition, emergency or nonemergency, the person responsible for the excavation or demolition operations shall immediately notify the affected utility and the State-Wide One-Call Notice System and cease excavation in the area of the damage when the damaged facility is a threat to life or property or if otherwise required by law or, in the case of damage or dislocation in connection with any excavation or demolition within the boundaries of a municipality having a population of at least 1,000,000 inhabitants that operates its own one-call notice system, notify the affected utility and the one-call notice system that operates in that municipality. The person responsible for the excavation or demolition shall not attempt to repair, clamp, or constrict the damaged utility facility unless under the supervision or advisement of the utility facility owner or operator. At no time shall a person under this Act be required by a utility facility owner or operator to attempt to repair, clamp, or constrict a damaged utility facility. In the event of any damage to any underground utility facility that results in the escape of any flammable, toxic, or corrosive gas or liquid, the person responsible for the excavation or demolition shall call 9-1-1 and notify authorities of the damage. Owners and operators of underground utility facilities that are damaged and the excavator involved shall work in a cooperative and expeditious manner to repair the affected utility.

HISTORY:

P.A. 86-674; 92-179, § 5; 93-430, § 5; 96-714, § 5.

220 ILCS 50/8 Liability or financial responsibility

(a) Nothing in this Act shall be deemed to affect or determine the financial responsibility for any operation under this Act or liability of any person for any damages that occur unless specifically stated otherwise.

(b) Nothing in this Act shall be deemed to provide for liability or financial responsibility of the Department of Transportation, its officers and employees concerning any underground utility facility or CATS facility located on highway right-of-way by permit issued under the provisions of Section 9-113 of the Illinois Highway Code [605 ILCS 5/9-113]. It is not the intent of this Act to change any remedies in law regarding the duty of providing lateral support.

(c) Neither the State-Wide One-Call Notice System nor any of its officers, agents, or employees shall be liable for damages for injuries or death to persons or damage to property caused by acts or omissions in the receipt, recording, or transmission of locate requests or other information in the performance of its duties as the State-Wide One-Call Notice System, unless the act or omission was the result of willful and wanton misconduct.

(d) Any residential property owner who fails to comply with any provision of this Act and damages underground utility facilities or CATS facilities while engaging in excavation or demolition on such resi-

dential property shall not be subject to a penalty under this Act, but shall be liable for the damage caused to the owner or operator of the damaged underground utility facilities or CATS facilities.

HISTORY:
P.A. 86-674; 87-125; 92-179, § 5.

220 ILCS 50/9 [Prima facie evidence of negligence]

When it is shown by competent evidence in any action for damages to underground utility facilities or CATS facilities that such damages resulted from excavation or demolition and that the person engaged in such excavation or demolition failed to comply with the provisions of this Act, that person shall be deemed prima facie guilty of negligence. When it is shown by competent evidence in any action for damages to persons, material or equipment brought by persons undertaking excavation or demolition acting in compliance with the provisions of this Act that such damages resulted from the failure of owners and operators of underground facilities or CATS facilities to comply with the provisions of this Act, those owners and operators shall be deemed prima facie guilty of negligence.

HISTORY:
P.A. 86-674.

220 ILCS 50/10 Record of notice; marking of facilities

Upon notice by the person engaged in excavation or demolition, the person owning or operating underground utility facilities in or near the excavation or demolition area shall cause a written record to be made of the notice and shall mark, within 48 hours of receipt of notice or by the requested date and time indicated on the notice, whichever is later, the approximate locations of such facilities so as to enable the person excavating or demolishing to establish the location of the underground utility facilities. Owners and operators of underground sewer facilities that are located outside the boundaries of a municipality having a population of at least 1,000,000 inhabitants shall be required to respond and mark the approximate location of those sewer facilities when the excavator indicates, in the notice required in Section 4, that the excavation or demolition project will exceed a depth of 7 feet. "Depth", in this case, is defined as the distance measured vertically from the surface of the ground to the top of the sewer facility. Owners and operators of underground sewer facilities that are located outside the boundaries of a municipality having a population of at least 1,000,000 inhabitants shall be required at all times to locate the approximate location of those sewer facilities when: (1) directional boring is the indicated type of excavation work being performed within the notice; (2) the underground sewer facilities owned are non-gravity, pressurized force mains; or (3) the excavation indicated will occur in the immediate proximity of known underground sewer facilities that are less than 7 feet deep. Owners or operators of underground sewer facilities that are located outside the boundaries of a municipality having a population of at least 1,000,000 inhabitants shall not hold an excavator liable for damages that occur to sewer facilities that were not required to be marked under this Section, provided that prompt notice of the damage is made to the State-Wide One-Call Notice System and the utility owner as required in Section 7 [220 ILCS 50/7].

All persons subject to the requirements of this Act shall plan and conduct their work consistent with reasonable business practices. Conditions may exist making it unreasonable to request that locations be marked within 48 hours or by the requested date and time indicated on the notice, whichever is later. It is unreasonable to request owners and operators of underground utility facilities to locate all of their facilities in an affected area upon short notice in advance of a large or extensive nonemergency project, or to request extensive locates in excess of a reasonable excavation or demolition work schedule, or to request locates under conditions where a repeat request is likely to be made because of the passage of time or adverse job conditions. Owners and operators of underground utility facilities must reasonably anticipate seasonal fluctuations in the number of locate requests and staff accordingly.

If a person owning or operating underground utility facilities receives a notice under this Section but does not own or operate any underground utility facilities within the proposed excavation or demolition area described in the notice, that person, within 48 hours or by the requested date and time indicated on the notice, whichever is later, after receipt of the notice, shall so notify the person engaged in excavation or demolition who initiated the notice, unless the person who initiated the notice expressly waives the right to be notified that no facilities are located within the excavation or demolition area. The notification by the owner or operator of underground utility facilities to the person engaged in excavation or demolition may be provided in any reasonable manner including, but not limited to, notification in any one of the following ways: by face-to-face communication; by phone or phone message; by facsimile; by posting in the excavation or demolition area; or by marking the excavation or demolition area. The owner or operator of those facilities has discharged the owner's or operator's obligation to provide notice under this Section if the owner or operator attempts to provide notice by telephone or by facsimile, if the person has supplied a facsimile number, but is unable to do so because the person engaged in the excavation or demolition does not answer his or her telephone or does not have an answering machine or answering service to receive the telephone call or does not have a facsimile machine in operation to receive the facsimile transmis-

sion. If the owner or operator attempts to provide notice by telephone or by facsimile but receives a busy signal, that attempt shall not serve to discharge the owner or operator of the obligation to provide notice under this Section.

A person engaged in excavation or demolition may expressly waive the right to notification from the owner or operator of underground utility facilities that the owner or operator has no facilities located in the proposed excavation or demolition area. Waiver of notice is only permissible in the case of regular or nonemergency locate requests. The waiver must be made at the time of the notice to the State-Wide One-Call Notice System. A waiver made under this Section is not admissible as evidence in any criminal or civil action that may arise out of, or is in any way related to, the excavation or demolition that is the subject of the waiver.

For the purposes of this Act, underground facility operators may utilize a combination of flags, stakes, and paint when possible on non-paved surfaces and when dig site and seasonal conditions warrant. If the approximate location of an underground utility facility is marked with stakes or other physical means, the following color coding shall be employed:

Undeground Facility Facility Owner or Agent Use Only	Identification Color
Electric Power, Distribution and Transmission ..	Safety Red
Municipal Electric Systems	Safety Red
Gas Distribution and Transmission	High Visibility Safety Yellow
Oil Distribution and Transmission	High Visibility Safety Yellow
Telephone and Telegraph Systems	Safety Alert Orange
Community Antenna Television Systems	Safety Alert Orange
Water Systems	Safety Precaution Blue
Sewer Systems	Safety Green
Non-potable Water and Slurry Lines	Safety Purple
Excavator Use Only	
Temporary Survey	Safety Pink
Proposed Excavation	Safety White (Black when snow is on the ground)

HISTORY:
P.A. 86-674; 88-578, § 5; 88-681, §§ 12, 45; 92-179, § 5; 93-430, § 5; 94-623, § 5; 96-714, § 5.

220 ILCS 50/11 Penalties; liability; fund

(a) Every person who, while engaging in excavation or demolition, wilfully fails to comply with the Act by failing to provide the notice to the owners or operators of the underground facilities near the excavation or demolition area through the State-Wide One-Call Notice System as required by Section 4 or 6 of this Act [220 ILCS 50/4 or 220 ILCS 50/6] shall be subject to a penalty of up to $5,000 for each separate offense and shall be liable for the damage caused to the owners or operators of the facility. Every person who fails to provide notice and willfully fails to comply with other provisions of this Act shall be subject to additional penalties of up to $2,500 for each separate offense and shall be liable for the damage caused to the owners or operators of the facility.

(b) Every person who has provided the notice to the owners or operators of the underground utility facilities in and near the excavation or demolition area through the State-Wide One-Call Notice System as required by Section 4 or 6 of this Act, but otherwise wilfully fails to comply with this Act, shall be subject to a penalty of up to $2,500 for each separate offense and shall be liable for the damage caused to the owners or operators of the facility.

(c) Every person who, while engaging in excavation or demolition, has provided the notice to the owners or operators of the underground utility facilities in and near the excavation or demolition area through the State-Wide One-Call Notice System as required by Section 4 or 6 of this Act, but otherwise, while acting reasonably, damages any underground utility facilities, shall not be subject to a penalty, but shall be liable for the damage caused to the owners or operators of the facility provided the underground utility facility is properly marked as provided in Section 10 of this Act [220 ILCS 50/10].

(d) Every person who provides notice to the owners or operators of the underground utility facilities through the State-Wide One-Call Notice System as an emergency locate request and the locate request is not an emergency locate request as defined in Section 2.6 of this Act [220 ILCS 50/2.6] shall be subject to a penalty of up to $2,500 for each separate offense.

(e) Owners and operators of underground utility facilities who willfully fail to comply with this Act by a failure to respond or mark the approximate location of an underground utility as required by subsection (h) of Section 4, subsection (a) of Section 6, or Section 10 of this Act after being notified of planned excavation or demolition through the State-Wide One-Call Notice System, shall be subject to a penalty of up to $5,000 for each separate offense.

(f) As provided in Section 3 of this Act [220 ILCS 50/3], all owners or operators of underground utility facilities who fail to join the State-Wide One-Call Notice System by January 1, 2003 shall be subject to a penalty of $100 per day for each separate offense. Every day an owner or operator fails to join the State-Wide One-Call Notice System is a separate offense. This subsection (f) does not apply to utilities operating facilities exclusively within the boundaries

of a municipality with a population of at least 1,000,000 persons.

(g) No owner or operator of underground utility facilities shall be subject to a penalty where a delay in marking or a failure to mark or properly mark the location of an underground utility is caused by conditions beyond the reasonable control of such owner or operator.

(h) Any person who is neither an agent, employee, or authorized locating contractor of the owner or operator of the underground utility facility nor an excavator involved in the excavation activity who removes, alters, or otherwise damages markings, flags, or stakes used to mark the location of an underground utility other than during the course of the excavation for which the markings were made or before completion of the project shall be subject to a penalty up to $1,000 for each separate offense.

(i) (Blank).

(j) The Illinois Commerce Commission shall have the power and jurisdiction to, and shall, enforce the provisions of this Act. The Illinois Commerce Commission may impose administrative penalties as provided in this Section. The Illinois Commerce Commission may promulgate rules and develop enforcement policies in the manner provided by the Public Utilities Act [220 ILCS 5/1-101 et seq.] in order to implement compliance with this Act. When a penalty is warranted, the following criteria shall be used in determining the magnitude of the penalty:

(1) gravity of noncompliance;

(2) culpability of offender;

(3) history of noncompliance for the 18 months prior to the date of the incident; however, when determining non-compliance the alleged violator's roles as operator or owner and the person engaged in excavating shall be treated separately;

(4) ability to pay penalty;

(5) show of good faith of offender;

(6) ability to continue business; and

(7) other special circumstances.

(k) There is hereby created in the State treasury a special fund to be known as the Illinois Underground Utility Facilities Damage Prevention Fund. All penalties recovered in any action under this Section shall be paid into the Fund and shall be distributed annually as a grant to the State-Wide One-Call Notice System to be used in safety and informational programs to reduce the number of incidents of damage to underground utility facilities in Illinois. The distribution shall be made during January of each calendar year based on the balance in the Illinois Underground Utility Facilities Damage Prevention Fund as of December 31 of the previous calendar year. In all such actions under this Section, the procedure and rules of evidence shall conform with the Code of Civil Procedure, and with rules of courts governing civil trials.

(*l*) The Illinois Commerce Commission shall establish an Advisory Committee consisting of a representative from each of the following: utility operator, JULIE, excavator, municipality, and the general public. The Advisory Committee shall serve as a peer review panel for any contested penalties resulting from the enforcement of this Act.

The members of the Advisory Committee shall be immune, individually and jointly, from civil liability for any act or omission done or made in performance of their duties while serving as members of such Advisory Committee, unless the act or omission was the result of willful and wanton misconduct.

(m) If, after the Advisory Committee has considered a particular contested penalty and performed its review functions under this Act and the Commission's rules, there remains a dispute as to whether the Commission should impose a penalty under this Act, the matter shall proceed in the manner set forth in Article X of the Public Utilities Act [220 ILCS 5/10-101 et seq.], including the provisions governing judicial review.

HISTORY:
P.A. 86-674; 92-179, § 5; 94-623, § 5; 96-714, § 5.

220 ILCS 50/11.3 Emergency telephone system outages; reimbursement

Any person who negligently damages an underground facility or CATS facility causing an emergency telephone system outage must reimburse the public safety agency that provides personnel to answer calls or to maintain or operate an emergency telephone system during the outage for the agency's costs associated with answering calls or maintaining or operating the system during the outage. For the purposes of this Section, "public safety agency" means the same as in Section 2.02 of the Emergency Telephone System Act [50 ILCS 750/2.02].

HISTORY:
P.A. 92-149, § 5.

220 ILCS 50/11.5 Limitation on liability

(a) In joining the State-Wide One-Call Notice System, a municipality's liability, under any membership agreement rules and regulations, for the indemnification of (i) the entity that is in charge of or managing the System or any officer, agent, or employee of that entity or (ii) a member of the System or any officer, agent, or employee of a member of the System shall be limited to claims arising as a result of the acts or omissions of the municipality or its officers, agents, or employees or arising out of the operations of the municipality's underground utility facilities.

(b) Subsection (a) shall not be construed to create any additional liability for a municipality in relation to any member of the System with which the municipality may have entered into a franchise agreement. If a municipality's liability for indemnification under a franchise agreement is narrower than under this Section, the franchise agreement controls.

HISTORY:
P.A. 90-481, § 25.

220 ILCS 50/12 [Limitation on actions]

No action may be brought under Section 11 of this Act [220 ILCS 50/11] unless commenced within 2 years after the date of violation of this Act.

HISTORY:
P.A. 86-674.

220 ILCS 50/13 Mandamus or injunction

Where public safety or the preservation of uninterrupted, necessary utility service or community antenna television system service is endangered by any person engaging in excavation or demolition in a negligent or unsafe manner which has resulted in or is likely to result in damage to underground utility facilities or CATS facilities or proposing to use procedures for excavation or demolition which are likely to result in damage to underground utility facilities or CATS facilities, or where the owner or operator of underground utility facilities or CATS facilities endangers an excavator by willfully failing to respond to a locate request, the owner or operator of such facilities or the excavator or the State's Attorney or the Illinois Commerce Commission at the request of the owner or operator of such facilities or the excavator may commence an action in the circuit court for the county in which the excavation or demolition is occurring or is to occur, or in which the person complained of has his principal place of business or resides, for the purpose of having such negligent or unsafe excavation or demolition stopped and prevented or to compel the marking of underground utilities facilities or CATS facilities, either by mandamus or injunction.

HISTORY:
P.A. 86-674; 92-179, § 5.

220 ILCS 50/14 Home rule

The regulation of underground utility facilities and CATS facilities damage prevention, as provided for in this Act, is an exclusive power and function of the State. A home rule unit may not regulate underground utility facilities and CATS facilities damage prevention, as provided for in this Act. All units of local government, including home rule units that are not municipalities of more than 1,000,000 persons, must comply with the provisions of this Act. To this extent, this Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution. A home rule municipality of more than 1,000,000 persons may regulate underground utility facilities and CATS facilities damage prevention.

HISTORY:
P.A. 86-674; 92-179, § 5; 99-121, § 5.

TELEGRAPH ACT

Section

220 ILCS 55/0.01 Short title

This Act may be cited as the Telegraph Act.

HISTORY:
P.A. 86-1324.

220 ILCS 55/1 [Applicability]

That every company heretofore incorporated under any general or special law, or which may be incorporated under any general law of this state for the construction or operation of any telegraph line through or in this state, shall possess the powers and privileges and be subject to the duties, restrictions and liabilities prescribed in this act.

HISTORY:
Laws 1874, p. 1052.

220 ILCS 55/3.5 Eminent domain

Notwithstanding any other provision of this Act, any power granted under this Act to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.].

HISTORY:
P.A. 94-1055, § 99-5-570.

220 ILCS 55/4 [Consent to erect fixtures on public ground; alteration in location or erection thereof]

No such company shall have the right to erect any poles, posts, piers, abutments, wires or other fixtures of their lines along or upon any public ground outside the corporate limits of a city, town or village, without the consent of the county board of the county in which such public ground is situated, nor upon any public ground within any incorporated city, town or village, without the consent of the corporate authorities of such city, town or village. The consent herein required must be in writing, and shall be recorded in the recorder's office of the county. And such county board, or the city council, or board of trustees of such city, town or village, as the case may be, shall have power to direct any alteration in the location or erection of any such poles, posts, piers or abutments, and also in the height of the wires, having first given the company or its agent opportunity to be heard in regard to such alteration.

The right of any such company to erect such structures, wires or fixtures within the right of way

of any public highway is subject to the provisions of Section 9-113 of the "Illinois Highway Code" as the same may from time to time be amended [605 ILCS 5/9-113].

HISTORY:
Laws 1959, p. 187.

TELEPHONE COMPANY ACT

Section

220 ILCS 65/0.01 Short title

This Act may be cited as the Telephone Company Act.

HISTORY:
P.A. 86-1324.

220 ILCS 65/1 [Applicability]

That each corporation heretofore or hereafter having power under its charter, or under any special or general law of the State of Illinois to construct or operate telephone lines or exchanges in or through Illinois, shall possess the powers and privileges and be subject to the duties, restrictions and liabilities prescribed in this act.

HISTORY:
Laws 1903, p. 350.

220 ILCS 65/4 Right of condemnation

Every telecommunications carrier as defined in the Telecommunications Infrastructure Maintenance Fee Act [35 ILCS 635/1 et seq.] may, when it shall be necessary for the construction, maintenance, alteration or extension of its telecommunications system, or any part thereof, enter upon, take or damage private property in the manner provided for in, and the compensation therefor shall be ascertained and made in conformity to the provisions of the Telegraph Act [220 ILCS 55/0.01 et seq.] and every telecommunications carrier is authorized to construct, maintain, alter and extend its poles, wires, and other appliances as a proper use of highways, along, upon, under and across any highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water in this State, but so as not to incommode the public in the use thereof: Provided, that nothing in this act shall interfere with the control now vested in cities, incorporated towns and villages in relation to the regulation of the poles, wires, cables and other appliances, and provided, that before any such lines shall be constructed along any such highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water it shall be the duty of the telecommunications carrier proposing to construct any such line, to give (in the case of cities, villages, and incorporated towns) to the corporate authorities of the municipality or their designees (hereinafter, municipal corporate authorities) or (in other cases) to the highway commissioners having jurisdiction and control over the road or part thereof along and over which such line is proposed to be constructed, notice in writing in the form of plans, specifications, and documentation of the purpose and intention of the company to construct such line over and along the highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water, which notice shall be served at least 10 days before the line shall be placed or constructed over and along the highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water (30 days in the case of any notice providing for excavation relating to new construction in a public highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water); and upon the giving of the notice it shall be the duty of the municipal corporate authorities or the highway commissioners to specify the portion of such highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water upon which the line may be placed, used, and constructed, and it shall thereupon be the duty of the telecommunications retailer to provide the municipal authorities or highway commissioners with any and all plans, specifications, and documentation available and to construct its line in accordance with such specifications; but in the event that the municipal corporate authorities or the highway commissioners fail to provide such specification within 10 days after the service of such notice, (25 days in the case of excavation relating to new construction) then the telecommunications retailer, without such specification having been made, may proceed to place and erect its line along the highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water by placing its posts, poles and abutments so as not to interfere with other proper uses of the highway, street, alley, public right-of-way dedicated or commonly used for utility purposes, or water. The telecommunications carrier proposing to construct any such line shall comply with the provisions of Section 9-113 [sic] of the Illinois Highway Code [605 ILCS 5/9-113]. Provided, that the telecommunications carrier shall not have the right to condemn any portion of the right-of-way of any railroad company except as much thereof as is necessary to cross the same.

The Illinois Commerce Commission may adopt reasonable rules governing the negotiation procedures that are used by a telecommunications carrier during precondemnation negotiations for the purchase of land rights-of-way and easements, including procedures for providing information to the public and affected landowners concerning the project and the right-of-way easements sought in connection therewith.

Such rules may be made applicable to interstate, competitive intrastate and noncompetitive intrastate facilities, without regard to whether such facilities or the telecommunications carrier proposing to construct and operate them would otherwise be subject to the Illinois Commerce Commission's jurisdiction under the Public Utilities Act [220 ILCS 5/1-101 et seq.], as now or hereafter amended. However, as to facilities used to provide exclusively interstate services or competitive intrastate services or both, nothing in this Section confers any power upon the Commission (i) to require the disclosure of proprietary, competitively sensitive, or cost information or information not known to the telecommunications carrier, (ii) to determine whether, or conduct hearings regarding whether, any proposed fiber optic or other facilities should or should not be constructed and operated, or (iii) to determine or specify, or conduct hearings concerning, the price or other terms or conditions of the purchase of the right-of-way easements sought. With respect to facilities used to provide any intrastate services classified in the condemnor's tariff as noncompetitive under Section 13-502 of the Public Utilities Act [220 ILCS 5/13-502], the rulemaking powers conferred upon the Commission under this Section are in addition to any rulemaking powers arising under the Public Utilities Act.

No telecommunications carrier shall exercise the power to condemn private property until it has first substantially complied with such rules with respect to the property sought to be condemned. If such rules call for providing notice or information before or during negotiations, a failure to provide such notice or information shall not constitute a waiver of the rights granted in this Section, but the telecommunications carrier shall be liable for all reasonable attorney's fees of that landowner resulting from such failure.

HISTORY:
P.A. 86-221; 90-154, § 920; 92-526, § 90-40; 92-651, § 51.

220 ILCS 65/4.5 Eminent domain

Notwithstanding any other provision of this Act, any power granted under this Act to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.].

HISTORY:
P.A. 94-1055, § 95-5-757.

CHAPTER 225
PROFESSIONS AND OCCUPATIONS

DESIGN AND CONSTRUCTION
SERVICE AND SALES

DESIGN AND CONSTRUCTION

Professional Engineering Practice Act of 1989

Section
225 ILCS 325/14 Seal. [Repealed January 1, 2030]
225 ILCS 325/15 Technical submissions. [Repealed January 1, 2030]
225 ILCS 325/23 Professional design firm registration. [Repealed January 1, 2030]
225 ILCS 325/24 Grounds for disciplinary action. [Repealed January 1, 2030]
225 ILCS 325/41 Violation; political subdivisions, county, city or town; construction without professional engineer. [Repealed January 1, 2030]

Structural Engineering Practice Act of 1989

225 ILCS 340/12 Seal. [Repealed January 1, 2030]

PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989 [REPEALED JANUARY 1, 2030]

225 ILCS 325/14 Seal. [Repealed January 1, 2030]

Every professional engineer shall have a reproducible seal, which may be computer generated, the imprint of which shall contain the name of the professional engineer, the professional engineer's license number, and the words "Licensed Professional Engineer of Illinois". Any reproducible stamp heretofore authorized under the laws of this State for use by a professional engineer, including those with the words "Registered Professional Engineer of Illinois", shall serve the same purpose as the seal provided for by this Act. The engineer shall be responsible for his or her seal and signature as defined by rule. When technical submissions are prepared utilizing a computer or other electronic means, the seal may be generated by the computer. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the technical submission bearing an original signature, or a signature generated by a computer.

The use of a professional engineer's seal on technical submissions constitutes a representation by the professional engineer that the work has been prepared by or under the personal supervision of the professional engineer or developed in conjunction with the use of accepted engineering standards. The use of the seal further represents that the work has been prepared and administered in accordance with the standards of reasonable professional skill and diligence.

HISTORY:
P.A. 86-667; 88-372, § 5; 91-92, § 10; 92-145, § 5; 96-626, § 10; 98-289, § 15; 2019 P.A. 101-310, § 10, effective August 9, 2019.

225 ILCS 325/15 Technical submissions. [Repealed January 1, 2030]

(a) Technical submissions are the designs, drawings, and specifications that establish the scope of the professional engineering project, the standard of quality for materials, workmanship, equipment, and constructions systems, and the studies and other technical reports and calculations prepared in the course of the practice of professional engineering. All technical submissions prepared by or under the personal supervision of a professional engineer shall bear that professional engineer's seal, signature, and license expiration date. The licensee's written signature and date of signing, along with the date of license expiration, shall be placed adjacent to the seal.

(b) All technical submissions intended for use in the State of Illinois shall be prepared and administered in accordance with standards of reasonable professional skill and diligence. Care shall be taken to reflect the requirements of State statutes and, where applicable, county and municipal ordinances in such submissions. In recognition that professional engineers are licensed for the protection of the public, health, safety, and welfare, submissions shall be of such quality and scope, and be so administered, as to conform to professional standards.

(c) No officer, board, commission, or other public entity that receives technical submissions shall accept for filing or approval any technical submissions relating to services requiring the involvement of a professional engineer that do not bear the seal and signature of a professional engineer licensed under this Act.

(d) It is unlawful to affix one's seal to technical submissions if it masks the true identity of the person who actually exercised responsible control of the preparation of such work. A professional engineer who seals and signs technical submissions is not responsible for damage caused by subsequent changes to or uses of those technical submissions where the subsequent changes or uses, including changes or uses made by State or local governmental agencies, are not authorized or approved in writing by the professional engineer who originally sealed and signed the technical submissions.

(e) The professional engineer who has contract responsibility shall seal a cover sheet of the technical

submissions, and those individual portions of the technical submissions for which the professional engineer is legally and professionally responsible. The professional engineer practicing as the support design professional shall seal those individual portions of technical submissions for which the professional engineer is legally and professionally responsible.

HISTORY:

P.A. 86-667; 89-61, § 15; 91-92, § 10; 92-145, § 5; 2019 P.A. 101-310, § 10, effective August 9, 2019.

225 ILCS 325/23 Professional design firm registration. [Repealed January 1, 2030]

(a) Nothing in this Act shall prohibit the formation, under the provisions of the Professional Service Corporation Act [805 ILCS 10/1 et seq.], of a corporation to practice professional engineering.

Any business, including a Professional Service Corporation, that includes within its stated purposes or practices, or holds itself out as available to practice, professional engineering shall be registered with the Department pursuant to the provisions set forth in this Section.

Any sole proprietorship not owned and operated by an Illinois licensed design professional licensed under this Act shall be prohibited from offering professional engineering services to the public. Any sole proprietorship owned and operated by a professional engineer with an active license issued under this Act and conducting or transacting such business under an assumed name in accordance with the provisions of the Assumed Business Name Act [805 ILCS 405/0.01 et seq.] shall comply with the registration requirements of a professional design firm. Any sole proprietorship owned and operated by a professional engineer with an active license issued under this Act and conducting or transacting such business under the real name of the sole proprietor is exempt from the registration requirements of a professional design firm. "Illinois licensed design professional" means a person who holds an active license as a professional engineer under this Act, as an architect under the Illinois Architecture Practice Act of 1989 [225 ILCS 305/1 et seq.], or as a structural engineer under the Structural Engineering Practice Act of 1989 [225 ILCS 340/1 et seq.].

(b) Any professional design firm seeking to be registered pursuant to the provisions of this Section shall not be registered unless one or more managing agents in charge of professional engineering activities in this State are designated by the professional design firm. Each managing agent must at all times maintain a valid, active license to practice professional engineering in Illinois.

No individual whose license to practice professional engineering in this State is currently in a suspended or revoked status shall act as a managing agent for a professional design firm.

(c) Any business seeking to be registered under this Section shall make application on a form provided by the Department and shall provide such information as requested by the Department, which shall include, but not be limited to:

(1) the name and license number of the person designated as the managing agent in responsible charge of the practice of professional engineering in Illinois. In the case of a corporation, the corporation shall also submit a certified copy of the resolution by the board of directors designating the managing agent. In the case of a limited liability company, the company shall submit a certified copy of either its articles of organization or operating agreement designating the managing agent;

(2) the names and license numbers of the directors, in the case of a corporation, the members, in the case of a limited liability company, or general partners, in the case of a partnership;

(3) a list of all office locations at which the professional design firm provides professional engineering services to the public; and

(4) a list of all assumed names of the business. Nothing in this Section shall be construed to exempt a professional design firm, sole proprietorship, or professional service corporation from compliance with the requirements of the Assumed Business Name Act.

It is the responsibility of the professional design firm to provide the Department notice, in writing, of any changes in the information requested on the application.

(d) The Department shall issue to each business a certificate of registration to practice professional engineering or offer the services of its licensees in this State upon submittal of a proper application for registration and payment of fees. The expiration date and renewal period for each registration and renewal procedures shall be established by rule.

(e) In the event a managing agent is terminated or terminates his or her status as managing agent of the professional design firm, the managing agent and the professional design firm shall notify the Department of this fact in writing, by regular mail or email, within 10 business days of such termination. Thereafter, the professional design firm, if it has so informed the Department, shall have 30 days in which to notify the Department of the name and license number of a newly designated managing agent. If a corporation, the corporation shall also submit a certified copy of a resolution by the board of directors designating the new managing agent. If a limited liability company, the company shall also submit a certified copy of either its articles of organization or operating agreement designating the new managing agent. The Department may, upon good cause shown, extend the original 30-day period.

If the professional design firm has not notified the Department in writing, by regular mail or email within the specified time, the registration shall be terminated without prior hearing. Notification of termination shall be sent by regular mail or email to the last known address of the business. If the profes-

sional design firm continues to operate and offer professional engineering services after the termination, the Department may seek prosecution under Sections 21 and 24 for the unlicensed practice of professional engineering.

(f) No professional design firm shall be relieved of responsibility for the conduct or acts of its agent, employees, members, managers, or officers by reason of its compliance with this Section, nor shall any individual practicing professional engineering be relieved of the responsibility for professional services performed by reason of the individual's employment or relationship with a professional design firm registered under this Section.

(g) Disciplinary action against a professional design firm registered under this Section shall be administered in the same manner and on the same grounds as disciplinary action against a licensed professional engineer. All disciplinary action taken or pending against a corporation or partnership before the effective date of this amendatory Act of 1993 shall be continued or remain in effect without the Department filing separate actions.

HISTORY:

P.A. 86-667; 88-428, § 15; 89-594, § 340; 91-91, § 40; 91-92, § 10; 92-16, § 68; 2019 P.A. 101-310, § 10, effective August 9, 2019.

225 ILCS 325/24 Grounds for disciplinary action. [Repealed January 1, 2030]

(a) The Department may refuse to issue or renew a license or registration, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed $10,000 per violation, with regard to any license issued under this Act, for any one or a combination of the following reasons:

(1) Material misstatement in furnishing information to the Department.

(2) Negligence, incompetence, or misconduct in the practice of professional engineering.

(3) Failure to comply with any provisions of this Act or any of its rules.

(4) Fraud or any misrepresentation in applying for or procuring a license under this Act or in connection with applying for renewal or restoration of a license under this Act.

(5) Purposefully making false statements or signing false statements, certificates, or affidavits to induce payment.

(6) Conviction of or entry of a plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge or first offender probation under the laws of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor, an essential element of which is dishonesty, that is directly related to the practice of the profession of professional engineering.

(7) Aiding or assisting another person in violating any provision of this Act or its rules.

(8) Failing to provide information in response to a written request made by the Department within 60 days after receipt of such written request.

(9) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

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

(11) A finding by the Department that an applicant or licensee has failed to pay a fine imposed by the Department.

(12) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation or failed to comply with such terms.

(13) Inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, mental illness, or disability.

(14) Discipline by another state, territory, foreign country, the District of Columbia, the United States government, or any other government agency if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Act.

(15) The making of any willfully false oath or affirmation in any matter or proceeding where an oath or affirmation is required by this Act.

(16) Using or attempting to use an expired, inactive, suspended, or revoked license or the certificate or seal of another or impersonating another licensee.

(17) Directly or indirectly giving to or receiving from any person or entity any fee, commission, rebate, or other form of compensation for any professional service not actually or personally rendered.

(18) Signing or affixing the professional engineer's seal or permitting the seal to be affixed to any technical submissions not prepared by the professional engineer or under the professional engineer's supervision and control.

(19) Making a statement pursuant to the Environmental Barriers Act that a plan for construction or alteration of a public facility or for construction of a multi-story housing unit is in compliance with the Environmental Barriers Act when such plan is not in compliance.

(a-5) In enforcing this Section, the Department or Board, upon a showing of a possible violation, may order a licensee or applicant to submit to a mental or physical examination, or both, at the expense of the Department. The Department or Board may order the examining physician to present testimony concerning his or her examination of the licensee or

applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Board or Department. The licensee or applicant may have, at his or her own expense, another physician of his or her choice present during all aspects of the examination. Failure of a licensee or applicant to submit to any such examination when directed, without reasonable cause as defined by rule, shall be grounds for either the immediate suspension of his or her license or immediate denial of his or her application.

If the Secretary immediately suspends the license of a licensee for his or her failure to submit to a mental or physical examination when directed, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay.

If the Secretary otherwise suspends a license pursuant to the results of the licensee's mental or physical examination, a hearing must be convened by the Department within 15 days after the suspension and completed without appreciable delay. The Department and Board shall have the authority to review the licensee's record of treatment and counseling regarding the relevant impairment or impairments to the extent permitted by applicable federal statutes and regulations safeguarding the confidentiality of medical records.

Any licensee suspended under this subsection (a-5) shall be afforded an opportunity to demonstrate to the Department or Board that he or she can resume practice in compliance with the acceptable and prevailing standards under his or her license.

(b) The determination by a circuit court that a registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-100 et seq.] operates as an automatic suspension. Such suspension will end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission, the issuance of an order so finding and discharging the patient, and the recommendation of the Board to the Secretary that the registrant be allowed to resume practice.

(c) In cases where the Department of Healthcare and Family Services (formerly the Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department shall refuse to issue or renew or shall revoke or suspend that person's license or shall take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services in accordance with paragraph (5) of subsection (a) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

(d) The Department shall refuse to issue or renew or shall revoke or suspend a person's license or shall take other disciplinary action against that person for his or her failure to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest as required by any tax Act administered by the Department of Revenue, until the requirements of the tax Act are satisfied in accordance with subsection (g) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

HISTORY:

P.A. 86-667; 88-372, § 5; 88-428, § 15; 88-670, § 2-44; 89-61, § 15; 91-92, § 10; 92-145, § 5; 96-626, § 10; 2014 P.A. 98-756, 756, § 460, effective July 16, 2014; 2018 P.A. 100-872, § 810, effective August 14, 2018; 2019 P.A. 101-310, § 10, effective August 9, 2019.

225 ILCS 325/41 Violation; political subdivisions, county, city or town; construction without professional engineer. [Repealed January 1, 2030]

It is unlawful for the State or any of its political subdivisions, or any county, city or town to engage in the construction of any public work involving professional engineering unless the engineering plan, specifications, and estimates have been prepared by, and the construction is executed under, the guidance of a professional engineer licensed under this Act.

HISTORY:

P.A. 86-667; 2019 P.A. 101-310, § 10, effective August 9, 2019.

STRUCTURAL ENGINEERING PRACTICE ACT OF 1989 [REPEALED JANUARY 1, 2030]

225 ILCS 340/12 Seal. [Repealed January 1, 2030]

Every licensed structural engineer shall have a reproducible seal, which may be computer generated, the imprint of which shall contain the name and license number of the structural engineer, and the words "Licensed Structural Engineer," "State of Illinois." The licensed structural engineer shall seal all plans, technical submissions, drawings, and specifications prepared by or under the engineer's supervision.

If technical submissions are prepared utilizing a computer or other electronic means, the seal may be generated by a computer. The licensee may provide, at his or her sole discretion, an original signature in the licensee's handwriting, a scanned copy of the technical submission bearing an original signature, or a signature generated by a computer.

A licensed structural engineer may seal documents not produced by the licensed structural engineer when the documents have either been produced by others working under the licensed structural engi-

neer's personal supervision and control or when the licensed structural engineer has sufficiently reviewed the documents to ensure that they have met the standards of reasonable professional skill and diligence. In reviewing the work of others, the licensed structural engineer shall, where necessary, do calculations, redesign, or any other work necessary to be done to meet such standards and should retain evidence of having done such review. The documents sealed by the licensed structural engineer shall be of no lesser quality than if they had been produced by the licensed structural engineer. The licensed structural engineer who seals the work of others is obligated to provide sufficient supervision and review of such work so that the public is protected.

The licensed structural engineer shall affix the signature, current date, date of license expiration and seal to the first sheet of any bound set or loose sheets prepared by the licensed structural engineer or under that licensed structural engineer's immediate supervision.

A licensed structural engineer may seal documents not produced by the licensed structural engineer when the documents have either been produced by others working under the licensed structural engineer's personal supervision and control or when the licensed structural engineer has sufficiently reviewed the documents to ensure that they have met the standards of reasonable professional skill and diligence. In reviewing the work of others, the licensed structural engineer shall, where necessary, do calculations, redesign, or any other work necessary to be done to meet such standards and retain evidence of having done such review. The documents sealed by the licensed structural engineer shall be of no lesser quality than if they have been produced by the licensed structural engineer. The licensed structural engineer who seals the work of others is obligated to provide sufficient supervision and review of such work so that the public is protected.

HISTORY:

P.A. 86-711; 91-91, § 50; 2019 P.A. 101-312, § 10, effective August 9, 2019.

SERVICE AND SALES

Highway Advertising Control Act of 1971

Section

HIGHWAY ADVERTISING CONTROL ACT OF 1971

225 ILCS 440/1 [Legislative findings]

The General Assembly finds and declares that the erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to Interstate highways and primary highways should be regulated in order to protect the public investment in such highways, to promote the recreational value of public travel, to preserve natural beauty and to promote the reasonable, orderly and effective display of such signs, displays and devices.

The General Assembly further finds and declares that outdoor advertising is a legitimate, commercial use of private property adjacent to roads and highways; that outdoor advertising is an integral part of the business and marketing function, and an established segment of the national economy which serves to promote and protect private investments in commerce and industry and should be allowed to operate in business areas; and that the regulatory standards set forth in Section 6 of this Act [225 ILCS 440/6] are consistent with customary use in this State and will properly and adequately carry out each and all of the purposes of this Act, more severe restrictions being

inconsistent with customary use and ineffective to accomplish the purposes of this Act.

HISTORY:
P.A. 77-1815.

225 ILCS 440/2 [Short title]

This Act shall be known and may be cited as the "Highway Advertising Control Act of 1971".

HISTORY:
P.A. 77-1815.

225 ILCS 440/3 [Definitions]

As used in this Act, unless the context otherwise requires, the terms defined in the Sections following this Section and preceding Section 4 [225 ILCS 440/4] have the meanings ascribed to them in those Sections.

HISTORY:
P.A. 77-1815; 92-651, § 59; 98-756, § 490.

225 ILCS 440/3.01 [Department defined]

"Department" means the Department of Transportation of the State of Illinois.

HISTORY:
P.A. 77-1815.

225 ILCS 440/3.02 [Interstate highway defined]

"Interstate highway" means any highway designated by the Department and approved by the United States Department of Transportation as a part of the National System of Interstate and Defense Highways on the effective date of this Act or thereafter. A highway constructed after the effective date of this Act shall become a part of the National System of Interstate and Defense Highways upon the date of approval of the Route Location Decision and the approval of the addition of the highway to the National System of Interstate and Defense Highways by the Governor and the United States Department of Transportation.

HISTORY:
P.A. 77-1815.

225 ILCS 440/3.03 [Primary highway defined]

"Primary highway" means any highway, other than an Interstate highway, designated by the Department and approved by the United States Department of Transportation as a part of the Federal-Aid Primary System in existence on June 1, 1991 or any highway other than an Interstate highway that is not on such system that is on the National Highway System.

HISTORY:
P.A. 77-1815; 89-605, § 10.

225 ILCS 440/3.04 [Expressway defined]

"Expressway" means a primary highway constructed as a freeway which has complete control of access.

HISTORY:
P.A. 77-1815.

225 ILCS 440/3.05 [Main-traveled way defined]

"Main-traveled way" means the traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main-traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

HISTORY:
P.A. 77-1815.

225 ILCS 440/3.06 [Maintain defined]

"Maintain" means to allow to exist and includes the periodic changing of advertising messages as well as the normal maintenance or repair of signs and sign structures.

HISTORY:
P.A. 77-1815; 96-919, § 5.

225 ILCS 440/3.07 [Sign defined]

"Sign" means any outdoor sign, display, device, notice, figure painting, drawing, message, placard, poster, billboard, or other thing, which is designated, intended, or used to advertise or inform, and of which any part of the existing or intended advertising or informative contents is or will be visible from any place on the main-traveled way of any portion of an Interstate or primary highway and which is within 660 feet of the nearest edge of the right-of-way of such highway.

"Sign" also means any sign described in paragraph one of this Section which is more than 660 feet from the nearest edge of such highway, outside of an urban area, visible from any place on the main-traveled way of any portion of such highway and erected with the purpose of its message being read from such main-traveled way.

HISTORY:
P.A. 79-1009.

225 ILCS 440/3.08 [Erect defined]

"Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish; but does not include any of the foregoing activities when performed as an incident to the change of advertising message or normal maintenance or repair of a sign or sign structure. For the purposes of this definition, the following shall not constitute normal maintenance or

repair of a sign or sign structure: replacing more than 60% of the uprights, in whole or in part, of a wooden sign structure; replacing more than 30% of the length above ground of each broken, bent, or twisted support of a metal sign structure; raising the height above ground of a sign or sign structure; making a sign bigger; adding lighting; or similar activities that substantially change a sign or make a sign more valuable.

HISTORY:
P.A. 77-1815; 96-919, § 5.

225 ILCS 440/3.09 [Municipality defined]

"Municipality" means a city, village, or incorporated town in the State of Illinois, but, unless the context otherwise provides, "municipal" or "municipality" does not include a township, town when used as the equivalent of a township, incorporated town which has superseded a civil township, county, school district, park district, sanitary district or any other similar governmental district.

HISTORY:
P.A. 77-1815.

225 ILCS 440/3.10 [Commercial or industrial activities defined]

"Commercial or industrial activities" means those activities located within 660 feet of the nearest edge of the right-of-way generally recognized as commercial or industrial by zoning authorities in this State, but does not include the following:

(a) Agricultural, forestry, ranging, grazing and farming activities, including wayside fresh produce stands and grain storage bins;

(b) Railroad tracks and minor sidings;

(c) Transient or temporary activities not involving permanent buildings or structures;

(d) Outdoor advertising structures;

(e) Activities not visible from a main-traveled way;

(f) Activities conducted in a building principally used as a residence.

HISTORY:
P.A. 79-1009.

225 ILCS 440/3.11 [Unzoned commercial or industrial area defined]

"Unzoned commercial or industrial area" means any area adjacent to the right-of-way of a primary highway not zoned by any county or municipality and which lies within 600 feet of any commercial or industrial activity. All measurements shall be from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the activities, not from the property lines of the activities, and shall be along or parallel to the edge or pavement of the highway. On primary highways other than expressways where there is an unzoned commercial or industrial area on one side of the road in accordance with the preceding, the unzoned commercial or industrial area shall also include those lands directly opposite on the other side of the highway to the extent of the same dimensions except where such lands are publicly owned or controlled for scenic or recreational purposes.

HISTORY:
P.A. 77-1815.

225 ILCS 440/3.12 Business area

"Business area" means any part of an area adjacent to and within 660 feet of the right-of-way which is zoned for business, commercial or industrial activities under the authority of any law of this State; or not so zoned, but which constitutes an unzoned commercial or industrial area as defined in Section 3.11 [225 ILCS 440/3.11]. However, as to signs along Interstate highways, the term "business area" includes only areas which are within incorporated limits of any city, village, or incorporated town, as such limits existed on September 21, 1959, and which are zoned for industrial or commercial use, or both, or to portions of Interstate highways which traverse other areas where the land use, as of September 21, l959, was established by State law as industrial or commercial, or both.

With respect to signs owned or leased by the State or a political subdivision, an area zoned for business, commercial, or industrial activities that is adjacent to and within 660 feet of an Interstate highway and that is in Township 41 North, Range 10 East of the Third Principal Meridian, shall be deemed a "business area" for purposes of this Act. This zoning must have been a part of comprehensive zoning and not have been created primarily to permit outdoor advertising structures as described in 23 CFR Part 750.

HISTORY:
P.A. 79-1009; 95-340, § 5; 98-56, § 5.

225 ILCS 440/3.13 [Visible]

"Visible" means capable of being seen (whether or not legible) without visual aid by persons of normal visual acuity.

HISTORY:
P.A. 77-1815.

225 ILCS 440/3.14 [Urban area defined]

For purposes of this Act, "urban area" means an urbanized area or, in the case of an urbanized area encompassing more than one state, that part of the urbanized area in each such state, or an urban place as designated by the Bureau of the Census of the United States having a population of 5,000 or more and not within any urbanized area, within boundaries to be fixed by responsible state and local officials in cooperation with each other, subject to approval by the Secretary of the United States Department of

Transportation. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census.

HISTORY:
P.A. 79-1009.

225 ILCS 440/3.15 [National Highway System designation]

"National Highway System" is a designation provided to certain highways by the Department, which designation must be approved by the United States Department of Transportation and the United States Congress for the purpose of providing an interconnected system of principal arterial routes that serve major population centers, international border crossings, ports, airports, public transportation facilities, other major travel destinations, and interstate and interregional travel and meet national defense requirements.

HISTORY:
P.A. 89-605, § 10.

225 ILCS 440/3.16 [Scenic byway defined]

"Scenic byway" means that portion of a highway that has been nominated by the Department to the United States Department of Transportation for designation as a national scenic byway or All-American Road, and that has received national designation. "Scenic byway" does not include a section of primary or Interstate highway that traverses a business area at the time of nomination, except in accordance with Section 14.02(a)(5) [225 ILCS 440/14.02].

HISTORY:
P.A. 89-605, § 10.

225 ILCS 440/3.17 On-premise sign

"On-premise sign" means any sign advertising a business or activity conducted on the property on which they are located.

HISTORY:
P.A. 98-56, § 5.

225 ILCS 440/3.18 Off-premise sign

"Off-premise sign" means any sign advertising a business or activity not being conducted on the same property as the sign.

HISTORY:
P.A. 98-56, § 5.

225 ILCS 440/3.19 Real estate sign

"Real estate sign" means any sign advertising solely the sale or lease of the property on which the sign is located.

HISTORY:
P.A. 98-56, § 5.

225 ILCS 440/3.20 Municipal network sign

"Municipal network sign" means an official sign or a sign that:

(1) is located on property owned or controlled by a local government that has a population of 2,000,000 or more and that has adopted zoning regulations consistent with this Act;

(2) is controlled under the direction of the local government;

(3) complies with zoning regulations consistent with this Act;

(4) is placed within a business area as defined in Section 3.12 of this Act [225 ILCS 440/3.12];

(5) is used to communicate emergency, public, and commercial information; and

(6) is consistent with the intent of this Act and with customary use of the local government as to the sign's installation and operation, including the size, lighting, and spacing of signs.

HISTORY:
P.A. 98-56, § 5.

225 ILCS 440/4 [Placing of signs limited]

Signs shall not be erected or maintained along primary or Interstate highways except those described in Sections 4.01 through 4.08 [225 ILCS 440/4.01 through 225 ILCS 440/4.08].

HISTORY:
P.A. 77-1815.

225 ILCS 440/4.01 [Official signs]

Directional and other official signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions, which are required or authorized by law, and which comply with regulations which shall be promulgated by the Department relative to their lighting, size, number, spacing and such other requirements as may be appropriate to implement this Act, but such regulations shall not be inconsistent with, nor more restrictive than, such national standards as may be promulgated from time to time by the Secretary of the Department of Transportation of the United States, under subsection (c) of Section 131 of Title 23 of the United States Code [23 U.S.C. § 131].

HISTORY:
P.A. 77-1815.

225 ILCS 440/4.02 Real estate signs

Real estate signs as defined in Section 3.19 of this Act [225 ILCS 440/3.19]. However, real estate signs must comply only with the provisions in Section 5 of this Act [225 ILCS 440/5].

HISTORY:
P.A. 77-1815; 98-56, § 5.

225 ILCS 440/4.03 On-premise signs

On-premise signs as defined in Section 3.17 of this Act [225 ILCS 440/3.17]. However, on-premise signs must comply only with the provisions in Section 5 of this Act [225 ILCS 440/5].

HISTORY:
P.A. 81-550; 98-56, § 5.

225 ILCS 440/4.04 Off-premise signs

Off-premise signs which are erected in business areas after the effective date of this Act and which comply, when erected, with Sections 5 [225 ILCS 440/5], 6 [225 ILCS 440/6] (subject to provisions of Section 7 [225 ILCS 440/7]) and 8 of this Act [225 ILCS 440/8].

HISTORY:
P.A. 77-1815; 98-56, § 5.

225 ILCS 440/4.05 [Existing signs in a business area]

Signs in existence in a "business area", except signs which do not comply with Section 5 [225 ILCS 440/5], subsection (b) of Section 6.02 [225 ILCS 440/6.02], subsection (a) of Section 6.03 [225 ILCS 440/6.03] or Section 8 of this Act [225 ILCS 440/8]. For purposes of this Section, to be "in existence" the supports and frame of a sign must be physically in place: (a) on the effective date of this Act; or (b) on the date subsequent to the passage of this Act when the area in which the sign is located becomes subject to this Act or within six months thereafter, provided the sign is located on property leased prior to the date the area becomes subject to this Act and a copy of the lease is filed with the Department within 30 days following such date, except that the six month period shall not apply to those portions of a highway constructed on new alignment.

HISTORY:
P.A. 77-1815.

225 ILCS 440/4.06 [Public utility signs]

Signs affixed by public utilities to their poles and other facilities for identification.

HISTORY:
P.A. 77-1815.

225 ILCS 440/4.07 [Food, lodging, recreation and service signs] [Repealed]

HISTORY:
P.A. 79-1009; Repealed by P.A. 98-56, § 10, effective July 5, 2013.

225 ILCS 440/4.08 [Informational signs]

Signs, displays and devices giving specific information in the interest of the traveling public may be erected and maintained by the Department within the right-of-way on the Interstate System and on other freeways with full control of access in areas designated by the United States Secretary of Transportation, pursuant to Title 23, U.S. Code, Section 131(f) [23 U.S.C. § 131]. Signs giving specific information regarding tourist oriented businesses in the interest of the traveling public may also be erected and maintained by the Department within the right-of-way on rural non-interstate and non-freeway State highways. Such signs, displays and devices shall conform to national standards promulgated by the Secretary pursuant to such authority.

HISTORY:
P.A. 86-1340; 90-272, § 10.

225 ILCS 440/5 [Prohibited signs]

No sign may be erected or maintained that:

(a) Imitates or resembles an official traffic sign, signal or device;

(b) Is erected, painted or drawn upon trees, rocks or other natural features;

(c) Is structurally unsafe or in disrepair; or

(d) Is erected adjacent to a scenic byway that is a primary or Interstate highway after the effective date of this amendatory Act of 1996, except those signs described in Sections 4.01, 4.02, 4.03, 4.06, and 4.08 of this Act [225 ILCS 440/4.01, 225 ILCS 440/4.02, 225 ILCS 440/4.03, 225 ILCS 440/4.06, and 225 ILCS 440/4.08].

HISTORY:
P.A. 79-1009; 89-605, § 10.

225 ILCS 440/6 [Signs under 225 ILCS 440/4.04]

Signs permitted under Section 4.04 [225 ILCS 440/4.04] must comply with the requirements of Sections 6.01, 6.02 and 6.03 [225 ILCS 440/6.01, 225 ILCS 440/6.02 and 225 ILCS 440/6.03].

HISTORY:
P.A. 77-1815.

225 ILCS 440/6.01 Size of signs

No sign may be erected which exceeds 1,200 square feet in area, 30 feet in height and 60 feet in length, including border and trim, but excluding ornamental base or apron, supports and other structural members. Except with respect to the repair, rebuilding, or replacement of any sign lawfully erected before January 1, 1993, no sign may be erected after the effective date of this amendatory Act of 1992 in any county with a population under 2,000,000 that exceeds 800 square feet in area, excluding extensions and cut-outs; the extensions and cut-outs may account for no more than an additional 20% in sign surface area. The maximum size limitation shall apply to each side of a sign or sign structure. A maximum of 2 signs may be erected in a facing, in which event the facing shall be deemed to be one sign, the size of which may not exceed the dimensions listed in this Section. Signs

may be double faced or be placed back to back or V-type or triangular, provided that the angle between sign faces shall not exceed 90 degrees. The area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign.

HISTORY:
P.A. 77-1815; 87-1205, § 2; 91-774, § 5.

225 ILCS 440/6.02 Lighting

(a) No sign may be erected which contains, includes or is illuminated by any flashing, intermittent or moving light or lights, except those giving public service information such as, without limiting the generality of the foregoing, time, weather, date and temperature.

(b) No sign may be erected or maintained which is not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of any Interstate or primary highway or which is of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle.

HISTORY:
P.A. 77-1815.

225 ILCS 440/6.03 Spacing

(a) No sign may be erected or maintained in such a manner as to obscure or otherwise physically interfere with an official traffic sign, signal or device or to obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic within 1000 feet of such sign, signal, device or point of intersecting or merging traffic.

(b) Along interstate highways and expressways no two sign structures on the same side of the highway shall be erected less than 500 feet apart. Along primary highways other than expressways no 2 sign structures on the same side of the highway shall be erected less than 300 feet apart (100 feet inside incorporated municipalities). Except with respect to the repair, rebuilding, or replacement of any sign lawfully erected before January 1, 1993, after the effective date of this amendatory Act of 1992, along primary highways other than expressways, no 2 sign structures on the same side of the highway shall be erected less than 500 feet apart (300 feet inside incorporated municipalities). A sign structure may have one or two facings with a maximum of two signs per facing. Back to back, V-type, and side by side signs shall be treated as single sign structures. Provided, however, that the foregoing spacing between structures requirements shall not apply to structures which are separated or screened by buildings, natural surroundings, or other obstructions in such manner that only one sign facing located within such distance is visible at any one time.

(c) Outside incorporated municipalities, no sign structure may be erected along an interstate highway or expressway adjacent to, or within 500 feet of an interchange, rest area, or weigh station, such 500 feet to be measured along the main-traveled way from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

HISTORY:
P.A. 77-1815; 87-1205, § 2.

225 ILCS 440/6.04 [Size; lighting and spacing provision; applicability]

The size, lighting and spacing provisions of Section 6 [225 ILCS 440/6] shall not be construed to apply to, or to impose additional limitations upon, signs of the types described in Sections 4.01, 4.02 and 4.03 [225 ILCS 440/4.01, 225 ILCS 440/4.02 and 225 ILCS 440/4.03] nor shall such signs be counted nor shall measurements be made from them for purposes of determining compliance with spacing requirements.

HISTORY:
P.A. 77-1815.

225 ILCS 440/7 [Commercial and industrial areas]

In zoned commercial and industrial areas, whenever a State, county or municipal zoning authority has adopted laws or ordinances, which include regulations with respect to the size, lighting and spacing of signs, which regulations are consistent with the intent of this Act and with customary use, then from and after the effective date of such regulations, and so long as they shall continue in effect, the provisions of Section 6 [225 ILCS 440/6] shall not apply to the erection of signs in such areas.

HISTORY:
P.A. 77-1815.

225 ILCS 440/8 [Registration]

Within 90 days after the effective date of this Act, each sign, except signs described by Sections 4.01, 4.02 and 4.03 [225 ILCS 440/4.01, 225 ILCS 440/4.02, and 225 ILCS 440/4.03], must be registered with the Department by the owner of the sign, on forms obtained from the Department. Within 90 days after the effective date of this amendatory Act of 1975, each sign located beyond 660 feet of the right-of-way located outside of urban areas, visible from the main-traveled way of the highway and erected with the purpose of the message being read from such traveled way, must be registered with the Department by the owner of the sign on forms obtained from the Department. The Department shall require reasonable information to be furnished including the name of the owner of the land on which the sign is located and a statement that the owner has consented to the erection or maintenance of the sign. Registration must be made of each sign and shall be accompanied by a registration fee of $5.

No sign, except signs described by Sections 4.01, 4.02, and 4.03, may be erected after the effective date of this Act without first obtaining a permit from the Department. The application for permit shall be on a form provided by the Department and shall contain such information as the Department may reasonably require. Upon receipt of an application containing all required information and appropriately executed and upon payment of the fee required under this Section, the Department then issues a permit to the applicant for the erection of the sign, provided such sign will not violate any provision of this Act. The application fee shall be as follows:

(1) for signs of less than 150 square feet, $50;

(2) for signs of at least 150 but less than 300 square feet, $100; and

(3) for signs of 300 or more square feet, $200.

In determining the appropriateness of issuing a permit for a municipal network sign, the Department shall waive any provision or requirement of this Act or administrative rule adopted under the authority of this Act to the extent that the waiver does not contravene the federal Highway Beautification Act of 1965 [23 U.S.C. 131], and the regulations promulgated under that Act by the Secretary of the United States Department of Transportation. Any municipal network sign applications pending on May 1, 2013 that are not affected by compliance with the federal Highway Beautification Act of 1965 shall be issued within 10 days after the effective date of this amendatory Act of the 98th General Assembly [P.A. 98-56]. The determination of the balance of pending municipal network sign applications and issuance of approved permits shall be completed within 30 days after the effective date of this amendatory Act of the 98th General Assembly. To the extent that the Secretary of the United States Department of Transportation or any court finds any permit granted pursuant to such a waiver to be inconsistent with or preempted by the federal Highway Beautification Act of 1965, 23 U.S.C. 131, and the regulations promulgated under that Act, that permit shall be void.

Upon change of sign ownership the new owner of the sign shall notify the Department and supply the necessary information to renew the permit for such sign at no cost within 60 days after the change of ownership. Any permit not so renewed shall become void.

Owners of registered signs shall be issued an identifying tag, which must remain securely affixed to the front face of the sign or sign structure in a conspicuous position by the owner within 60 days after receipt of the tag; owners of signs erected by permit shall be issued an identifying tag which must remain securely affixed to the front face of the sign or sign structure in a conspicuous position by the owner upon completion of the sign erection or within 10 days after receipt of the tag, whichever is the later.

HISTORY:
P.A. 79-1009; 87-1205, § 2; 98-56, § 5.

225 ILCS 440/9 [Acquisition of property and other rights]

In order to obtain compliance with this Act, the Department may after July 1, 1973 acquire property and other rights by purchase, gift, condemnation or otherwise. Just compensation shall be paid for the removal of signs lawfully erected or lawfully in existence but not permitted to be maintained under this Act. Just compensation shall include payment for the taking from the owner of any sign required to be removed under this Act of all right, title, leasehold and interest in such sign and for the taking from the owner of the real property on which the sign is located of the right to erect and maintain such sign. Nor does anything in this Section require payment of compensation for the right to erect and maintain signs to owners of real property on which no signs are located. Nothing in this Act requires the Department to proceed to acquire property or other rights, including signs, until federal funds to reimburse the State for not less than 75% of the cost of acquisition of property or other rights for which a federal share is payable are appropriated and allocated to the State for that purpose.

HISTORY:
P.A. 77-1815.

225 ILCS 440/9.5 Eminent domain

Notwithstanding any other provision of this Act, any power granted under this Act to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.].

HISTORY:
P.A. 94-1055, § 95-5-585.

225 ILCS 440/10 [Unlawful signs]

The following signs are unlawful and a public nuisance:

(a) Signs erected after the effective date of this Act in violation of this Act;

(b) Signs not registered in accordance with this Act or in accordance with the regulations established by the Department;

(c) Signs without valid permits, as required by this Act or by regulations established by the Department.

Each sign declared by this Section to be unlawful and a public nuisance shall be removed or brought into compliance with this Act by the owner, without compensation, within 30 days after receipt of notice by certified mail from the Department, such notice period to be computed from the date of mailing. If the unlawful sign is affixed to a motor vehicle or a trailer or other vehicle capable of being propelled by a motor vehicle, it shall be removed by the owner, without compensation, within 24 hours after verbal notice by the Department. Any signs not so removed by the

owners or any such signs which are removed and re-erected illegally by the owners shall become the property of the State and shall be removed and disposed of by the Department or may be painted over by the Department. The Department is also granted authority to enter upon private property for these purposes. If the name and address of the owner of the sign cannot be ascertained from the records of the Department or from a visual inspection of the sign foregoing notice provisions are not required and the Department shall take immediate action to remove or paint over the sign.

HISTORY:
P.A. 79-1009.

225 ILCS 440/11 [Conformity with federal law]

The Department, on behalf of the State of Illinois, may seek agreement with the Secretary of Transportation of the United States under Section 131 of Title 23, United States Code, as amended, that this Act is in conformance with that Section 131 [23 U.S.C. § 131] and provides effective control of outdoor advertising signs as set forth therein. If such agreement cannot be reached and the penalties under subsection (b) of Section 131 are invoked, the Attorney General of this State shall institute proceedings described in subsection (1) of that Section 131.

HISTORY:
P.A. 77-1815.

225 ILCS 440/12 [Allotment of federal funds]

The Department may accept any allotment of funds by the United States, or by any agency thereof, appropriated to carry out the purposes of Section 131 of Title 23, United States Code, as amended from time to time. The Department shall take such steps as may be necessary from time to time to obtain from the United States, the appropriate agency thereof, funds allotted and appropriated under that Section, for the purpose of paying the federal share of the just compensation to be paid to sign owners and owners of real property under the terms of subsection (g) of that Section 131 [23 U.S.C. § 131] and under this Act.

HISTORY:
P.A. 77-1815.

225 ILCS 440/13 [Severability]

If any provision of this Act or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or application of this Act which can be given effect without the invalid application or provisions, and to this end the provisions of this Act are declared to be severable.

HISTORY:
P.A. 77-1815.

225 ILCS 440/14 [Preservation]

Nothing contained in this Act shall change, alter or otherwise affect the power of the Department to provide for the preservation of the natural beauty of areas through which highways are constructed as provided by Section 4-201.15 of the "Illinois Highway Code", approved June 8, 1959, as amended [605 ILCS 5/4-201.15], including, but not limited to, removal of signs under that Code.

HISTORY:
P.A. 77-1815.

225 ILCS 440/14.01 [Rules and regulations]

The Department may establish rules and regulations regarding implementation and enforcement of this Act, which regulations are not inconsistent with the terms of this Act; provided however, that the Department may not add to, or increase the severity of the regulatory standards set forth in Section 6 of the Act [225 ILCS 440/6], as now or hereafter amended.

HISTORY:
P.A. 79-1009.

225 ILCS 440/14.02 Scenic byways; nomination

(a) The Department shall limit its nominations for national designation of scenic byways to roads or highways that:

(1) possess any of 6 intrinsic qualities as specified by the United States Department of Transportation, including scenic beauty, natural quality, historic quality, cultural quality, archeological quality, or recreational quality;

(2) accommodate 2-wheel drive automobiles and, wherever feasible, bicycle and pedestrian travel;

(3) are the subject of a complete corridor management plan consistent with requirements of the United States Department of Transportation and developed with community involvement, which provides for the conservation and enhancement of the byway's intrinsic qualities as well as promotion of tourism and economic development;

(4) are the subject of written notice of pending nomination given by a unit of local government of appropriate jurisdiction to businesses and property owners to be directly affected by national designation, which notice shall include the opportunity to submit written comments to the local government; and

(5) do not include sections of primary or Interstate highways that, at the time of nomination, traverse business areas, unless the Department determines that any such section possesses one or more intrinsic qualities in such exceptional measure as to merit nomination for national designation.

(b) Before forwarding a nomination to the United States Department of Transportation, the Department may request the appropriate unit of local government to conduct a public hearing if it is determined that sufficient numbers of property owners and businesses may be affected adversely by national designation.

(c) The Department may request the United States Department of Transportation to de-designate all or part of a scenic byway (i) if it is determined that the intrinsic qualities that led to designation no longer exist, (ii) if the approved corridor management plan is not being implemented in accordance with its provisions, or (iii) in the event of termination of the national scenic byways program or the absence of Congressional authorization for funding of that program. Before making such request, the Department or the appropriate unit of local government petitioning for de-designation shall hold a public hearing for the purpose of obtaining public comment on the proposed de-designation.

HISTORY:
P.A. 89-605, § 10.

225 ILCS 440/14.1 Applicability

The changes made to this Act by Public Act 98-56 shall not be applicable if the application would impact the receipt, use, or reimbursement of federal funds by the Illinois Department of Transportation other than the reimbursement of Bonus Agreement funds. Any permit granted pursuant to an inapplicable provision is void.

HISTORY:
P.A. 98-56, § 5; 98-756, § 490.

225 ILCS 440/15 [Repeal of 1965 Highway Advertising Act]

"An Act relating to the restriction, prohibition, regulation, and control of billboards and other outdoor advertising devices on certain lands adjacent to National System of Interstate and Defense Highways in Illinois", approved June 28, 1965, is repealed.

HISTORY:
2014 P.A. 98-756, § 490, effective July 16, 2014.

225 ILCS 440/16 [Effective date]

This Act takes effect July 1, 1972.

HISTORY:
P.A. 77-1815.

CHAPTER 235

LIQUOR

LIQUOR CONTROL ACT OF 1934

Article V. Licenses

Article VI. General Provisions

ARTICLE V.

LICENSES

235 ILCS 5/5-5 Late filing fees.

In the event that a liquor license holder fails to submit a license renewal application to the Commission before or on the expiration date of the current license, the licensee will be assessed a late filing fee of $25. Late applications and instruments of payment will be returned to the licensee. Late filing fees will be in addition to any fines or penalties ordered for operating without a valid license.

Late filing fees shall not apply to a liquor license holder whose business or business operations have been suspended in any capacity due to any executive order issued on or after March 16, 2020 or any subsequent rule established by the Department of Public Health or any other agency of the State as a result of COVID-19. The late filing fee waiver shall remain in effect for 6 months after whichever of the following dates occurs the latest:

(1) the day on which the region in which the liquor licensee is located enters Phase 4 of the Governor's Restore Illinois Plan as issued on May 5, 2020;

(2) the day after the expiration of the latest executive order that limits or interrupts the business or business operations as a result of the COVID-19 pandemic; or

(3) the day after the expiration of any rules established by the Department of Public Health or any other agency of the State that limit or interrupt the business or business operations as a result of the COVID-19 pandemic.

HISTORY:
P.A. 88-91, § 90; 2020 P.A. 101-631, § 5, effective June 2, 2020.

235 ILCS 5/5-7 Temporary liquor license fee deferral.

A liquor license holder whose business or business operations have been suspended in any capacity due to any executive order issued on or after March 16, 2020 or any subsequent rule established by the Department of Public Health or any other agency of the State as a result of COVID-19 shall be allowed to defer liquor license fees under this Section. The liquor license holder shall be allowed to defer the payment of liquor license fees for 6 months after whichever of the following dates occurs the latest:

(1) the day on which the region in which the liquor licensee is located enters Phase 4 of the Governor's Restore Illinois Plan as issued on May 5, 2020;

(2) the day after the expiration of the latest executive order that limits or interrupts the business or business operations as a result of the COVID-19 pandemic; or

(3) the day after the expiration of any rules established by the Department of Public Health or any other agency of the State that limit or interrupt the business or business operations as a result of the COVID-19 pandemic.

HISTORY:
2020 P.A. 101-631, § 5, effective June 2, 2020.

ARTICLE VI.

GENERAL PROVISIONS

235 ILCS 5/6-1 Privilege granted by license; nature as to property; transferability; tax delinquencies.

A license shall be purely a personal privilege, good for not to exceed one year after issuance, except a non-beverage user's license, unless sooner revoked as in this Act provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall not descend by the laws of testate or intestate devolution, but it shall cease upon the death of the licensee, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor, may continue the business of the sale or manufacture of alcoholic liquor under order of the appropriate court, and may exercise the privileges of the deceased or insolvent or

bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy until the expiration of such license but not longer than six months after the death, bankruptcy or insolvency of such licensee. Except in the case of a non-beverage user's license, a refund shall be made of that portion of the license fees paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this paragraph.

Any licensee may renew his license at the expiration thereof, provided he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; and provided further that the renewal privilege herein provided for shall not be construed as a vested right which shall in any case prevent the city council or village president and board of trustees or county board, as the case may be, from decreasing the number of licenses to be issued within its jurisdiction. No retailer's license shall be renewed if the Department of Revenue has reported to the Illinois Liquor Control Commission that such retailer is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois until the applicant is issued a certificate by the Department of Revenue stating that all delinquent returns or amounts owed have been paid by guaranteed remittance or the payment agreement to pay all amounts owed has been accepted by the Department. No retailer's license issued by a local liquor control commissioner shall be renewed unless the applicant provides documentation that any tax owed to (i) the municipality in which the applicant is located (in the case of a license issued by the mayor or president of the board of trustees of a city, village or incorporated town acting as local liquor control commissioner) or (ii) the county in which the applicant is located (in the case of a license issued by the president or chairman of a county board acting as local liquor control commissioner) by the applicant has been satisfied by payment in the form of a cashier's check, certified check, money order, or cash.

For a liquor license holder whose business or business operations have been suspended in any capacity due to any executive order issued on or after March 16, 2020 or any subsequent rule established by the Department of Public Health or any other agency of the State as a result of COVID-19, renewal of the license shall be automatically approved and the license shall be extended without limitation for 120 days after whichever of the following dates occurs the latest:

(1) the day on which the region in which the liquor licensee is located enters Phase 4 of the Governor's Restore Illinois Plan as issued on May 5, 2020;

(2) the day after the expiration of the latest executive order that limits or interrupts the business or business operations as a result of the COVID-19 pandemic; or

(3) the day after the expiration of any rules established by the Department of Public Health or any other agency of the State that limit or interrupt the business or business operations as a result of the COVID-19 pandemic.

The renewal shall be based upon the most recent liquor license application or application for renewal that was approved and received by the State Commission prior to the limitations or interruptions implemented by the Executive Order on March 16, 2020.

A negotiable instrument received as payment for a license fee, transfer fee, late fee, offer in compromise, pre-disciplinary conference settlement, or fine imposed by order that is dishonored on presentation shall not be considered payment and shall be cause for disciplinary action.

HISTORY:

P.A. 87-344; 89-250, § 5; 91-357, § 166; 2020 P.A. 101-631, § 5, effective June 2, 2020.

235 ILCS 5/6-5 [Loans between retailer and manufacturer or distributor prohibited; exceptions; merchandising credit]

Except as otherwise provided in this Section, it is unlawful for any person having a retailer's license or any officer, associate, member, representative or agent of such licensee to accept, receive or borrow money, or anything else of value, or accept or receive credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days) directly or indirectly from any manufacturer, importing distributor or distributor of alcoholic liquor, or from any person connected with or in any way representing, or from any member of the family of, such manufacturer, importing distributor, distributor or wholesaler, or from any stockholders in any corporation engaged in manufacturing, distributing or wholesaling of such liquor, or from any officer, manager, agent or representative of said manufacturer. Except as provided below, it is unlawful for any manufacturer or distributor or importing distributor to give or lend money or anything of value, or otherwise loan or extend credit (except such merchandising credit) directly or indirectly to any retail licensee or to the manager, representative, agent, officer or director of such licensee. A manufacturer, distributor or importing distributor may furnish free advertising, posters, signs, brochures, hand-outs, or other promotional devices or materials to any unit of government owning or operating any auditorium, exhibition hall, recreation facility or other similar facility holding a retailer's license, provided that the primary purpose of such promotional devices or materials is to promote public events being held at such facility. A unit of government owning or operating such a facility holding a retailer's license may accept such promotional devices or materials designed primarily to promote public events held at the facility. No retail licensee delinquent beyond the 30 day period specified in this

Section shall solicit, accept or receive credit, purchase or acquire alcoholic liquors, directly or indirectly from any other licensee, and no manufacturer, distributor or importing distributor shall knowingly grant or extend credit, sell, furnish or supply alcoholic liquors to any such delinquent retail licensee; provided that the purchase price of all beer sold to a retail licensee shall be paid by the retail licensee in cash on or before delivery of the beer, and unless the purchase price payable by a retail licensee for beer sold to him in returnable bottles shall expressly include a charge for the bottles and cases, the retail licensee shall, on or before delivery of such beer, pay the seller in cash a deposit in an amount not less than the deposit required to be paid by the distributor to the brewer; but where the brewer sells direct to the retailer, the deposit shall be an amount no less than that required by the brewer from his own distributors; and provided further, that in no instance shall this deposit be less than 50 cents for each case of beer in pint or smaller bottles and 60 cents for each case of beer in quart or half-gallon bottles; and provided further, that the purchase price of all beer sold to an importing distributor or distributor shall be paid by such importing distributor or distributor in cash on or before the 15th day (Sundays and holidays excepted) after delivery of such beer to such purchaser; and unless the purchase price payable by such importing distributor or distributor for beer sold in returnable bottles and cases shall expressly include a charge for the bottles and cases, such importing distributor or distributor shall, on or before the 15th day (Sundays and holidays excepted) after delivery of such beer to such purchaser, pay the seller in cash a required amount as a deposit to assure the return of such bottles and cases. Nothing herein contained shall prohibit any licensee from crediting or refunding to a purchaser the actual amount of money paid for bottles, cases, kegs or barrels returned by the purchaser to the seller or paid by the purchaser as a deposit on bottles, cases, kegs or barrels, when such containers or packages are returned to the seller. Nothing herein contained shall prohibit any manufacturer, importing distributor or distributor from extending usual and customary credit for alcoholic liquor sold to customers or purchasers who live in or maintain places of business outside of this State when such alcoholic liquor is actually transported and delivered to such points outside of this State.

A manufacturer, distributor, or importing distributor may furnish free social media advertising to a retail licensee if the social media advertisement does not contain the retail price of any alcoholic liquor and the social media advertisement complies with any applicable rules or regulations issued by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury. A manufacturer, distributor, or importing distributor may list the names of one or more unaffiliated retailers in the advertisement of alcoholic liquor through social media. Nothing in this Section shall prohibit a retailer from communicating with a manufacturer, distributor, or importing distributor on social media or sharing media on the social media of a manufacturer, distributor, or importing distributor. A retailer may request free social media advertising from a manufacturer, distributor, or importing distributor. Nothing in this Section shall prohibit a manufacturer, distributor, or importing distributor from sharing, reposting, or otherwise forwarding a social media post by a retail licensee, so long as the sharing, reposting, or forwarding of the social media post does not contain the retail price of any alcoholic liquor. No manufacturer, distributor, or importing distributor shall pay or reimburse a retailer, directly or indirectly, for any social media advertising services, except as specifically permitted in this Act. No retailer shall accept any payment or reimbursement, directly or indirectly, for any social media advertising services offered by a manufacturer, distributor, or importing distributor, except as specifically permitted in this Act. For the purposes of this Section, "social media" means a service, platform, or site where users communicate with one another and share media, such as pictures, videos, music, and blogs, with other users free of charge.

No right of action shall exist for the collection of any claim based upon credit extended to a distributor, importing distributor or retail licensee contrary to the provisions of this Section.

Every manufacturer, importing distributor and distributor shall submit or cause to be submitted, to the State Commission, in triplicate, not later than Thursday of each calendar week, a verified written list of the names and respective addresses of each retail licensee purchasing spirits or wine from such manufacturer, importing distributor or distributor who, on the first business day of that calendar week, was delinquent beyond the above mentioned permissible merchandising credit period of 30 days; or, if such is the fact, a verified written statement that no retail licensee purchasing spirits or wine was then delinquent beyond such permissible merchandising credit period of 30 days.

Every manufacturer, importing distributor and distributor shall submit or cause to be submitted, to the State Commission, in triplicate, a verified written list of the names and respective addresses of each previously reported delinquent retail licensee who has cured such delinquency by payment, which list shall be submitted not later than the close of the second full business day following the day such delinquency was so cured.

The written list of delinquent retail licensees shall be developed, administered, and maintained only by the State Commission. The State Commission shall notify each retail licensee that it has been placed on the delinquency list. Determinations of delinquency or nondelinquency shall be made only by the State Commission.

Such written verified reports required to be submitted by this Section shall be posted by the State

Commission in each of its offices in places available for public inspection not later than the day following receipt thereof by the State Commission. The reports so posted shall constitute notice to every manufacturer, importing distributor and distributor of the information contained therein. Actual notice to manufacturers, importing distributors and distributors of the information contained in any such posted reports, however received, shall also constitute notice of such information.

The 30-day merchandising credit period allowed by this Section shall commence with the day immediately following the date of invoice and shall include all successive days including Sundays and holidays to and including the 30th successive day.

In addition to other methods allowed by law, payment by check or credit card during the period for which merchandising credit may be extended under the provisions of this Section shall be considered payment. All checks received in payment for alcoholic liquor shall be promptly deposited for collection. A post dated check or a check dishonored on presentation for payment shall not be deemed payment.

A credit card payment in dispute by a retailer shall not be deemed payment, and the debt uncured for merchandising credit shall be reported as delinquent. Nothing in this Section shall prevent a distributor, self-distributing manufacturer, or importing distributor from assessing a usual and customary transaction fee representative of the actual finance charges incurred for processing a credit card payment. This transaction fee shall be disclosed on the invoice. It shall be considered unlawful for a distributor, importing distributor, or self-distributing manufacturer to waive finance charges for retailers.

A retail licensee shall not be deemed to be delinquent in payment for any alleged sale to him of alcoholic liquor when there exists a bona fide dispute between such retailer and a manufacturer, importing distributor or distributor with respect to the amount of indebtedness existing because of such alleged sale. A retail licensee shall not be deemed to be delinquent under this provision and 11 Ill. Adm. Code 100.90 until 30 days after the date on which the region in which the retail licensee is located enters Phase 4 of the Governor's Restore Illinois Plan as issued on May 5, 2020.

A delinquent retail licensee who engages in the retail liquor business at 2 or more locations shall be deemed to be delinquent with respect to each such location.

The license of any person who violates any provision of this Section shall be subject to suspension or revocation in the manner provided by this Act.

If any part or provision of this Article or the application thereof to any person or circumstances shall be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined by its operation to the controversy in which it was mentioned and shall not affect or invalidate the remainder of this Article or the application thereof to any other person or circumstance and to this and the provisions of this Article are declared severable.

HISTORY:

P.A. 83-762; 99-448, § 5; 2020 P.A. 101-631, § 5, effective June 2, 2020; 2021 P.A. 102-8, § 5, effective June 2, 2021; 2021 P.A. 102-442, § 5, effective January 1, 2022; 2022 P.A. 102-813, § 500, effective May 13, 2022.

235 ILCS 5/6-27.1 Responsible alcohol service server training.

(a) Unless issued a valid server training certificate between July 1, 2012 and July 1, 2015 by a certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) trainer, all alcohol servers in Cook County are required to obtain and complete training in basic responsible alcohol service as outlined in 77 Ill. Adm. Code 3500, as those provisions exist on July 1, 2015 (the effective date of Public Act 98-939), by July 1, 2015 or within 120 days after the alcohol server begins his or her employment, whichever is later. All alcohol servers in a county, other than Cook County, with a population of 200,000 inhabitants or more are required to obtain and complete training in basic responsible alcohol service as outlined in 77 Ill. Adm. Code 3500, as those provisions exist on July 1, 2015 (the effective date of Public Act 98-939), by July 1, 2016 or within 120 days after the alcohol server begins his or her employment, whichever is later. All alcohol servers in a county with a population of more than 30,000 inhabitants and less than 200,000 inhabitants are required to obtain and complete training in basic responsible alcohol service as outlined in 77 Ill. Adm. Code 3500, as those provisions exist on July 1, 2015 (the effective date of Public Act 98-939), by July 1, 2017 or within 120 days after the alcohol server begins his or her employment, whichever is later. All alcohol servers in counties with a population of 30,000 inhabitants or less are required to obtain and complete training in basic responsible alcohol service as outlined in 77 Ill. Adm. Code 3500, as those provisions exist on July 1, 2015 (the effective date of Public Act 98-939), by July 1, 2018 or within 120 days after the alcohol server begins his or her employment, whichever is later.

There is no limit to the amount of times a server may take the training. A certificate of training belongs to the server, and a server may transfer a certificate of training to a different employer, but shall not transfer a certificate of training to another server. Proof that an alcohol server has been trained must be available upon reasonable request by State law enforcement officials. For the purpose of this Section, "alcohol servers" means persons who sell or serve open containers of alcoholic beverages at retail, anyone who delivers mixed drinks under Section 6-28.8 [235 ILCS 5/6-28.8], and anyone whose job description entails the checking of identification for the purchase of open containers of alcoholic beverages at retail or for entry into the licensed premises. The definition does not include (i) a distributor or importing distributor conducting product sampling

as authorized in Section 6-31 of this Act [235 ILCS 5/6-31] or a registered tasting representative, as provided in 11 Ill. Adm. Code 100.40, conducting a tasting, as defined in 11 Ill. Adm. Code 100.10; (ii) a volunteer serving alcoholic beverages at a charitable function; or (iii) an instructor engaged in training or educating on the proper technique for using a system that dispenses alcoholic beverages.

(b) Responsible alcohol service training must cover and assess knowledge of the topics noted in 77 Ill. Adm. Code 3500.155.

(c) Beginning on the effective date of this amendatory Act of the 98th General Assembly, but no later than October 1, 2015, all existing BASSET trainers who are already BASSET certified as of the effective date of this amendatory Act of the 98th General Assembly shall be recertified by the State Commission and be required to comply with the conditions for server training set forth in this amendatory Act of the 98th General Assembly.

(d) Training modules and certificate program plans must be approved by the State Commission. All documents, materials, or information related to responsible alcohol service training program approval that are submitted to the State Commission are confidential and shall not be open to public inspection or dissemination and are exempt from disclosure.

The State Commission shall only approve programs that meet the following criteria:

(1) the training course covers the content specified in 77 Ill. Adm. Code 3500.155;

(2) if the training course is classroom-based, the classroom training is at least 4 hours, is available in English and Spanish, and includes a test;

(3) if the training course is online or computer-based, the course is designed in a way that ensures that no content can be skipped, is interactive, has audio for content for servers that have a disability, and includes a test;

(4) training and testing is based on a job task analysis that clearly identifies and focuses on the knowledge, skills, and abilities needed to responsibly serve alcoholic beverages and is developed using best practices in instructional design and exam development to ensure that the program is fair and legally defensible;

(5) training and testing is conducted by any means available, including, but not limited to, online, computer, classroom, or live trainers; and

(6) the program must provide access on a 24-hour-per-day, 7-days-per-week basis for certificate verification for State Commission, State law enforcement officials, and employers to be able to verify certificate authenticity.

(e) Nothing in subsection (d) of this Section shall be construed to require a program to use a test administrator or proctor.

(f) A certificate issued from a BASSET-licensed training program shall be accepted as meeting the training requirements for all server license and permit laws and ordinances in the State.

(g) A responsible alcohol service training certificate from a BASSET-licensed program shall be valid for 3 years.

(h) The provisions of this Section shall apply beginning July 1, 2015. From July 1, 2015 through December 31, 2015, enforcement of the provisions of this Section shall be limited to education and notification of the requirements to encourage compliance.

(i) The provisions of this Section do not apply to a special event retailer.

HISTORY:

2014 P.A. 98-939, § 5, effective July 1, 2015; 99-46, § 5; 2020 P.A. 101-631, § 5, effective June 2, 2020.

235 ILCS 5/6-28.8 Delivery and carry out of mixed drinks permitted. [Effective until January 3, 2024]

(a) In this Section:

"Cocktail" or "mixed drink" means any beverage obtained by combining ingredients alcoholic in nature, whether brewed, fermented, or distilled, with ingredients non-alcoholic in nature, such as fruit juice, lemonade, cream, or a carbonated beverage.

"Original container" means, for the purposes of this Section only, a container that is (i) filled, sealed, and secured by a retail licensee's employee at the retail licensee's location with a tamper-evident lid or cap or (ii) filled and labeled by the manufacturer and secured by the manufacturer's original unbroken seal.

"Sealed container" means a rigid container that contains a mixed drink or a single serving of wine, is new, has never been used, has a secured lid or cap designed to prevent consumption without removal of the lid or cap, and is tamper-evident. "Sealed container" includes a manufacturer's original container as defined in this subsection. "Sealed container" does not include a container with a lid with sipping holes or openings for straws or a container made of plastic, paper, or polystyrene foam.

"Tamper-evident" means a lid or cap that has been sealed with tamper-evident covers, including, but not limited to, wax dip or heat shrink wrap.

(b) A cocktail, mixed drink, or single serving of wine placed in a sealed container by a retail licensee at the retail licensee's location or a manufacturer's original container may be transferred and sold for off-premises consumption if the following requirements are met:

(1) the cocktail, mixed drink, or single serving of wine is transferred within the licensed premises, by a curbside pickup, or by delivery by an employee of the retail licensee who:

(A) has been trained in accordance with Section 6-27.1 at the time of the sale;

(B) is at least 21 years of age; and

(C) upon delivery, verifies the age of the person to whom the cocktail, mixed drink, or single serving of wine is being delivered;

(2) if the employee delivering the cocktail, mixed drink, or single serving of wine is not able to safely verify a person's age or level of intoxication upon delivery, the employee shall cancel the sale of alcohol and return the product to the retail license holder;

(3) the sealed container is placed in the trunk of the vehicle or if there is no trunk, in the vehicle's rear compartment that is not readily accessible to the passenger area;

(4) except for a manufacturer's original container, a container filled and sealed at a retail licensee's location shall be affixed with a label or tag that contains the following information:

(A) the cocktail or mixed drink ingredients, type, and name of the alcohol;

(B) the name, license number, and address of the retail licensee that filled the original container and sold the product;

(C) the volume of the cocktail, mixed drink, or single serving of wine in the sealed container; and

(D) the sealed container was filled less than 7 days before the date of sale; and

(5) a manufacturer's original container shall be affixed with a label or tag that contains the name, license number, and address of the retail licensee that sold the product.

(c) Third-party delivery services are not permitted to deliver cocktails and mixed drinks under this Section.

(d) If there is an executive order of the Governor in effect during a disaster, the employee delivering the mixed drink, cocktail, or single serving of wine must comply with any requirements of that executive order, including, but not limited to, wearing gloves and a mask and maintaining distancing requirements when interacting with the public.

(e) Delivery or carry out of a cocktail, mixed drink, or single serving of wine is prohibited if:

(1) a third party delivers the cocktail or mixed drink;

(2) a container of a mixed drink, cocktail, or single serving of wine is not tamper-evident and sealed;

(3) a container of a mixed drink, cocktail, or single serving of wine is transported in the passenger area of a vehicle;

(4) a mixed drink, cocktail, or single serving of wine is delivered by a person or to a person who is under the age of 21; or

(5) the person delivering a mixed drink, cocktail, or single serving of wine fails to verify the age of the person to whom the mixed drink or cocktail is being delivered.

(f) Violations of this Section shall be subject to any applicable penalties, including, but not limited to, the penalties specified under Section 11-502 of the Illinois Vehicle Code.

(f-5) This Section is not intended to prohibit or preempt the ability of a brew pub, tap room, or distilling pub to continue to temporarily deliver alcoholic liquor pursuant to guidance issued by the State Commission on March 19, 2020 entitled "Illinois Liquor Control Commission, COVID-19 Related Actions, Guidance on Temporary Delivery of Alcoholic Liquor". This Section shall only grant authorization to holders of State of Illinois retail liquor licenses but not to licensees that simultaneously hold any licensure or privilege to manufacture alcoholic liquors within or outside of the State of Illinois.

(g) This Section is not a denial or limitation of home rule powers and functions under Section 6 of Article VII of the Illinois Constitution.

(h) This Section is repealed on January 3, 2024.

HISTORY:

2020 P.A. 101-631, § 5, effective June 2, 2020; 2021 P.A. 102-8, § 5, effective June 2, 2021.

CHAPTER 310

HOUSING

House Relocation Act
Displaced Person Relocation Act

HOUSE RELOCATION ACT

Section

310 ILCS 35/0.01 Short title

This Act may be cited as the House Relocation Act.

HISTORY:
P.A. 86-1324.

310 ILCS 35/1 [Legislative determination]

It is hereby declared that there exists an acute shortage of housing in the State of Illinois; that this condition requires that provision be made for the relocation of dwellings on real property acquired for highway rights-of-way; that the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

HISTORY:
Laws 1949, p. 1023.

310 ILCS 35/2 [Acquisition of property for relocation of dwelling]

Where real property has been acquired for highway purposes by any political subdivision or municipal corporation of the State and is improved with a dwelling or dwellings which otherwise must be removed or demolished in order to construct such highway, any such political subdivision or municipal corporation may acquire other real property by purchase, gift, legacy or pursuant to the provisions for the exercise of the right of eminent domain under the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.], for the purpose of providing a site on which such dwelling or dwellings may be relocated in order that it or they may continue to be used for housing purposes and may cause any such dwelling to be moved to such a site, provide it with a suitable foundation and restore and rehabilitate the dwelling in its entirety.

HISTORY:
P.A. 83-388; 94-1055, § 95-10-20.

310 ILCS 35/2.5 Eminent domain

Notwithstanding any other provision of this Act, any power granted under this Act to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.].

HISTORY:
P.A. 94-1055, § 95-5-620.

310 ILCS 35/3 [Agreements authorized]

Notwithstanding any provision of this statute or of any other statute, general or special, any political subdivision or municipal corporation of the State, in order to effect the purposes of this statute, may enter into an agreement or agreements for the work and materials necessary therefor with the State, with any other political subdivision or municipal corporation thereof, with any private person, firm or corporation or with any public utility.

HISTORY:
Laws 1949, p. 1023.

310 ILCS 35/4 [Sale of property]

After the relocation or relocation and rehabilitation of any such dwelling, such political subdivision or municipal corporation so relocating the dwelling thereafter by action of its corporate authorities may sell such dwelling and the real property on which it is located in the manner provided by law.

HISTORY:
Laws 1949, p. 1023.

DISPLACED PERSON RELOCATION ACT

Section

310 ILCS 40/0.01 Short title

This Act may be cited as the Displaced Person Relocation Act.

HISTORY:
P.A. 86-1324.

310 ILCS 40/1 [State agency defined]

"State agency" means any department, agency or instrumentality of the State of Illinois or unit of local

government or school district, or any department, agency or instrumentality of the State of Illinois and one or more other states or two or more units of local government or school districts of the State of Illinois and one or more other states, or any person who has the authority to acquire property by eminent domain under State law.

HISTORY:
P.A. 85-1407.

310 ILCS 40/1a [Displaced person defined]

"Displaced person" shall have the same meaning as provided in Section 101 of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. § 4601].

HISTORY:
P.A. 85-1407.

310 ILCS 40/2 [Direct financial assistance; Federal funds available]

When Federal funds are available for payment of direct financial assistance to persons displaced by acquisition of real property by a State agency, the displacing agency may match such Federal funds to the extent provided by Federal law and may provide such direct financial assistance in the instances and on the conditions set forth by Federal law and regulations.

HISTORY:
P.A. 77-1571.

310 ILCS 40/2a [Reimbursement of expenses; Federal funds available]

When Federal funds are available for payment of the items specified in this Section, the displacing agency may match such Federal funds to the extent provided by Federal law and may make such payments in the instances and on the conditions set forth by Federal law and regulations.

When such Federal funds are available and as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, the State agency shall reimburse the owner, to the extent the head of such agency deems fair and reasonable, for expenses he necessarily incurred for—

(1) recording fees, transfer taxes and similar expenses incidental to conveying such real property to the State agency;

(2) penalty costs for prepayment of any pre-existing recorded mortgage entered into in good faith encumbering such real property; and

(3) the pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the State agency, or the effective date of possession of such real property by the State agency, whichever is the earlier.

HISTORY:
P.A. 77-1977.

310 ILCS 40/3 [Direct financial assistance; no Federal funds]

When Federal funds are not available or used for payment of direct financial assistance to persons displaced by the acquisition of real property by the State agency, the displacing agency may provide direct financial assistance to such persons. Financial assistance authorized by this section shall not exceed the total amount that would have been payable under Section 2 of this Act [310 ILCS 40/2] if Federal funds had been available or used.

HISTORY:
P.A. 77-1571.

310 ILCS 40/4 [Rules and regulations]

(a) The State agency shall adopt such rules and regulations as may be necessary to assure:

(1) that the payments and assistance authorized by this Act shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

(2) that a displaced person who makes proper application for a payment authorized for such person by this Act shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(3) that any person aggrieved by a determination as to eligibility for a payment authorized by this Act, or the amount of a payment, may have his application reviewed by the State agency.

(b) The State agency may prescribe such other regulations and procedures, consistent with the provisions of this Act, as is deemed necessary or appropriate to carry out the provisions of this Act.

HISTORY:
P.A. 77-1571.

310 ILCS 40/5 [Judicial review]

The provisions of the Administrative Review Law [735 ILCS 5/3-101 et seq.] and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of the final administrative decision of the State agency hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure [735 ILCS 5/3-101].

HISTORY:
P.A. 82-783.

CHAPTER 410

PUBLIC HEALTH

GENERAL

Coal Tar Sealant Disclosure Act [Effective January 1, 2023]

COAL TAR SEALANT DISCLOSURE ACT [EFFECTIVE JANUARY 1, 2023]

HISTORY:
2021 P.A. 102-242, § 1, effective January 1, 2023.

410 ILCS 170/1 Short title. [Effective January 1, 2023]

This Act may be cited as the Coal Tar Sealant Disclosure Act.

HISTORY:
2021 P.A. 102-242, § 1, effective January 1, 2023.

410 ILCS 170/5 Definitions. [Effective January 1, 2023]

In this Act:

"Coal tar-based sealant or high polycyclic aromatic hydrocarbon sealant product" means a pavement sealant material containing coal tar or a high polycyclic aromatic hydrocarbon content greater than 0.1% by weight.

"Department" means the Department of Public Health.

"Safety data sheet" means a document describing the properties and methods of the handling and use of a substance, compound, or mixture and containing the following information with respect to the substance, compound, or mixture:

(1) The chemical name, common name, trade name, and the identity used on the label.

(2) Physical and chemical characteristics, including, but not limited to, vapor pressure and flash point.

(3) Physical hazards, including the potential for fire, explosion, or reactivity.

(4) Known acute and chronic health effects of exposure, including, but not limited to, signs and symptoms of exposure, based on substantial scientific evidence.

(5) The known primary route of exposure.

(6) The permissible exposure limit for those toxic substances for which the federal Occupational Safety and Health Administration has adopted a permissible exposure limit.

(7) Precautions for safe handling and use.

(8) Recommended engineering controls.

(9) Recommended work practices.

(10) Recommended personal protective equipment.

(11) Procedures for emergencies, first aid, and cleanup of leaks and spills.

(12) The date of preparation of the safety data sheet and any changes to it.

(13) The name, address, and telephone number of the employer, manufacturer, importer, or supplier who prepares the safety data sheet.

HISTORY:
2021 P.A. 102-242, § 5, effective January 1, 2023.

410 ILCS 170/10 Coal tar sealant disclosure; public schools. [Effective January 1, 2023]

(a) A public school, public school district, or day care shall provide written or telephonic notification to parents and guardians of students and employees prior to any application of a coal-tar based sealant product or a high polycyclic aromatic hydrocarbon sealant product. The written notification:

(1) may be included in newsletters, bulletins, calendars, or other correspondence currently published by the school district or day care center;

(2) must be given at least 10 business days before the application and should identify the intended date and location of the application of the coal-tar based sealant product or high polycyclic aromatic hydrocarbon sealant;

(3) must include the name and telephone contact number for the school or day care center personnel responsible for the application; and

(4) must include any health hazards associated with coal tar-based sealant product or high polycyclic aromatic hydrocarbon sealant product, as provided by a corresponding safety data sheet.

(b) Notwithstanding any provision of this Act or any other law to the contrary, a public school or public school district that bids a pavement engineering project using a coal tar-based sealant product or high polycyclic aromatic hydrocarbon sealant prod-

uct for pavement engineering-related use shall request a bid with an alternative for asphalt-based or latex-based sealant product as a part of the engineering project. The public school or public school district shall consider whether asphalt-based or latex-based sealant product should be used for the project based upon costs and life cycle costs that regard preserving pavements, product warranties, and the benefits to public health and safety.

(c) The Department, in consultation with the State Board of Education, shall conduct outreach to public schools and public school districts to provide guidance for compliance with the provisions of this Act.

(d) On or before May 1, 2023, the Department and the State Board of Education shall post on their websites guidance on screening for coal tar-based sealant product or high polycyclic aromatic hydrocarbon sealant product, requirements for a request for proposals, and requirements for disclosure.

HISTORY:
2021 P.A. 102-242, § 10, effective January 1, 2023.

410 ILCS 170/15 Coal tar sealant disclosure; State property. [Effective January 1, 2023]

(a) Notwithstanding any provision of this Act or any other law to the contrary, a State agency that undertakes a pavement engineering project requiring the use of a coal tar-based sealant or high polycyclic aromatic hydrocarbon sealant product for pavement engineering-related use shall request a base bid with an alternative for asphalt-based or latex-based sealant product as a part of the project. The State agency shall consider whether asphalt-based or latex-based sealant product should be used for the project based upon the costs involved and shall incorporate asphalt-based or latex-based sealant product into a pavement engineering project if the cost of using asphalt-based or latex-based sealant product is equal to or less than the coal tar-based sealant or high polycyclic aromatic hydrocarbon sealant product.

(b) On or before May 1, 2023, the Department shall adopt rules for the procedures and standards to be used in assessing acceptable levels of high polycyclic aromatic hydrocarbon content of a pavement seal applied to any State agency property. The rules shall, at a minimum, include provisions regarding testing parameters and the notification of screening results.

(c) This Section does not apply to a pavement engineering project requiring the use of a coal tar-based sealant or high polycyclic aromatic hydrocarbon sealant product for pavement engineering-related use on a highway structure conducted by or under the authority of the Department of Transportation.

HISTORY:
2021 P.A. 102-242, § 15, effective January 1, 2023.

410 ILCS 170/20 Exemptions. [Effective January 1, 2023]

Nothing in this Act applies to a construction project or sale in which coal tar-based sealant or high polycyclic aromatic hydrocarbon sealant product is used for roofing application.

HISTORY:
2021 P.A. 102-242, § 20, effective January 1, 2023.

410 ILCS 170/99 Effective date. [Effective January 1, 2023]

This Act takes effect January 1, 2023.

HISTORY:
2021 P.A. 102-242, § 99, effective January 1, 2023.

FOOD AND DRUG

Cannabis Regulation and Tax Act

CANNABIS REGULATION AND TAX ACT

Article 1. Short Title; Findings; Definitions

Section

Article 5. Authority

Article 7. Social Equity in the Cannabis Industry

Article 10. Personal Use of Cannabis

Article 55. General Provisions

Article 60. Cannabis Cultivation Privilege Tax

Article 65. Cannabis Purchaser Excise Tax

ARTICLE 1.

SHORT TITLE; FINDINGS; DEFINITIONS

410 ILCS 705/1-1 Short title.

This Act may be cited as the Cannabis Regulation and Tax Act.

HISTORY:
2019 P.A. 101-27, § 1-1, effective June 25, 2019.

410 ILCS 705/1-5 Findings.

(a) In the interest of allowing law enforcement to focus on violent and property crimes, generating revenue for education, substance abuse prevention and treatment, freeing public resources to invest in communities and other public purposes, and individual freedom, the General Assembly finds and declares that the use of cannabis should be legal for persons 21 years of age or older and should be taxed in a manner similar to alcohol.

(b) In the interest of the health and public safety of the residents of Illinois, the General Assembly further finds and declares that cannabis should be regulated in a manner similar to alcohol so that:

(1) persons will have to show proof of age before purchasing cannabis;

(2) selling, distributing, or transferring cannabis to minors and other persons under 21 years of age shall remain illegal;

(3) driving under the influence of cannabis, operating a watercraft under the influence of cannabis, and operating a snowmobile under the influence of cannabis shall remain illegal;

(4) legitimate, taxpaying business people, and not criminal actors, will conduct sales of cannabis;

(5) cannabis sold in this State will be tested, labeled, and subject to additional regulation to ensure that purchasers are informed and protected; and

(6) purchasers will be informed of any known health risks associated with the use of cannabis, as concluded by evidence-based, peer reviewed research.

(c) The General Assembly further finds and declares that it is necessary to ensure consistency and fairness in the application of this Act throughout the State and that, therefore, the matters addressed by this Act are, except as specified in this Act, matters of statewide concern.

(d) The General Assembly further finds and declares that this Act shall not diminish the State's duties and commitment to seriously ill patients registered under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.], nor alter the protections granted to them.

(e) The General Assembly supports and encourages labor neutrality in the cannabis industry and further finds and declares that employee workplace safety shall not be diminished and employer workplace policies shall be interpreted broadly to protect employee safety.

HISTORY:
2019 P.A. 101-27, § 1-5, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/1-7 Lawful user and lawful products.

For the purposes of this Act and to clarify the

legislative findings on the lawful use of cannabis, a person shall not be considered an unlawful user or addicted to narcotics solely as a result of his or her possession or use of cannabis or cannabis paraphernalia in accordance with this Act.

HISTORY:
2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/1-10 Definitions.

In this Act:

"Adult Use Cultivation Center License" means a license issued by the Department of Agriculture that permits a person to act as a cultivation center under this Act and any administrative rule made in furtherance of this Act.

"Adult Use Dispensing Organization License" means a license issued by the Department of Financial and Professional Regulation that permits a person to act as a dispensing organization under this Act and any administrative rule made in furtherance of this Act.

"Advertise" means to engage in promotional activities including, but not limited to: newspaper, radio, Internet and electronic media, and television advertising; the distribution of fliers and circulars; billboard advertising; and the display of window and interior signs. "Advertise" does not mean exterior signage displaying only the name of the licensed cannabis business establishment.

"Application points" means the number of points a Dispensary Applicant receives on an application for a Conditional Adult Use Dispensing Organization License.

"BLS Region" means a region in Illinois used by the United States Bureau of Labor Statistics to gather and categorize certain employment and wage data. The 17 such regions in Illinois are: Bloomington, Cape Girardeau, Carbondale-Marion, Champaign-Urbana, Chicago-Naperville-Elgin, Danville, Davenport-Moline-Rock Island, Decatur, Kankakee, Peoria, Rockford, St. Louis, Springfield, Northwest Illinois nonmetropolitan area, West Central Illinois nonmetropolitan area, East Central Illinois nonmetropolitan area, and South Illinois nonmetropolitan area.

"By lot" means a randomized method of choosing between 2 or more Eligible Tied Applicants or 2 or more Qualifying Applicants.

"Cannabis" means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis, whether growing or not; the seeds thereof, the resin extracted from any part of the plant; and any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction; however, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted from it), fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. "Cannabis" does not include industrial hemp as defined and authorized under the Industrial Hemp Act [505 ILCS 89/1 et seq.]. "Cannabis" also means cannabis flower, concentrate, and cannabis-infused products.

"Cannabis business establishment" means a cultivation center, craft grower, processing organization, infuser organization, dispensing organization, or transporting organization.

"Cannabis concentrate" means a product derived from cannabis that is produced by extracting cannabinoids, including tetrahydrocannabinol (THC), from the plant through the use of propylene glycol, glycerin, butter, olive oil, or other typical cooking fats; water, ice, or dry ice; or butane, propane, CO_2, ethanol, or isopropanol and with the intended use of smoking or making a cannabis-infused product. The use of any other solvent is expressly prohibited unless and until it is approved by the Department of Agriculture.

"Cannabis container" means a sealed or resealable, traceable, container, or package used for the purpose of containment of cannabis or cannabis-infused product during transportation.

"Cannabis flower" means marijuana, hashish, and other substances that are identified as including any parts of the plant Cannabis sativa and including derivatives or subspecies, such as indica, of all strains of cannabis; including raw kief, leaves, and buds, but not resin that has been extracted from any part of such plant; nor any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin.

"Cannabis-infused product" means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis or cannabis concentrate that is not intended to be smoked.

"Cannabis paraphernalia" means equipment, products, or materials intended to be used for planting, propagating, cultivating, growing, harvesting, manufacturing, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, or otherwise introducing cannabis into the human body.

"Cannabis plant monitoring system" or "plant monitoring system" means a system that includes, but is not limited to, testing and data collection established and maintained by the cultivation center, craft grower, or processing organization and that is available to the Department of Revenue, the Department of Agriculture, the Department of Financial and Professional Regulation, and the Illinois State Police for the purposes of documenting each cannabis plant and monitoring plant development throughout the life cycle of a cannabis plant cultivated for the

intended use by a customer from seed planting to final packaging.

"Cannabis testing facility" means an entity registered by the Department of Agriculture to test cannabis for potency and contaminants.

"Clone" means a plant section from a female cannabis plant not yet rootbound, growing in a water solution or other propagation matrix, that is capable of developing into a new plant.

"Community College Cannabis Vocational Training Pilot Program faculty participant" means a person who is 21 years of age or older, licensed by the Department of Agriculture, and is employed or contracted by an Illinois community college to provide student instruction using cannabis plants at an Illinois Community College.

"Community College Cannabis Vocational Training Pilot Program faculty participant Agent Identification Card" means a document issued by the Department of Agriculture that identifies a person as a Community College Cannabis Vocational Training Pilot Program faculty participant.

"Conditional Adult Use Dispensing Organization License" means a contingent license awarded to applicants for an Adult Use Dispensing Organization License that reserves the right to an Adult Use Dispensing Organization License if the applicant meets certain conditions described in this Act, but does not entitle the recipient to begin purchasing or selling cannabis or cannabis-infused products.

"Conditional Adult Use Cultivation Center License" means a license awarded to top-scoring applicants for an Adult Use Cultivation Center License that reserves the right to an Adult Use Cultivation Center License if the applicant meets certain conditions as determined by the Department of Agriculture by rule, but does not entitle the recipient to begin growing, processing, or selling cannabis or cannabis-infused products.

"Craft grower" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, dry, cure, and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization. A craft grower may contain up to 5,000 square feet of canopy space on its premises for plants in the flowering state. The Department of Agriculture may authorize an increase or decrease of flowering stage cultivation space in increments of 3,000 square feet by rule based on market need, craft grower capacity, and the licensee's history of compliance or noncompliance, with a maximum space of 14,000 square feet for cultivating plants in the flowering stage, which must be cultivated in all stages of growth in an enclosed and secure area. A craft grower may share premises with a processing organization or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

"Craft grower agent" means a principal officer, board member, employee, or other agent of a craft grower who is 21 years of age or older.

"Craft Grower Agent Identification Card" means a document issued by the Department of Agriculture that identifies a person as a craft grower agent.

"Cultivation center" means a facility operated by an organization or business that is licensed by the Department of Agriculture to cultivate, process, transport (unless otherwise limited by this Act), and perform other necessary activities to provide cannabis and cannabis-infused products to cannabis business establishments.

"Cultivation center agent" means a principal officer, board member, employee, or other agent of a cultivation center who is 21 years of age or older.

"Cultivation Center Agent Identification Card" means a document issued by the Department of Agriculture that identifies a person as a cultivation center agent.

"Currency" means currency and coin of the United States.

"Dispensary" means a facility operated by a dispensing organization at which activities licensed by this Act may occur.

"Dispensary Applicant" means the Proposed Dispensing Organization Name as stated on an application for a Conditional Adult Use Dispensing Organization License.

"Dispensing organization" means a facility operated by an organization or business that is licensed by the Department of Financial and Professional Regulation to acquire cannabis from a cultivation center, craft grower, processing organization, or another dispensary for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia, or related supplies under this Act to purchasers or to qualified registered medical cannabis patients and caregivers. As used in this Act, "dispensing organization" includes a registered medical cannabis organization as defined in the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.] or its successor Act that has obtained an Early Approval Adult Use Dispensing Organization License.

"Dispensing organization agent" means a principal officer, employee, or agent of a dispensing organization who is 21 years of age or older.

"Dispensing organization agent identification card" means a document issued by the Department of Financial and Professional Regulation that identifies a person as a dispensing organization agent.

"Disproportionately Impacted Area" means a census tract or comparable geographic area that satisfies the following criteria as determined by the Department of Commerce and Economic Opportunity, that:

(1) meets at least one of the following criteria:

(A) the area has a poverty rate of at least 20% according to the latest federal decennial census; or

(B) 75% or more of the children in the area participate in the federal free lunch program according to reported statistics from the State Board of Education; or

(C) at least 20% of the households in the area receive assistance under the Supplemental Nutrition Assistance Program; or

(D) the area has an average unemployment rate, as determined by the Illinois Department of Employment Security, that is more than 120% of the national unemployment average, as determined by the United States Department of Labor, for a period of at least 2 consecutive calendar years preceding the date of the application; and

(2) has high rates of arrest, conviction, and incarceration related to the sale, possession, use, cultivation, manufacture, or transport of cannabis.

"Early Approval Adult Use Cultivation Center License" means a license that permits a medical cannabis cultivation center licensed under the Compassionate Use of Medical Cannabis Program Act as of the effective date of this Act to begin cultivating, infusing, packaging, transporting (unless otherwise provided in this Act), processing, and selling cannabis or cannabis-infused product to cannabis business establishments for resale to purchasers as permitted by this Act as of January 1, 2020.

"Early Approval Adult Use Dispensing Organization License" means a license that permits a medical cannabis dispensing organization licensed under the Compassionate Use of Medical Cannabis Program Act as of the effective date of this Act to begin selling cannabis or cannabis-infused product to purchasers as permitted by this Act as of January 1, 2020.

"Early Approval Adult Use Dispensing Organization at a secondary site" means a license that permits a medical cannabis dispensing organization licensed under the Compassionate Use of Medical Cannabis Program Act as of the effective date of this Act to begin selling cannabis or cannabis-infused product to purchasers as permitted by this Act on January 1, 2020 at a different dispensary location from its existing registered medical dispensary location.

"Eligible Tied Applicant" means a Tied Applicant that is eligible to participate in the process by which a remaining available license is distributed by lot pursuant to a Tied Applicant Lottery.

"Enclosed, locked facility" means a room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by cannabis business establishment agents working for the licensed cannabis business establishment or acting pursuant to this Act to cultivate, process, store, or distribute cannabis.

"Enclosed, locked space" means a closet, room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access only by authorized individuals under this Act. "Enclosed, locked space" may include:

(1) a space within a residential building that (i) is the primary residence of the individual cultivating 5 or fewer cannabis plants that are more than 5 inches tall and (ii) includes sleeping quarters and indoor plumbing. The space must only be accessible by a key or code that is different from any key or code that can be used to access the residential building from the exterior; or

(2) a structure, such as a shed or greenhouse, that lies on the same plot of land as a residential building that (i) includes sleeping quarters and indoor plumbing and (ii) is used as a primary residence by the person cultivating 5 or fewer cannabis plants that are more than 5 inches tall, such as a shed or greenhouse. The structure must remain locked when it is unoccupied by people.

"Financial institution" has the same meaning as "financial organization" as defined in Section 1501 of the Illinois Income Tax Act [35 ILCS 5/1501], and also includes the holding companies, subsidiaries, and affiliates of such financial organizations.

"Flowering stage" means the stage of cultivation where and when a cannabis plant is cultivated to produce plant material for cannabis products. This includes mature plants as follows:

(1) if greater than 2 stigmas are visible at each internode of the plant; or

(2) if the cannabis plant is in an area that has been intentionally deprived of light for a period of time intended to produce flower buds and induce maturation, from the moment the light deprivation began through the remainder of the marijuana plant growth cycle.

"Individual" means a natural person.

"Infuser organization" or "infuser" means a facility operated by an organization or business that is licensed by the Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

"Kief" means the resinous crystal-like trichomes that are found on cannabis and that are accumulated, resulting in a higher concentration of cannabinoids, untreated by heat or pressure, or extracted using a solvent.

"Labor peace agreement" means an agreement between a cannabis business establishment and any labor organization recognized under the National Labor Relations Act, referred to in this Act as a bona fide labor organization, that prohibits labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the cannabis business establishment. This agreement means that the cannabis business establishment has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the cannabis business establishment's employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the cannabis business establishment's employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights un-

der State law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.

"Limited access area" means a room or other area under the control of a cannabis dispensing organization licensed under this Act and upon the licensed premises where cannabis sales occur with access limited to purchasers, dispensing organization owners and other dispensing organization agents, or service professionals conducting business with the dispensing organization, or, if sales to registered qualifying patients, caregivers, provisional patients, and Opioid Alternative Pilot Program participants licensed pursuant to the Compassionate Use of Medical Cannabis Program Act are also permitted at the dispensary, registered qualifying patients, caregivers, provisional patients, and Opioid Alternative Pilot Program participants.

"Member of an impacted family" means an individual who has a parent, legal guardian, child, spouse, or dependent, or was a dependent of an individual who, prior to the effective date of this Act, was arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under this Act.

"Mother plant" means a cannabis plant that is cultivated or maintained for the purpose of generating clones, and that will not be used to produce plant material for sale to an infuser or dispensing organization.

"Ordinary public view" means within the sight line with normal visual range of a person, unassisted by visual aids, from a public street or sidewalk adjacent to real property, or from within an adjacent property.

"Ownership and control" means ownership of at least 51% of the business, including corporate stock if a corporation, and control over the management and day-to-day operations of the business and an interest in the capital, assets, and profits and losses of the business proportionate to percentage of ownership.

"Person" means a natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

"Possession limit" means the amount of cannabis under Section 10-10 [410 ILCS 705/10-10] that may be possessed at any one time by a person 21 years of age or older or who is a registered qualifying medical cannabis patient or caregiver under the Compassionate Use of Medical Cannabis Program Act.

"Principal officer" includes a cannabis business establishment applicant or licensed cannabis business establishment's board member, owner with more than 1% interest of the total cannabis business establishment or more than 5% interest of the total cannabis business establishment of a publicly traded company, president, vice president, secretary, treasurer, partner, officer, member, manager member, or person with a profit sharing, financial interest, or revenue sharing arrangement. The definition includes a person with authority to control the cannabis business establishment, a person who assumes responsibility for the debts of the cannabis business establishment and who is further defined in this Act.

"Primary residence" means a dwelling where a person usually stays or stays more often than other locations. It may be determined by, without limitation, presence, tax filings; address on an Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card; or voter registration. No person may have more than one primary residence.

"Processing organization" or "processor" means a facility operated by an organization or business that is licensed by the Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product.

"Processing organization agent" means a principal officer, board member, employee, or agent of a processing organization.

"Processing organization agent identification card" means a document issued by the Department of Agriculture that identifies a person as a processing organization agent.

"Purchaser" means a person 21 years of age or older who acquires cannabis for a valuable consideration. "Purchaser" does not include a cardholder under the Compassionate Use of Medical Cannabis Program Act.

"Qualifying Applicant" means an applicant that submitted an application pursuant to Section 15-30 that received at least 85% of 250 application points available under Section 15-30 as the applicant's final score and meets the definition of "Social Equity Applicant" as set forth under this Section.

"Qualifying Social Equity Justice Involved Applicant" means an applicant that submitted an application pursuant to Section 15-30 that received at least 85% of 250 application points available under Section 15-30 as the applicant's final score and meets the criteria of either paragraph (1) or (2) of the definition of "Social Equity Applicant" as set forth under this Section.

"Qualified Social Equity Applicant" means a Social Equity Applicant who has been awarded a conditional license under this Act to operate a cannabis business establishment.

"Resided" means an individual's primary residence was located within the relevant geographic area as established by 2 of the following:

(1) a signed lease agreement that includes the applicant's name;

(2) a property deed that includes the applicant's name;

(3) school records;

(4) a voter registration card;

(5) an Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card;

(6) a paycheck stub;
(7) a utility bill;
(8) tax records; or
(9) any other proof of residency or other information necessary to establish residence as provided by rule.

"Smoking" means the inhalation of smoke caused by the combustion of cannabis.

"Social Equity Applicant" means an applicant that is an Illinois resident that meets one of the following criteria:

(1) an applicant with at least 51% ownership and control by one or more individuals who have resided for at least 5 of the preceding 10 years in a Disproportionately Impacted Area;

(2) an applicant with at least 51% ownership and control by one or more individuals who:

(i) have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under this Act; or

(ii) is a member of an impacted family;

(3) for applicants with a minimum of 10 full-time employees, an applicant with at least 51% of current employees who:

(i) currently reside in a Disproportionately Impacted Area; or

(ii) have been arrested for, convicted of, or adjudicated delinquent for any offense that is eligible for expungement under this Act or member of an impacted family.

Nothing in this Act shall be construed to preempt or limit the duties of any employer under the Job Opportunities for Qualified Applicants Act [820 ILCS 75/1 et seq.]. Nothing in this Act shall permit an employer to require an employee to disclose sealed or expunged offenses, unless otherwise required by law.

"Tied Applicant" means an application submitted by a Dispensary Applicant pursuant to Section 15-30 that received the same number of application points under Section 15-30 as the Dispensary Applicant's final score as one or more top-scoring applications in the same BLS Region and would have been awarded a license but for the one or more other top-scoring applications that received the same number of application points. Each application for which a Dispensary Applicant was required to pay a required application fee for the application period ending January 2, 2020 shall be considered an application of a separate Tied Applicant.

"Tied Applicant Lottery" means the process established under 68 Ill. Adm. Code 1291.50 for awarding Conditional Adult Use Dispensing Organization Licenses pursuant to Sections 15-25 and 15-30 among Eligible Tied Applicants.

"Tincture" means a cannabis-infused solution, typically comprised of alcohol, glycerin, or vegetable oils, derived either directly from the cannabis plant or from a processed cannabis extract. A tincture is not an alcoholic liquor as defined in the Liquor Control Act of 1934 [235 ILCS 5/1-1 et seq.]. A tincture shall include a calibrated dropper or other similar device capable of accurately measuring servings.

"Transporting organization" or "transporter" means an organization or business that is licensed by the Department of Agriculture to transport cannabis or cannabis-infused product on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program.

"Transporting organization agent" means a principal officer, board member, employee, or agent of a transporting organization.

"Transporting organization agent identification card" means a document issued by the Department of Agriculture that identifies a person as a transporting organization agent.

"Unit of local government" means any county, city, village, or incorporated town.

"Vegetative stage" means the stage of cultivation in which a cannabis plant is propagated to produce additional cannabis plants or reach a sufficient size for production. This includes seedlings, clones, mothers, and other immature cannabis plants as follows:

(1) if the cannabis plant is in an area that has not been intentionally deprived of light for a period of time intended to produce flower buds and induce maturation, it has no more than 2 stigmas visible at each internode of the cannabis plant; or

(2) any cannabis plant that is cultivated solely for the purpose of propagating clones and is never used to produce cannabis.

HISTORY:
2019 P.A. 101-27, § 1-10, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021; 2021 P.A. 102-538, § 845, effective August 20, 2021; 2022 P.A. 102-813, § 540, effective May 13, 2022.

ARTICLE 5.
AUTHORITY

410 ILCS 705/5-5 Sharing of authority.

Notwithstanding any provision of law to the contrary, any authority granted to any State agency or State employees or appointees under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.] shall be shared by any State agency or State employees or appointees given authority to license, discipline, revoke, regulate, or make rules under this Act.

HISTORY:
2019 P.A. 101-27, § 5-5, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/5-10 Department of Agriculture.

The Department of Agriculture shall administer and enforce provisions of this Act relating to the oversight and registration of cultivation centers, craft growers, infuser organizations, and transport-

ing organizations and agents, including the issuance of identification cards and establishing limits on potency or serving size for cannabis or cannabis products. The Department of Agriculture may suspend or revoke the license of, or impose other penalties upon cultivation centers, craft growers, infuser organizations, transporting organizations, and their principal officers, Agents-in-Charge, and agents for violations of this Act and any rules adopted under this Act.

HISTORY:
2019 P.A. 101-27, § 5-10, effective June 25, 2019.

410 ILCS 705/5-15 Department of Financial and Professional Regulation.

The Department of Financial and Professional Regulation shall enforce the provisions of this Act relating to the oversight and registration of dispensing organizations and agents, including the issuance of identification cards for dispensing organization agents. The Department of Financial and Professional Regulation may suspend or revoke the license of, or otherwise discipline dispensing organizations, principal officers, agents-in-charge, and agents for violations of this Act and any rules adopted under this Act.

HISTORY:
2019 P.A. 101-27, § 5-15, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/5-20 Background checks.

(a) Through the Illinois State Police, the licensing or issuing Department shall conduct a criminal history record check of the prospective principal officers, board members, and agents of a cannabis business establishment applying for a license or identification card under this Act.

Each cannabis business establishment prospective principal officer, board member, or agent shall submit his or her fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police.

Unless otherwise provided in this Act, such fingerprints shall be transmitted through a live scan fingerprint vendor licensed by the Department of Financial and Professional Regulation. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall charge a fee for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the State and national criminal history record check. The Illinois State Police shall furnish, pursuant to positive identification, all Illinois conviction information and shall forward the national criminal history record information to:

(i) the Department of Agriculture, with respect to a cultivation center, craft grower, infuser organization, or transporting organization; or

(ii) the Department of Financial and Professional Regulation, with respect to a dispensing organization.

(b) When applying for the initial license or identification card, the background checks for all prospective principal officers, board members, and agents shall be completed before submitting the application to the licensing or issuing agency.

(c) All applications for licensure under this Act by applicants with criminal convictions shall be subject to Sections 2105-131, 2105-135, and 2105-205 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-131, 20 ILCS 2105/2105-135, and 20 ILCS 2105/2105-205].

HISTORY:
2019 P.A. 101-27, § 5-20, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/5-25 Department of Public Health to make health warning recommendations. [Effective until January 1, 2023]

(a) The Department of Public Health shall make recommendations to the Department of Agriculture and the Department of Financial and Professional Regulation on appropriate health warnings for dispensaries and advertising, which may apply to all cannabis products, including item-type specific labeling or warning requirements, regulate the facility where cannabis-infused products are made, regulate cannabis-infused products as provided in subsection (e) of Section 55-5 [410 ILCS 705/55–5], and facilitate the Adult Use Cannabis Health Advisory Committee.

(b) An Adult Use Cannabis Health Advisory Committee is hereby created and shall meet at least twice annually. The Chairperson may schedule meetings more frequently upon his or her initiative or upon the request of a Committee member. Meetings may be held in person or by teleconference. The Committee shall discuss and monitor changes in drug use data in Illinois and the emerging science and medical information relevant to the health effects associated with cannabis use and may provide recommendations to the Department of Human Services about public health awareness campaigns and messages. The Committee shall include the following members appointed by the Governor and shall represent the geographic, ethnic, and racial diversity of the State:

(1) The Director of Public Health, or his or her designee, who shall serve as the Chairperson.

(2) The Secretary of Human Services, or his or her designee, who shall serve as the Co-Chairperson.

(3) A representative of the poison control center.

(4) A pharmacologist.

(5) A pulmonologist.
(6) An emergency room physician.
(7) An emergency medical technician, paramedic, or other first responder.
(8) A nurse practicing in a school-based setting.
(9) A psychologist.
(10) A neonatologist.
(11) An obstetrician-gynecologist.
(12) A drug epidemiologist.
(13) A medical toxicologist.
(14) An addiction psychiatrist.
(15) A pediatrician.
(16) A representative of a statewide professional public health organization.
(17) A representative of a statewide hospital/health system association.
(18) An individual registered as a patient in the Compassionate Use of Medical Cannabis Program [410 ILCS 130/1 et seq.].
(19) An individual registered as a caregiver in the Compassionate Use of Medical Cannabis Program.
(20) A representative of an organization focusing on cannabis-related policy.
(21) A representative of an organization focusing on the civil liberties of individuals who reside in Illinois.
(22) A representative of the criminal defense or civil aid community of attorneys serving Disproportionately Impacted Areas.
(23) A representative of licensed cannabis business establishments.
(24) A Social Equity Applicant.
(25) A representative of a statewide community-based substance use disorder treatment provider association.
(26) A representative of a statewide community-based mental health treatment provider association.
(27) A representative of a community-based substance use disorder treatment provider.
(28) A representative of a community-based mental health treatment provider.
(29) A substance use disorder treatment patient representative.
(30) A mental health treatment patient representative.

(c) The Committee shall provide a report by September 30, 2021, and every year thereafter, to the General Assembly. The Department of Public Health shall make the report available on its website.

HISTORY:
2019 P.A. 101-27, § 5-25, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/5-25 Department of Public Health to make health warning recommendations. [Effective January 1, 2023]

(a) The Department of Public Health shall make recommendations to the Department of Agriculture and the Department of Financial and Professional Regulation on appropriate health warnings for dispensaries and advertising, which may apply to all cannabis products, including item-type specific labeling or warning requirements, regulate the facility where cannabis-infused products are made, regulate cannabis-infused products as provided in subsection (e) of Section 55-5, and facilitate the Adult Use Cannabis Health Advisory Committee.

(b) An Adult Use Cannabis Health Advisory Committee is hereby created and shall meet at least twice annually. The Chairperson may schedule meetings more frequently upon his or her initiative or upon the request of a Committee member. Meetings may be held in person or by teleconference. The Committee shall discuss and monitor changes in drug use data in Illinois and the emerging science and medical information relevant to the health effects associated with cannabis use and may provide recommendations to the Department of Human Services about public health awareness campaigns and messages. The Committee shall include the following members appointed by the Governor and shall represent the geographic, ethnic, and racial diversity of the State:

(1) The Director of Public Health, or his or her designee, who shall serve as the Chairperson.
(2) The Secretary of Human Services, or his or her designee, who shall serve as the Co-Chairperson.
(3) A representative of the poison control center.
(4) A pharmacologist.
(5) A pulmonologist.
(6) An emergency room physician.
(7) An emergency medical technician, paramedic, emergency medical dispatcher, or other first responder.
(8) A nurse practicing in a school-based setting.
(9) A psychologist.
(10) A neonatologist.
(11) An obstetrician-gynecologist.
(12) A drug epidemiologist.
(13) A medical toxicologist.
(14) An addiction psychiatrist.
(15) A pediatrician.
(16) A representative of a statewide professional public health organization.
(17) A representative of a statewide hospital/health system association.
(18) An individual registered as a patient in the Compassionate Use of Medical Cannabis Program.
(19) An individual registered as a caregiver in the Compassionate Use of Medical Cannabis Program.
(20) A representative of an organization focusing on cannabis-related policy.
(21) A representative of an organization focusing on the civil liberties of individuals who reside in Illinois.
(22) A representative of the criminal defense or civil aid community of attorneys serving Disproportionately Impacted Areas.

(23) A representative of licensed cannabis business establishments.

(24) A Social Equity Applicant.

(25) A representative of a statewide community-based substance use disorder treatment provider association.

(26) A representative of a statewide community-based mental health treatment provider association.

(27) A representative of a community-based substance use disorder treatment provider.

(28) A representative of a community-based mental health treatment provider.

(29) A substance use disorder treatment patient representative.

(30) A mental health treatment patient representative.

(c) The Committee shall provide a report by September 30, 2021, and every year thereafter, to the General Assembly. The Department of Public Health shall make the report available on its website.

HISTORY:

2019 P.A. 101-27, § 5-25, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2022 P.A. 102-1006, § 30, effective January 1, 2023.

410 ILCS 705/5-30 Department of Human Services.

The Department of Human Services shall identify evidence-based programs for preventive mental health, the prevention or treatment of alcohol abuse, tobacco use, illegal drug use (including prescription drugs), and cannabis use by pregnant women, and make policy recommendations, as appropriate, to the Adult Use Cannabis Health Advisory Committee. The Department of Human Services shall develop and disseminate educational materials for purchasers based on recommendations received from the Department of Public Health and the Adult Use Cannabis Health Advisory Committee.

HISTORY:

2019 P.A. 101-27, § 5-30, effective June 25, 2019.

410 ILCS 705/5-45 Illinois Cannabis Regulation Oversight Officer.

(a) The position of Illinois Cannabis Regulation Oversight Officer is created within the Department of Financial and Professional Regulation under the Secretary of Financial and Professional Regulation. The Cannabis Regulation Oversight Officer serves a coordinating role among State agencies regarding this Act and the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.]. The Illinois Cannabis Regulation Oversight Officer shall be appointed by the Governor with the advice and consent of the Senate. The term of office of the Officer shall expire on the third Monday of January in odd-numbered years provided that he or she shall hold office until a successor is appointed and qualified. In case of vacancy in office during the recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when the Governor shall nominate some person to fill the office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until his or her successor is appointed and qualified.

(b) The Illinois Cannabis Regulation Oversight Officer has the authority to:

(1) maintain a staff;

(2) make recommendations for administrative and statutory changes;

(3) collect data both in Illinois and outside Illinois regarding the regulation of cannabis;

(4) compile or assist in the compilation of any reports required by this Act;

(5) ensure the coordination of efforts between various State agencies involved in regulating and taxing the sale of cannabis in Illinois; and

(6) encourage, promote, suggest, and report best practices for ensuring diversity in the cannabis industry in Illinois.

(c) The Illinois Cannabis Regulation Oversight Officer and the Officer's staff shall not:

(1) participate in the issuance or award of any cannabis business establishment license; or

(2) participate in discipline related to any cannabis business establishment.

The Illinois Cannabis Regulation Officer is not prohibited from coordinating with and making recommendations to agencies regarding licensing and disciplinary policies and procedures.

(d) Any funding required for the Illinois Cannabis Regulation Oversight Officer, its staff, or its activities shall be drawn from the Cannabis Regulation Fund.

(e) The Illinois Cannabis Regulation Oversight Officer shall commission and publish one or more disparity and availability studies that: (1) evaluates whether there exists discrimination in the State's cannabis industry; and (2) if so, evaluates the impact of such discrimination on the State and includes recommendations to the Department of Financial and Professional Regulation and the Department of Agriculture for reducing or eliminating any identified barriers to entry in the cannabis market. Such disparity and availability studies shall examine each license type issued pursuant to Sections 15-25, 15-30.1, or 15-35.20 [410 ILCS 705/15-25, 410 ILCS 705/15-30.1, or 410 ILCS 705/15-35.20], subsection (a) of Section 30-5 [410 ILCS 705/30-5], or subsection (a) of Section 35-5 [410 ILCS 705/35-5], and shall be initiated within 180 days from the issuance of the first of each license authorized by those Sections. The results of each disparity and availability study shall be reported to the General Assembly and the Governor no later than 12 months after the commission of each study.

The Illinois Cannabis Regulation Oversight Officer shall forward a copy of its findings and recommendations to the Department of Financial and Profes-

sional Regulation, the Department of Agriculture, the Department of Commerce and Economic Opportunity, the General Assembly, and the Governor.

(f) The Illinois Cannabis Regulation Oversight Officer may compile, collect, or otherwise gather data necessary for the administration of this Act and to carry out the Officer's duty relating to the recommendation of policy changes. The Illinois Cannabis Regulation Oversight Officer may direct the Department of Agriculture, Department of Financial and Professional Regulation, Department of Public Health, Department of Human Services, and Department of Commerce and Economic Opportunity to assist in the compilation, collection, and data gathering authorized pursuant to this subsection. The Illinois Cannabis Regulation Oversight Officer shall compile all of the data into a single report and submit the report to the Governor and the General Assembly and publish the report on its website.

HISTORY:
2019 P.A. 101-27, § 5-45, effective June 25, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021.

ARTICLE 7.

SOCIAL EQUITY IN THE CANNABIS INDUSTRY

410 ILCS 705/7-1 Findings.

(a) The General Assembly finds that the medical cannabis industry, established in 2014 through the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.], has shown that additional efforts are needed to reduce barriers to ownership. Through that program, 55 licenses for dispensing organizations and 20 licenses for cultivation centers have been issued. Those licenses are held by only a small number of businesses, the ownership of which does not sufficiently meet the General Assembly's interest in business ownership that reflects the population of the State of Illinois and that demonstrates the need to reduce barriers to entry for individuals and communities most adversely impacted by the enforcement of cannabis-related laws.

(b) In the interest of establishing a legal cannabis industry that is equitable and accessible to those most adversely impacted by the enforcement of drug-related laws in this State, including cannabis-related laws, the General Assembly finds and declares that a social equity program should be established.

(c) The General Assembly also finds and declares that individuals who have been arrested or incarcerated due to drug laws suffer long-lasting negative consequences, including impacts to employment, business ownership, housing, health, and long-term financial well-being.

(d) The General Assembly also finds and declares that family members, especially children, and communities of those who have been arrested or incarcerated due to drug laws, suffer from emotional, psychological, and financial harms as a result of such arrests or incarcerations.

(e) Furthermore, the General Assembly finds and declares that certain communities have disproportionately suffered the harms of enforcement of cannabis-related laws. Those communities face greater difficulties accessing traditional banking systems and capital for establishing businesses.

(f) The General Assembly also finds that individuals who have resided in areas of high poverty suffer negative consequences, including barriers to entry in employment, business ownership, housing, health, and long-term financial well-being.

(g) The General Assembly also finds and declares that promotion of business ownership by individuals who have resided in areas of high poverty and high enforcement of cannabis-related laws furthers an equitable cannabis industry.

(h) Therefore, in the interest of remedying the harms resulting from the disproportionate enforcement of cannabis-related laws, the General Assembly finds and declares that a social equity program should offer, among other things, financial assistance and license application benefits to individuals most directly and adversely impacted by the enforcement of cannabis-related laws who are interested in starting cannabis business establishments.

HISTORY:
2019 P.A. 101-27, § 7-1, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/7-10 Cannabis Business Development Fund.

(a) There is created in the State treasury a special fund, which shall be held separate and apart from all other State moneys, to be known as the Cannabis Business Development Fund. The Cannabis Business Development Fund shall be exclusively used for the following purposes:

(1) to provide low-interest rate loans to Qualified Social Equity Applicants to pay for ordinary and necessary expenses to start and operate a cannabis business establishment permitted by this Act;

(2) to provide grants to Qualified Social Equity Applicants to pay for ordinary and necessary expenses to start and operate a cannabis business establishment permitted by this Act;

(3) to compensate the Department of Commerce and Economic Opportunity for any costs related to the provision of low-interest loans and grants to Qualified Social Equity Applicants;

(4) to pay for outreach that may be provided or targeted to attract and support Social Equity Applicants and Qualified Social Equity Applicants;

(5) (blank);

(6) to conduct any study or research concerning the participation of minorities, women, veterans, or people with disabilities in the cannabis industry,

including, without limitation, barriers to such individuals entering the industry as equity owners of cannabis business establishments;

(7) (blank); and

(8) to assist with job training and technical assistance for residents in Disproportionately Impacted Areas.

(b) All moneys collected under Sections 15-15 and 15-20 [410 ILCS 705/15-15 and 410 ILCS 705/15-20] for Early Approval Adult Use Dispensing Organization Licenses issued before January 1, 2021 and remunerations made as a result of transfers of permits awarded to Qualified Social Equity Applicants shall be deposited into the Cannabis Business Development Fund.

(c) As soon as practical after July 1, 2019, the Comptroller shall order and the Treasurer shall transfer $12,000,000 from the Compassionate Use of Medical Cannabis Fund to the Cannabis Business Development Fund.

(d) Notwithstanding any other law to the contrary, the Cannabis Business Development Fund is not subject to sweeps, administrative charge-backs, or any other fiscal or budgetary maneuver that would in any way transfer any amounts from the Cannabis Business Development Fund into any other fund of the State.

HISTORY:

2019 P.A. 101-27, § 7-10, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/7-15 Loans and grants to Social Equity Applicants.

(a) The Department of Commerce and Economic Opportunity shall establish grant and loan programs, subject to appropriations from the Cannabis Business Development Fund, for the purposes of providing financial assistance, loans, grants, and technical assistance to Social Equity Applicants.

(b) The Department of Commerce and Economic Opportunity has the power to:

(1) provide Cannabis Social Equity loans and grants from appropriations from the Cannabis Business Development Fund to assist Qualified Social Equity Applicants in gaining entry to, and successfully operating in, the State's regulated cannabis marketplace;

(2) enter into agreements that set forth terms and conditions of the financial assistance, accept funds or grants, and engage in cooperation with private entities and agencies of State or local government to carry out the purposes of this Section;

(3) fix, determine, charge, and collect any premiums, fees, charges, costs and expenses, including application fees, commitment fees, program fees, financing charges, or publication fees in connection with its activities under this Section;

(4) coordinate assistance under these loan programs with activities of the Illinois Department of Financial and Professional Regulation, the Illinois Department of Agriculture, and other agencies as needed to maximize the effectiveness and efficiency of this Act;

(5) provide staff, administration, and related support required to administer this Section;

(6) take whatever actions are necessary or appropriate to protect the State's interest in the event of bankruptcy, default, foreclosure, or noncompliance with the terms and conditions of financial assistance provided under this Section, including the ability to recapture funds if the recipient is found to be noncompliant with the terms and conditions of the financial assistance agreement;

(7) establish application, notification, contract, and other forms, procedures, or rules deemed necessary and appropriate; and

(8) utilize vendors or contract work to carry out the purposes of this Act.

(c) Loans made under this Section:

(1) shall only be made if, in the Department's judgment, the project furthers the goals set forth in this Act; and

(2) shall be in such principal amount and form and contain such terms and provisions with respect to security, insurance, reporting, delinquency charges, default remedies, and other matters as the Department shall determine appropriate to protect the public interest and to be consistent with the purposes of this Section. The terms and provisions may be less than required for similar loans not covered by this Section.

(d) Grants made under this Section shall be awarded on a competitive and annual basis under the Grant Accountability and Transparency Act [30 ILCS 708/1 et seq.]. Grants made under this Section shall further and promote the goals of this Act, including promotion of Social Equity Applicants, job training and workforce development, and technical assistance to Social Equity Applicants.

(e) Beginning January 1, 2021 and each year thereafter, the Department shall annually report to the Governor and the General Assembly on the outcomes and effectiveness of this Section that shall include the following:

(1) the number of persons or businesses receiving financial assistance under this Section;

(2) the amount in financial assistance awarded in the aggregate, in addition to the amount of loans made that are outstanding and the amount of grants awarded;

(3) the location of the project engaged in by the person or business; and

(4) if applicable, the number of new jobs and other forms of economic output created as a result of the financial assistance.

(f) The Department of Commerce and Economic Opportunity shall include engagement with individuals with limited English proficiency as part of its outreach provided or targeted to attract and support Social Equity Applicants.

HISTORY:
2019 P.A. 101-27, § 7-15, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/7-20 Fee waivers.

(a) For Social Equity Applicants, the Department of Financial and Professional Regulation and the Department of Agriculture shall waive 50% of any nonrefundable license application fees, any nonrefundable fees associated with purchasing a license to operate a cannabis business establishment, and any surety bond or other financial requirements, provided a Social Equity Applicant meets the following qualifications at the time the payment is due:

(1) the applicant, including all individuals and entities with 10% or greater ownership and all parent companies, subsidiaries, and affiliates, has less than a total of $750,000 of income in the previous calendar year; and

(2) the applicant, including all individuals and entities with 10% or greater ownership and all parent companies, subsidiaries, and affiliates, has no more than 2 other licenses for cannabis business establishments in the State of Illinois.

(b) The Department of Financial and Professional Regulation and the Department of Agriculture may require Social Equity Applicants to attest that they meet the requirements for a fee waiver as provided in subsection (a) and to provide evidence of annual total income in the previous calendar year.

(c) If the Department of Financial and Professional Regulation or the Department of Agriculture determines that an applicant who applied as a Social Equity Applicant is not eligible for such status, the applicant shall be provided an additional 10 days to provide alternative evidence that he or she qualifies as a Social Equity Applicant. Alternatively, the applicant may pay the remainder of the waived fee and be considered as a non-Social Equity Applicant. If the applicant cannot do either, then the Departments may keep the initial application fee and the application shall not be graded.

HISTORY:
2019 P.A. 101-27, § 7-20, effective June 25, 2019.

410 ILCS 705/7-25 Transfer of license awarded to Qualified Social Equity Applicant.

(a) In the event a Qualified Social Equity Applicant seeks to transfer, sell, or grant a cannabis business establishment license within 5 years after it was issued to a person or entity that does not qualify as a Social Equity Applicant, the transfer agreement shall require the new license holder to pay the Cannabis Business Development Fund an amount equal to:

(1) any fees that were waived by any State agency based on the applicant's status as a Social Equity Applicant, if applicable;

(2) any outstanding amount owed by the Qualified Social Equity Applicant for a loan through the Cannabis Business Development Fund, if applicable; and

(3) the full amount of any grants that the Qualified Social Equity Applicant received from the Department of Commerce and Economic Opportunity, if applicable.

(b) Transfers of cannabis business establishment licenses awarded to a Social Equity Applicant are subject to all other provisions of this Act, the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.], and rules regarding transfers.

HISTORY:
2019 P.A. 101-27, § 7-25, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/7-30 Reporting.

By January 1, 2021, and on January 1 of every year thereafter, or upon request by the Illinois Cannabis Regulation Oversight Officer, each cannabis business establishment licensed under this Act and the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.] shall report to the Illinois Cannabis Regulation Oversight Officer, on a form to be provided by the Illinois Cannabis Regulation Oversight Officer, information that will allow it to assess the extent of diversity in the medical and adult use cannabis industry and methods for reducing or eliminating any identified barriers to entry, including access to capital. Failure of a cannabis business establishment to respond to the request of the Cannabis Regulation Oversight Officer to complete the form, report, and any other request for information may be grounds for disciplinary action by the Department of Financial and Professional Regulation or the Department of Agriculture. The information to be collected shall be designed to identify the following:

(1) the number and percentage of licenses provided to Social Equity Applicants and to businesses owned by minorities, women, veterans, and people with disabilities;

(2) the total number and percentage of employees in the cannabis industry who meet the criteria in (3)(i) or (3)(ii) in the definition of Social Equity Applicant or who are minorities, women, veterans, or people with disabilities;

(3) the total number and percentage of contractors and subcontractors in the cannabis industry that meet the definition of a Social Equity Applicant or who are owned by minorities, women, veterans, or people with disabilities, if known to the cannabis business establishment; and

(4) recommendations on reducing or eliminating any identified barriers to entry, including access to capital, in the cannabis industry.

HISTORY:
2019 P.A. 101-27, § 7-30, effective June 25, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021.

ARTICLE 10.

PERSONAL USE OF CANNABIS

410 ILCS 705/10-5 Personal use of cannabis; restrictions on cultivation; penalties.

(a) Beginning January 1, 2020, notwithstanding any other provision of law, and except as otherwise provided in this Act, the following acts are not a violation of this Act and shall not be a criminal or civil offense under State law or the ordinances of any unit of local government of this State or be a basis for seizure or forfeiture of assets under State law for persons other than natural individuals under 21 years of age:

(1) possession, consumption, use, purchase, obtaining, or transporting cannabis paraphernalia or an amount of cannabis for personal use that does not exceed the possession limit under Section 10-10 [410 ILCS 705/10-10] or otherwise in accordance with the requirements of this Act;

(2) cultivation of cannabis for personal use in accordance with the requirements of this Act; and

(3) controlling property if actions that are authorized by this Act occur on the property in accordance with this Act.

(a-1) Beginning January 1, 2020, notwithstanding any other provision of law, and except as otherwise provided in this Act, possessing, consuming, using, purchasing, obtaining, or transporting cannabis paraphernalia or an amount of cannabis purchased or produced in accordance with this Act that does not exceed the possession limit under subsection (a) of Section 10-10 shall not be a basis for seizure or forfeiture of assets under State law.

(b) Cultivating cannabis for personal use is subject to the following limitations:

(1) An Illinois resident 21 years of age or older who is a registered qualifying patient under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.] may cultivate cannabis plants, with a limit of 5 plants that are more than 5 inches tall, per household without a cultivation center or craft grower license. In this Section, "resident" means a person who has been domiciled in the State of Illinois for a period of 30 days before cultivation.

(2) Cannabis cultivation must take place in an enclosed, locked space.

(3) Adult registered qualifying patients may purchase cannabis seeds from a dispensary for the purpose of home cultivation. Seeds may not be given or sold to any other person.

(4) Cannabis plants shall not be stored or placed in a location where they are subject to ordinary public view, as defined in this Act. A registered qualifying patient who cultivates cannabis under this Section shall take reasonable precautions to ensure the plants are secure from unauthorized access, including unauthorized access by a person under 21 years of age.

(5) Cannabis cultivation may occur only on residential property lawfully in possession of the cultivator or with the consent of the person in lawful possession of the property. An owner or lessor of residential property may prohibit the cultivation of cannabis by a lessee.

(6) (Blank).

(7) A dwelling, residence, apartment, condominium unit, enclosed, locked space, or piece of property not divided into multiple dwelling units shall not contain more than 5 plants at any one time.

(8) Cannabis plants may only be tended by registered qualifying patients who reside at the residence, or their authorized agent attending to the residence for brief periods, such as when the qualifying patient is temporarily away from the residence.

(9) A registered qualifying patient who cultivates more than the allowable number of cannabis plants, or who sells or gives away cannabis plants, cannabis, or cannabis-infused products produced under this Section, is liable for penalties as provided by law, including the Cannabis Control Act [720 ILCS 550/1 et seq.], in addition to loss of home cultivation privileges as established by rule.

HISTORY:
2019 P.A. 101-27, § 10-5, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/10-10 Possession limit.

(a) Except if otherwise authorized by this Act, for a person who is 21 years of age or older and a resident of this State, the possession limit is as follows:

(1) 30 grams of cannabis flower;

(2) no more than 500 milligrams of THC contained in cannabis-infused product;

(3) 5 grams of cannabis concentrate; and

(4) for registered qualifying patients, any cannabis produced by cannabis plants grown under subsection (b) of Section 10-5 [410 ILCS 705/10-5], provided any amount of cannabis produced in excess of 30 grams of raw cannabis or its equivalent must remain secured within the residence or residential property in which it was grown.

(b) For a person who is 21 years of age or older and who is not a resident of this State, the possession limit is:

(1) 15 grams of cannabis flower;

(2)2. 5 grams of cannabis concentrate; and

(3) 250 milligrams of THC contained in a cannabis-infused product.

(c) The possession limits found in subsections (a) and (b) of this Section are to be considered cumulative.

(d) No person shall knowingly obtain, seek to obtain, or possess an amount of cannabis from a dispensing organization or craft grower that would

cause him or her to exceed the possession limit under this Section, including cannabis that is cultivated by a person under this Act or obtained under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.].

(e) Cannabis and cannabis-derived substances regulated under the Industrial Hemp Act [505 ILCS 89/1] are not covered by this Act.

HISTORY:
2019 P.A. 101-27, § 10-10, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/10-15 Persons under 21 years of age.

(a) Nothing in this Act is intended to permit the transfer of cannabis, with or without remuneration, to a person under 21 years of age, or to allow a person under 21 years of age to purchase, possess, use, process, transport, grow, or consume cannabis except where authorized by the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.] or by the Community College Cannabis Vocational Pilot Program.

(b) Notwithstanding any other provisions of law authorizing the possession of medical cannabis, nothing in this Act authorizes a person who is under 21 years of age to possess cannabis. A person under 21 years of age with cannabis in his or her possession is guilty of a civil law violation as outlined in paragraph (a) of Section 4 of the Cannabis Control Act [720 ILCS 550/4].

(c) If the person under the age of 21 was in a motor vehicle at the time of the offense, the Secretary of State may suspend or revoke the driving privileges of any person for a violation of this Section under Section 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-206] and the rules adopted under it.

(d) It is unlawful for any parent or guardian to knowingly permit his or her residence, any other private property under his or her control, or any vehicle, conveyance, or watercraft under his or her control to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under the age of 21, in a manner that constitutes a violation of this Section. A parent or guardian is deemed to have knowingly permitted his or her residence, any other private property under his or her control, or any vehicle, conveyance, or watercraft under his or her control to be used in violation of this Section if he or she knowingly authorizes or permits consumption of cannabis by underage invitees. Any person who violates this subsection (d) is guilty of a Class A misdemeanor and the person's sentence shall include, but shall not be limited to, a fine of not less than $500. If a violation of this subsection (d) directly or indirectly results in great bodily harm or death to any person, the person violating this subsection is guilty of a Class 4 felony. In this subsection (d), where the residence or other property has an owner and a tenant or lessee, the trier of fact may infer that the residence or other property is occupied only by the tenant or lessee.

HISTORY:
2019 P.A. 101-27, § 10-15, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/10-20 Identification; false identification; penalty.

(a) To protect personal privacy, the Department of Financial and Professional Regulation shall not require a purchaser to provide a dispensing organization with personal information other than government-issued identification to determine the purchaser's age, and a dispensing organization shall not obtain and record personal information about a purchaser without the purchaser's consent. A dispensing organization shall use an electronic reader or electronic scanning device to scan a purchaser's government-issued identification, if applicable, to determine the purchaser's age and the validity of the identification. Any identifying or personal information of a purchaser obtained or received in accordance with this Section shall not be retained, used, shared or disclosed for any purpose except as authorized by this Act.

(b) A person who is under 21 years of age may not present or offer to a cannabis business establishment or the cannabis business establishment's principal or employee any written or oral evidence of age that is false, fraudulent, or not actually the person's own, for the purpose of:

(1) purchasing, attempting to purchase, or otherwise obtaining or attempting to obtain cannabis or any cannabis product; or

(2) gaining access to a cannabis business establishment.

(c) A violation of this Section is a Class A misdemeanor consistent with Section 6-20 of the Liquor Control Act of 1934 [235 ILCS 5/6-20].

(d) The Secretary of State may suspend or revoke the driving privileges of any person for a violation of this Section under Section 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-206] and the rules adopted under it.

(e) No agent or employee of the licensee shall be disciplined or discharged for selling or furnishing cannabis or cannabis products to a person under 21 years of age if the agent or employee demanded and was shown, before furnishing cannabis or cannabis products to a person under 21 years of age, adequate written evidence of age and identity of the person. This subsection (e) does not apply if the agent or employee accepted the written evidence knowing it to be false or fraudulent. Adequate written evidence of age and identity of the person is a document issued by a federal, State, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Military Selective Service Act, or an identification card issued to a

member of the Armed Forces. Proof that the licensee or his or her employee or agent was shown and reasonably relied upon such written evidence in any transaction forbidden by this Section is an affirmative defense in any criminal prosecution therefor or to any proceedings for the suspension or revocation of any license based thereon.

HISTORY:
2019 P.A. 101-27, § 10-20, effective June 25, 2019.

410 ILCS 705/10-25 Immunities and presumptions related to the use of cannabis by purchasers.

(a) A purchaser who is 21 years of age or older is not subject to arrest, prosecution, denial of any right or privilege, or other punishment including, but not limited to, any civil penalty or disciplinary action taken by an occupational or professional licensing board, based solely on the use of cannabis if (1) the purchaser possesses an amount of cannabis that does not exceed the possession limit under Section 10-10 [410 ILCS 705/10-10] and, if the purchaser is licensed, certified, or registered to practice any trade or profession under any Act and (2) the use of cannabis does not impair that person when he or she is engaged in the practice of the profession for which he or she is licensed, certified, or registered.

(b) A purchaser 21 years of age or older is not subject to arrest, prosecution, denial of any right or privilege, or other punishment, including, but not limited to, any civil penalty or disciplinary action taken by an occupational or professional licensing board, based solely for (i) selling cannabis paraphernalia if employed and licensed as a dispensing agent by a dispensing organization; (ii) being in the presence or vicinity of the use of cannabis or cannabis paraphernalia as allowed under this Act; or (iii) possessing cannabis paraphernalia.

(c) Mere possession of, or application for, an agent identification card or license does not constitute probable cause or reasonable suspicion to believe that a crime has been committed, nor shall it be used as the sole basis to support the search of the person, property, or home of the person possessing or applying for the agent identification card. The possession of, or application for, an agent identification card does not preclude the existence of probable cause if probable cause exists based on other grounds.

(d) No person employed by the State of Illinois shall be subject to criminal or civil penalties for taking any action in good faith in reliance on this Act when acting within the scope of his or her employment. Representation and indemnification shall be provided to State employees as set forth in Section 2 of the State Employee Indemnification Act [5 ILCS 350/2].

(e) No law enforcement or correctional agency, nor any person employed by a law enforcement or correctional agency, shall be subject to criminal or civil liability, except for willful and wanton misconduct, as a result of taking any action within the scope of the official duties of the agency or person to prohibit or prevent the possession or use of cannabis by a person incarcerated at a correctional facility, jail, or municipal lockup facility, on parole or mandatory supervised release, or otherwise under the lawful jurisdiction of the agency or person.

(f) For purposes of receiving medical care, including organ transplants, a person's use of cannabis under this Act does not constitute the use of an illicit substance or otherwise disqualify a person from medical care.

HISTORY:
2019 P.A. 101-27, § 10-25, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/10-30 Discrimination prohibited.

(a) Neither the presence of cannabinoid components or metabolites in a person's bodily fluids nor possession of cannabis-related paraphernalia, nor conduct related to the use of cannabis or the participation in cannabis-related activities lawful under this Act by a custodial or noncustodial parent, grandparent, legal guardian, foster parent, or other person charged with the well-being of a child, shall form the sole or primary basis or supporting basis for any action or proceeding by a child welfare agency or in a family or juvenile court, any adverse finding, adverse evidence, or restriction of any right or privilege in a proceeding related to adoption of a child, acting as a foster parent of a child, or a person's fitness to adopt a child or act as a foster parent of a child, or serve as the basis of any adverse finding, adverse evidence, or restriction of any right of privilege in a proceeding related to guardianship, conservatorship, trusteeship, the execution of a will, or the management of an estate, unless the person's actions in relation to cannabis created an unreasonable danger to the safety of the minor or otherwise show the person to not be competent as established by clear and convincing evidence. This subsection applies only to conduct protected under this Act.

(b) No landlord may be penalized or denied any benefit under State law for leasing to a person who uses cannabis under this Act.

(c) Nothing in this Act may be construed to require any person or establishment in lawful possession of property to allow a guest, client, lessee, customer, or visitor to use cannabis on or in that property, including on any land owned in whole or in part or managed in whole or in part by the State.

HISTORY:
2019 P.A. 101-27, § 10-30, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/10-35 Limitations and penalties.

(a) This Act does not permit any person to engage in, and does not prevent the imposition of any civil,

criminal, or other penalties for engaging in, any of the following conduct:

(1) undertaking any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct;

(2) possessing cannabis:

(A) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.];

(B) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;

(C) in any correctional facility;

(D) in a vehicle not open to the public unless the cannabis is in a reasonably secured, sealed or resealable container and reasonably inaccessible while the vehicle is moving; or

(E) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;

(3) using cannabis:

(A) in a school bus, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;

(B) on the grounds of any preschool or primary or secondary school, unless permitted for a qualifying patient or caregiver pursuant to the Compassionate Use of Medical Cannabis Program Act;

(C) in any correctional facility;

(D) in any motor vehicle;

(E) in a private residence that is used at any time to provide licensed child care or other similar social service care on the premises;

(F) in any public place; or

(G) knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Program Act;

(4) smoking cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act [410 ILCS 82/1 et seq.];

(5) operating, navigating, or being in actual physical control of any motor vehicle, aircraft, watercraft, or snowmobile while using or under the influence of cannabis in violation of Section 11-501 or 11-502.1 of the Illinois Vehicle Code [625 ILCS 5/11-501 or 625 ILCS 5/11-502.1], Section 5-16 of the Boat Registration and Safety Act [625 ILCS 45/5-16], or Section 5-7 of the Snowmobile Registration and Safety Act [625 ILCS 40/5-7];

(6) facilitating the use of cannabis by any person who is not allowed to use cannabis under this Act or the Compassionate Use of Medical Cannabis Program Act;

(7) transferring cannabis to any person contrary to this Act or the Compassionate Use of Medical Cannabis Program Act;

(8) the use of cannabis by a law enforcement officer, corrections officer, probation officer, or firefighter while on duty; nothing in this Act prevents a public employer of law enforcement officers, corrections officers, probation officers, paramedics, or firefighters from prohibiting or taking disciplinary action for the consumption, possession, sales, purchase, or delivery of cannabis or cannabis-infused substances while on or off duty, unless provided for in the employer's policies. However, an employer may not take adverse employment action against an employee based solely on the lawful possession or consumption of cannabis or cannabis-infused substances by members of the employee's household. To the extent that this Section conflicts with any applicable collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail. Further, nothing in this Act shall be construed to limit in any way the right to collectively bargain over the subject matters contained in this Act; or

(9) the use of cannabis by a person who has a school bus permit or a Commercial Driver's License while on duty.

As used in this Section, "public place" means any place where a person could reasonably be expected to be observed by others. "Public place" includes all parts of buildings owned in whole or in part, or leased, by the State or a unit of local government. "Public place" includes all areas in a park, recreation area, wildlife area, or playground owned in whole or in part, leased, or managed by the State or a unit of local government. "Public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises.

(b) Nothing in this Act shall be construed to prevent the arrest or prosecution of a person for reckless driving or driving under the influence of cannabis, operating a watercraft under the influence of cannabis, or operating a snowmobile under the influence of cannabis if probable cause exists.

(c) Nothing in this Act shall prevent a private business from restricting or prohibiting the use of cannabis on its property, including areas where motor vehicles are parked.

(d) Nothing in this Act shall require an individual or business entity to violate the provisions of federal law, including colleges or universities that must abide by the Drug-Free Schools and Communities Act Amendments of 1989, that require campuses to be drug free.

HISTORY:

2019 P.A. 101-27, § 10-35, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021.

410 ILCS 705/10-40 Restore, Reinvest, and Renew Program.

(a) The General Assembly finds that in order to

address the disparities described below, aggressive approaches and targeted resources to support local design and control of community-based responses to these outcomes are required. To carry out this intent, the Restore, Reinvest, and Renew (R3) Program is created for the following purposes:

(1) to directly address the impact of economic disinvestment, violence, and the historical overuse of criminal justice responses to community and individual needs by providing resources to support local design and control of community-based responses to these impacts;

(2) to substantially reduce both the total amount of gun violence and concentrated poverty in this State;

(3) to protect communities from gun violence through targeted investments and intervention programs, including economic growth and improving family violence prevention, community trauma treatment rates, gun injury victim services, and public health prevention activities;

(4) to promote employment infrastructure and capacity building related to the social determinants of health in the eligible community areas.

(b) In this Section, "Authority" means the Illinois Criminal Justice Information Authority in coordination with the Justice, Equity, and Opportunity Initiative of the Lieutenant Governor's Office.

(c) Eligibility of R3 Areas. Within 180 days after the effective date of this Act, the Authority shall identify as eligible, areas in this State by way of historically recognized geographic boundaries, to be designated by the Restore, Reinvest, and Renew Program Board as R3 Areas and therefore eligible to apply for R3 funding. Local groups within R3 Areas will be eligible to apply for State funding through the Restore, Reinvest, and Renew Program Board. Qualifications for designation as an R3 Area are as follows:

(1) Based on an analysis of data, communities in this State that are high need, underserved, disproportionately impacted by historical economic disinvestment, and ravaged by violence as indicated by the highest rates of gun injury, unemployment, child poverty rates, and commitments to and returns from the Illinois Department of Corrections.

(2) The Authority shall send to the Legislative Audit Commission and make publicly available its analysis and identification of eligible R3 Areas and shall recalculate the eligibility data every 4 years. On an annual basis, the Authority shall analyze data and indicate if data covering any R3 Area or portion of an Area has, for 4 consecutive years, substantially deviated from the average of statewide data on which the original calculation was made to determine the Areas, including disinvestment, violence, gun injury, unemployment, child poverty rates, or commitments to or returns from the Illinois Department of Corrections.

(d) The Restore, Reinvest, and Renew Program Board shall encourage collaborative partnerships within each R3 Area to minimize multiple partnerships per Area.

(e) The Restore, Reinvest, and Renew Program Board is created and shall reflect the diversity of the State of Illinois, including geographic, racial, and ethnic diversity. Using the data provided by the Authority, the Restore, Reinvest, and Renew Program Board shall be responsible for designating the R3 Area boundaries and for the selection and oversight of R3 Area grantees. The Restore, Reinvest, and Renew Program Board ex officio members shall, within 4 months after the effective date of this Act, convene the Board to appoint a full Restore, Reinvest, and Renew Program Board and oversee, provide guidance to, and develop an administrative structure for the R3 Program.

(1) The ex officio members are:

(A) The Lieutenant Governor, or his or her designee, who shall serve as chair.

(B) The Attorney General, or his or her designee.

(C) The Director of Commerce and Economic Opportunity, or his or her designee.

(D) The Director of Public Health, or his or her designee.

(E) The Director of Corrections, or his or her designee.

(F) The Director of Juvenile Justice, or his or her designee.

(G) The Director of Children and Family Services, or his or her designee.

(H) The Executive Director of the Illinois Criminal Justice Information Authority, or his or her designee.

(I) The Director of Employment Security, or his or her designee.

(J) The Secretary of Human Services, or his or her designee.

(K) A member of the Senate, designated by the President of the Senate.

(L) A member of the House of Representatives, designated by the Speaker of the House of Representatives.

(M) A member of the Senate, designated by the Minority Leader of the Senate.

(N) A member of the House of Representatives, designated by the Minority Leader of the House of Representatives.

(2) Within 90 days after the R3 Areas have been designated by the Restore, Reinvest, and Renew Program Board, the following members shall be appointed to the Board by the R3 board chair:

(A) Eight public officials of municipal geographic jurisdictions in the State that include an R3 Area, or their designees;

(B) Four community-based providers or community development organization representatives who provide services to treat violence and address the social determinants of health, or promote community investment, including, but not limited to, services such as job placement and training, educational services, workforce development programming, and wealth building.

The community-based organization representatives shall work primarily in jurisdictions that include an R3 Area and no more than 2 representatives shall work primarily in Cook County. At least one of the community-based providers shall have expertise in providing services to an immigrant population;

(C) Two experts in the field of violence reduction;

(D) One male who has previously been incarcerated and is over the age of 24 at the time of appointment;

(E) One female who has previously been incarcerated and is over the age of 24 at the time of appointment;

(F) Two individuals who have previously been incarcerated and are between the ages of 17 and 24 at the time of appointment; and

(G) Eight individuals who live or work in an R3 Area.

As used in this paragraph (2), "an individual who has been previously incarcerated" means a person who has been convicted of or pled guilty to one or more felonies, who was sentenced to a term of imprisonment, and who has completed his or her sentence. Board members shall serve without compensation and may be reimbursed for reasonable expenses incurred in the performance of their duties from funds appropriated for that purpose. Once all its members have been appointed as outlined in items (A) through (F) of this paragraph (2), the Board may exercise any power, perform any function, take any action, or do anything in furtherance of its purposes and goals upon the appointment of a quorum of its members. The Board terms of the non-ex officio and General Assembly Board members shall end 4 years from the date of appointment. The R3 board chair may remove an individual appointed to the Board who does not regularly attend Board meetings, based on criteria approved by the Board.

(f) Within 12 months after the effective date of this Act, the Board shall:

(1) develop a process to solicit applications from eligible R3 Areas;

(2) develop a standard template for both planning and implementation activities to be submitted by R3 Areas to the State;

(3) identify resources sufficient to support the full administration and evaluation of the R3 Program, including building and sustaining core program capacity at the community and State levels;

(4) review R3 Area grant applications and proposed agreements and approve the distribution of resources;

(5) develop a performance measurement system that focuses on positive outcomes;

(6) develop a process to support ongoing monitoring and evaluation of R3 programs; and

(7) deliver an annual report to the General Assembly and to the Governor to be posted on the Governor's Office and General Assembly websites and provide to the public an annual report on its progress.

(g) R3 Area grants.

(1) Grant funds shall be awarded by the Illinois Criminal Justice Information Authority, in coordination with the R3 board, based on the likelihood that the plan will achieve the outcomes outlined in subsection (a) and consistent with the requirements of the Grant Accountability and Transparency Act [30 ILCS 708/1 et seq.]. The R3 Program shall also facilitate the provision of training and technical assistance for capacity building within and among R3 Areas.

(2) R3 Program Board grants shall be used to address economic development, violence prevention services, re-entry services, youth development, and civil legal aid.

(3) The Restore, Reinvest, and Renew Program Board and the R3 Area grantees shall, within a period of no more than 120 days from the completion of planning activities described in this Section, finalize an agreement on the plan for implementation. Implementation activities may:

(A) have a basis in evidence or best practice research or have evaluations demonstrating the capacity to address the purpose of the program in subsection (a);

(B) collect data from the inception of planning activities through implementation, with data collection technical assistance when needed, including cost data and data related to identified meaningful short-term, mid-term, and long-term goals and metrics;

(C) report data to the Restore, Reinvest, and Renew Program Board biannually; and

(D) report information as requested by the R3 Program Board.

HISTORY:

2019 P.A. 101-27, § 10-40, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021.

410 ILCS 705/10-45 Cannabis Equity Commission.

(a) The Cannabis Equity Commission is created and shall reflect the diversity of the State of Illinois, including geographic, racial, and ethnic diversity. The Cannabis Equity Commission shall be responsible for the following:

(1) Ensuring that equity goals in the Illinois cannabis industry, as stated in Section 10-40 [410 ILCS 705/10-40], are met.

(2) Tracking and analyzing minorities in the marketplace.

(3) Ensuring that revenue is being invested properly into R3 areas under Section 10-40.

(4) Recommending changes to make the law more equitable to communities harmed the most by the war on drugs.

(5) Create standards to protect true social equity applicants from predatory businesses.

(b) The Cannabis Equity Commission's ex officio members shall, within 4 months after the effective date of this amendatory Act of the 101st General Assembly, convene the Commission to appoint a full Cannabis Equity Commission and oversee, provide guidance to, and develop an administrative structure for the Cannabis Equity Commission. The ex officio members are:

(1) The Governor, or his or her designee, who shall serve as chair.

(2) The Attorney General, or his or her designee.

(3) The Director of Commerce and Economic Opportunity, or his or her designee.

(4) The Director of Public Health, or his or her designee.

(5) The Director of Corrections, or his or her designee.

(6) The Director of Financial and Professional Regulation, or his or her designee.

(7) The Director of Agriculture, or his or her designee.

(8) The Executive Director of the Illinois Criminal Justice Information Authority, or his or her designee.

(9) The Secretary of Human Services, or his or her designee.

(10) A member of the Senate, designated by the President of the Senate.

(11) A member of the House of Representatives, designated by the Speaker of the House of Representatives.

(12) A member of the Senate, designated by the Minority Leader of the Senate.

(13) A member of the House of Representatives, designated by the Minority Leader of the House of Representatives.

(c) Within 90 days after the ex officio members convene, the following members shall be appointed to the Commission by the chair:

(1) Four community-based providers or community development organization representatives who provide services to treat violence and address the social determinants of health, or promote community investment, including, but not limited to, services such as job placement and training, educational services, workforce development programming, and wealth building. No more than 2 community-based organization representatives shall work primarily in Cook County. At least one of the community-based providers shall have expertise in providing services to an immigrant population.

(2) Two experts in the field of violence reduction.

(3) One male who has previously been incarcerated and is over the age of 24 at the time of appointment.

(4) One female who has previously been incarcerated and is over the age of 24 at the time of appointment.

(5) Two individuals who have previously been incarcerated and are between the ages of 17 and 24 at the time of appointment.

As used in this subsection (c), "an individual who has been previously incarcerated" has the same meaning as defined in paragraph (2) of subsection (e) of Section 10-40.

HISTORY:

2020 P.A. 101-658, § 5-5, effective March 23, 2021.

410 ILCS 705/10-50 Employment; employer liability.

(a) Nothing in this Act shall prohibit an employer from adopting reasonable zero tolerance or drug free workplace policies, or employment policies concerning drug testing, smoking, consumption, storage, or use of cannabis in the workplace or while on call provided that the policy is applied in a nondiscriminatory manner.

(b) Nothing in this Act shall require an employer to permit an employee to be under the influence of or use cannabis in the employer's workplace or while performing the employee's job duties or while on call.

(c) Nothing in this Act shall limit or prevent an employer from disciplining an employee or terminating employment of an employee for violating an employer's employment policies or workplace drug policy.

(d) An employer may consider an employee to be impaired or under the influence of cannabis if the employer has a good faith belief that an employee manifests specific, articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others. If an employer elects to discipline an employee on the basis that the employee is under the influence or impaired by cannabis, the employer must afford the employee a reasonable opportunity to contest the basis of the determination.

(e) Nothing in this Act shall be construed to create or imply a cause of action for any person against an employer for:

(1) actions taken pursuant to an employer's reasonable workplace drug policy, including but not limited to subjecting an employee or applicant to reasonable drug and alcohol testing, reasonable and nondiscriminatory random drug testing, and discipline, termination of employment, or withdrawal of a job offer due to a failure of a drug test;

(2) actions based on the employer's good faith belief that an employee used or possessed cannabis in the employer's workplace or while performing the employee's job duties or while on call in violation of the employer's employment policies;

(3) actions, including discipline or termination of employment, based on the employer's good faith belief that an employee was impaired as a result of the use of cannabis, or under the influence of cannabis, while at the employer's workplace or while performing the employee's job duties or while on call in violation of the employer's workplace drug policy; or

(4) injury, loss, or liability to a third party if the employer neither knew nor had reason to know that the employee was impaired.

(f) Nothing in this Act shall be construed to enhance or diminish protections afforded by any other law, including but not limited to the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.] or the Opioid Alternative Pilot Program.

(g) Nothing in this Act shall be construed to interfere with any federal, State, or local restrictions on employment including, but not limited to, the United States Department of Transportation regulation 49 CFR 40.151(e) or impact an employer's ability to comply with federal or State law or cause it to lose a federal or State contract or funding.

(h) As used in this Section, "workplace" means the employer's premises, including any building, real property, and parking area under the control of the employer or area used by an employee while in the performance of the employee's job duties, and vehicles, whether leased, rented, or owned. "Workplace" may be further defined by the employer's written employment policy, provided that the policy is consistent with this Section.

(i) For purposes of this Section, an employee is deemed "on call" when such employee is scheduled with at least 24 hours' notice by his or her employer to be on standby or otherwise responsible for performing tasks related to his or her employment either at the employer's premises or other previously designated location by his or her employer or supervisor to perform a work-related task.

HISTORY:
2019 P.A. 101-27, § 10-50, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

ARTICLE 15.

LICENSE AND REGULATION OF DISPENSING ORGANIZATIONS

410 ILCS 705/15-5 Authority.

(a) In this Article, "Department" means the Department of Financial and Professional Regulation.

(b) It is the duty of the Department to administer and enforce the provisions of this Act relating to the licensure and oversight of dispensing organizations and dispensing organization agents unless otherwise provided in this Act.

(c) No person shall operate a dispensing organization for the purpose of serving purchasers of cannabis or cannabis products without a license issued under this Article by the Department. No person shall be an officer, director, manager, or employee of a dispensing organization without having been issued a dispensing organization agent card by the Department.

(d) Subject to the provisions of this Act, the Department may exercise the following powers and duties:

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

(2) Examine, inspect, and investigate the premises, operations, and records of dispensing organization applicants and licensees.

(3) Conduct investigations of possible violations of this Act pertaining to dispensing organizations and dispensing organization agents.

(4) Conduct hearings on proceedings to refuse to issue or renew licenses or to revoke, suspend, place on probation, reprimand, or otherwise discipline a license under this Article or take other nondisciplinary action.

(5) Adopt rules required for the administration of this Article.

HISTORY:
2019 P.A. 101-27, § 15-5, effective June 25, 2019.

410 ILCS 705/15-10 Medical cannabis dispensing organization exemption.

This Article does not apply to medical cannabis dispensing organizations registered under the Compassionate Use of Medical Cannabis Pilot Program Act, except where otherwise specified.

HISTORY:
2019 P.A. 101-27, § 15-10, effective June 25, 2019.

410 ILCS 705/15-15 Early Approval Adult Use Dispensing Organization License.

(a) Any medical cannabis dispensing organization holding a valid registration under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.] as of the effective date of this Act may, within 60 days of the effective date of this Act, apply to the Department for an Early Approval Adult Use Dispensing Organization License to serve purchasers at any medical cannabis dispensing location in operation on the effective date of this Act, pursuant to this Section.

(b) A medical cannabis dispensing organization seeking issuance of an Early Approval Adult Use Dispensing Organization License to serve purchasers at any medical cannabis dispensing location in operation as of the effective date of this Act shall submit an application on forms provided by the Department. The application must be submitted by the same person or entity that holds the medical cannabis dispensing organization registration and include the following:

(1) Payment of a nonrefundable fee of $30,000 to be deposited into the Cannabis Regulation Fund;

(2) Proof of registration as a medical cannabis dispensing organization that is in good standing;

(3) Certification that the applicant will comply with the requirements contained in the Compassionate Use of Medical Cannabis Program Act except as provided in this Act;

(4) The legal name of the dispensing organization;

(5) The physical address of the dispensing organization;

(6) The name, address, social security number, and date of birth of each principal officer and board member of the dispensing organization, each of whom must be at least 21 years of age;

(7) A nonrefundable Cannabis Business Development Fee equal to 3% of the dispensing organization's total sales between June 1, 2018 to June 1, 2019, or $100,000, whichever is less, to be deposited into the Cannabis Business Development Fund; and

(8) Identification of one of the following Social Equity Inclusion Plans to be completed by March 31, 2021:

(A) Make a contribution of 3% of total sales from June 1, 2018 to June 1, 2019, or $100,000, whichever is less, to the Cannabis Business Development Fund. This is in addition to the fee required by item (7) of this subsection (b);

(B) Make a grant of 3% of total sales from June 1, 2018 to June 1, 2019, or $100,000, whichever is less, to a cannabis industry training or education program at an Illinois community college as defined in the Public Community College Act [110 ILCS 805/1-1 et seq.];

(C) Make a donation of $100,000 or more to a program that provides job training services to persons recently incarcerated or that operates in a Disproportionately Impacted Area;

(D) Participate as a host in a cannabis business establishment incubator program approved by the Department of Commerce and Economic Opportunity, and in which an Early Approval Adult Use Dispensing Organization License holder agrees to provide a loan of at least $100,000 and mentorship to incubate, for at least a year, a Social Equity Applicant intending to seek a license or a licensee that qualifies as a Social Equity Applicant. As used in this Section, "incubate" means providing direct financial assistance and training necessary to engage in licensed cannabis industry activity similar to that of the host licensee. The Early Approval Adult Use Dispensing Organization License holder or the same entity holding any other licenses issued pursuant to this Act shall not take an ownership stake of greater than 10% in any business receiving incubation services to comply with this subsection. If an Early Approval Adult Use Dispensing Organization License holder fails to find a business to incubate to comply with this subsection before its Early Approval Adult Use Dispensing Organization License expires, it may opt to meet the requirement of this subsection by completing another item from this subsection; or

(E) Participate in a sponsorship program for at least 2 years approved by the Department of Commerce and Economic Opportunity in which an Early Approval Adult Use Dispensing Organization License holder agrees to provide an interest-free loan of at least $200,000 to a Social Equity Applicant. The sponsor shall not take an ownership stake in any cannabis business establishment receiving sponsorship services to comply with this subsection.

(b-5) Beginning 90 days after the effective date of this amendatory Act of the 102nd General Assembly, an Early Approval Adult Use Dispensing Organization licensee whose license was issued pursuant to this Section may apply to relocate within the same geographic district where its existing associated medical cannabis dispensing organization dispensary licensed under the Compassionate Use of Medical Cannabis Act is authorized to operate. A request to relocate under this subsection is subject to approval by the Department. An Early Approval Adult Use Dispensing Organization's application to relocate its license under this subsection shall be deemed approved 30 days following the submission of a complete application to relocate, unless sooner approved or denied in writing by the Department. If an application to relocate is denied, the Department shall provide, in writing, the specific reason for denial.

An Early Approval Adult Use Dispensing Organization may request to relocate under this subsection if:

(1) its existing location is within the boundaries of a unit of local government that prohibits the sale of adult use cannabis; or

(2) the Early Approval Adult Use Dispensing Organization has obtained the approval of the municipality or, if outside the boundaries of a municipality in an unincorporated area of the county, the approval of the county where the existing license is located to move to another location within that unit of local government.

At no time may an Early Approval Adult Use Dispensing Organization dispensary licensed under this Section operate in a separate facility from its associated medical cannabis dispensing organization dispensary licensed under the Compassionate Use of Medical Cannabis Act. The relocation of an Early Approval Adult Use Dispensing Organization License under this subsection shall be subject to Sections 55-25 and 55-28 of this Act [410 ILCS 705/55-25 and 410 ILCS 705/55-28].

(c) The license fee required by paragraph (1) of subsection (b) of this Section shall be in addition to any license fee required for the renewal of a regis-

tered medical cannabis dispensing organization license.

(d) Applicants must submit all required information, including the requirements in subsection (b) of this Section, to the Department. Failure by an applicant to submit all required information may result in the application being disqualified.

(e) If the Department receives an application that fails to provide the required elements contained in subsection (b), the Department shall issue a deficiency notice to the applicant. The applicant shall have 10 calendar days from the date of the deficiency notice to submit complete information. Applications that are still incomplete after this opportunity to cure may be disqualified.

(f) If an applicant meets all the requirements of subsection (b) of this Section, the Department shall issue the Early Approval Adult Use Dispensing Organization License within 14 days of receiving a completed application unless:

(1) The licensee or a principal officer is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois;

(2) The Secretary of Financial and Professional Regulation determines there is reason, based on documented compliance violations, the licensee is not entitled to an Early Approval Adult Use Dispensing Organization License; or

(3) Any principal officer fails to register and remain in compliance with this Act or the Compassionate Use of Medical Cannabis Program Act.

(g) A registered medical cannabis dispensing organization that obtains an Early Approval Adult Use Dispensing Organization License may begin selling cannabis, cannabis-infused products, paraphernalia, and related items to purchasers under the rules of this Act no sooner than January 1, 2020.

(h) A dispensing organization holding a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act must maintain an adequate supply of cannabis and cannabis-infused products for purchase by qualifying patients, caregivers, provisional patients, and Opioid Alternative Pilot Program participants. For the purposes of this subsection, "adequate supply" means a monthly inventory level that is comparable in type and quantity to those medical cannabis products provided to patients and caregivers on an average monthly basis for the 6 months before the effective date of this Act.

(i) If there is a shortage of cannabis or cannabis-infused products, a dispensing organization holding both a dispensing organization license under the Compassionate Use of Medical Cannabis Program Act and this Act shall prioritize serving qualifying patients, caregivers, provisional patients, and Opioid Alternative Pilot Program participants before serving purchasers.

(j) Notwithstanding any law or rule to the contrary, a person that holds a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act and an Early Approval Adult Use Dispensing Organization License may permit purchasers into a limited access area as that term is defined in administrative rules made under the authority in the Compassionate Use of Medical Cannabis Program Act.

(k) An Early Approval Adult Use Dispensing Organization License is valid until March 31, 2021. A dispensing organization that obtains an Early Approval Adult Use Dispensing Organization License shall receive written or electronic notice 90 days before the expiration of the license that the license will expire, and that informs the license holder that it may apply to renew its Early Approval Adult Use Dispensing Organization License on forms provided by the Department. The Department shall renew the Early Approval Adult Use Dispensing Organization License within 60 days of the renewal application being deemed complete if:

(1) the dispensing organization submits an application and the required nonrefundable renewal fee of $30,000, to be deposited into the Cannabis Regulation Fund;

(2) the Department has not suspended or permanently revoked the Early Approval Adult Use Dispensing Organization License or a medical cannabis dispensing organization license on the same premises for violations of this Act, the Compassionate Use of Medical Cannabis Program Act, or rules adopted pursuant to those Acts;

(3) the dispensing organization has completed a Social Equity Inclusion Plan as provided by parts (A), (B), and (C) of paragraph (8) of subsection (b) of this Section or has made substantial progress toward completing a Social Equity Inclusion Plan as provided by parts (D) and (E) of paragraph (8) of subsection (b) of this Section; and

(4) the dispensing organization is in compliance with this Act and rules.

(*l*) The Early Approval Adult Use Dispensing Organization License renewed pursuant to subsection (k) of this Section shall expire March 31, 2022. The Early Approval Adult Use Dispensing Organization Licensee shall receive written or electronic notice 90 days before the expiration of the license that the license will expire, and that informs the license holder that it may apply for an Adult Use Dispensing Organization License on forms provided by the Department. The Department shall grant an Adult Use Dispensing Organization License within 60 days of an application being deemed complete if the applicant has met all of the criteria in Section 15-36 [410 ILCS 705/15-36].

(m) If a dispensing organization fails to submit an application for renewal of an Early Approval Adult Use Dispensing Organization License or for an Adult Use Dispensing Organization License before the expiration dates provided in subsections (k) and (l) of this Section, the dispensing organization shall cease serving purchasers and cease all operations until it

receives a renewal or an Adult Use Dispensing Organization License, as the case may be.

(n) A dispensing organization agent who holds a valid dispensing organization agent identification card issued under the Compassionate Use of Medical Cannabis Program Act and is an officer, director, manager, or employee of the dispensing organization licensed under this Section may engage in all activities authorized by this Article to be performed by a dispensing organization agent.

(o) If the Department suspends, permanently revokes, or otherwise disciplines the Early Approval Adult Use Dispensing Organization License of a dispensing organization that also holds a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act, the Department may consider the suspension, permanent revocation, or other discipline of the medical cannabis dispensing organization license.

(p) All fees collected pursuant to this Section shall be deposited into the Cannabis Regulation Fund, unless otherwise specified.

HISTORY:

2019 P.A. 101-27, § 15-15, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021.

410 ILCS 705/15-20 Early Approval Adult Use Dispensing Organization License; secondary site.

(a) Any medical cannabis dispensing organization holding a valid registration under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.] as of the effective date of this Act may, within 60 days of the effective date of this Act, apply to the Department for an Early Approval Adult Use Dispensing Organization License to operate a dispensing organization to serve purchasers at a secondary site not within 1,500 feet of another medical cannabis dispensing organization or adult use dispensing organization. The Early Approval Adult Use Dispensing Organization secondary site shall be within any BLS Region that shares territory with the dispensing organization district to which the medical cannabis dispensing organization is assigned under the administrative rules for dispensing organizations under the Compassionate Use of Medical Cannabis Program Act.

(a-5) If, within 360 days of the effective date of this Act, a dispensing organization is unable to find a location within the BLS Regions prescribed in subsection (a) of this Section in which to operate an Early Approval Adult Use Dispensing Organization at a secondary site because no jurisdiction within the prescribed area allows the operation of an Adult Use Cannabis Dispensing Organization, the Department of Financial and Professional Regulation may waive the geographic restrictions of subsection (a) of this Section and specify another BLS Region into which the dispensary may be placed.

(b) (Blank).

(c) A medical cannabis dispensing organization seeking issuance of an Early Approval Adult Use Dispensing Organization License at a secondary site to serve purchasers at a secondary site as prescribed in subsection (a) of this Section shall submit an application on forms provided by the Department. The application must meet or include the following qualifications:

(1) a payment of a nonrefundable application fee of $30,000;

(2) proof of registration as a medical cannabis dispensing organization that is in good standing;

(3) submission of the application by the same person or entity that holds the medical cannabis dispensing organization registration;

(4) the legal name of the medical cannabis dispensing organization;

(5) the physical address of the medical cannabis dispensing organization and the proposed physical address of the secondary site;

(6) a copy of the current local zoning ordinance Sections relevant to dispensary operations and documentation of the approval, the conditional approval or the status of a request for zoning approval from the local zoning office that the proposed dispensary location is in compliance with the local zoning rules;

(7) a plot plan of the dispensary drawn to scale. The applicant shall submit general specifications of the building exterior and interior layout;

(8) a statement that the dispensing organization agrees to respond to the Department's supplemental requests for information;

(9) for the building or land to be used as the proposed dispensary:

(A) if the property is not owned by the applicant, a written statement from the property owner and landlord, if any, certifying consent that the applicant may operate a dispensary on the premises; or

(B) if the property is owned by the applicant, confirmation of ownership;

(10) a copy of the proposed operating bylaws;

(11) a copy of the proposed business plan that complies with the requirements in this Act, including, at a minimum, the following:

(A) a description of services to be offered; and

(B) a description of the process of dispensing cannabis;

(12) a copy of the proposed security plan that complies with the requirements in this Article, including:

(A) a description of the delivery process by which cannabis will be received from a transporting organization, including receipt of manifests and protocols that will be used to avoid diversion, theft, or loss at the dispensary acceptance point; and

(B) the process or controls that will be implemented to monitor the dispensary, secure the

premises, agents, patients, and currency, and prevent the diversion, theft, or loss of cannabis; and

(C) the process to ensure that access to the restricted access areas is restricted to, registered agents, service professionals, transporting organization agents, Department inspectors, and security personnel;

(13) a proposed inventory control plan that complies with this Section;

(14) the name, address, social security number, and date of birth of each principal officer and board member of the dispensing organization; each of those individuals shall be at least 21 years of age;

(15) a nonrefundable Cannabis Business Development Fee equal to $200,000, to be deposited into the Cannabis Business Development Fund; and

(16) a commitment to completing one of the following Social Equity Inclusion Plans in subsection (d).

(d) Before receiving an Early Approval Adult Use Dispensing Organization License at a secondary site, a dispensing organization shall indicate the Social Equity Inclusion Plan that the applicant plans to achieve before the expiration of the Early Approval Adult Use Dispensing Organization License from the list below:

(1) make a contribution of 3% of total sales from June 1, 2018 to June 1, 2019, or $100,000, whichever is less, to the Cannabis Business Development Fund. This is in addition to the fee required by paragraph (16) of subsection (c) of this Section;

(2) make a grant of 3% of total sales from June 1, 2018 to June 1, 2019, or $100,000, whichever is less, to a cannabis industry training or education program at an Illinois community college as defined in the Public Community College Act [110 ILCS 805/1-1 et seq.];

(3) make a donation of $100,000 or more to a program that provides job training services to persons recently incarcerated or that operates in a Disproportionately Impacted Area;

(4) participate as a host in a cannabis business establishment incubator program approved by the Department of Commerce and Economic Opportunity, and in which an Early Approval Adult Use Dispensing Organization License at a secondary site holder agrees to provide a loan of at least $100,000 and mentorship to incubate, for at least a year, a Social Equity Applicant intending to seek a license or a licensee that qualifies as a Social Equity Applicant. In this paragraph (4), "incubate" means providing direct financial assistance and training necessary to engage in licensed cannabis industry activity similar to that of the host licensee. The Early Approval Adult Use Dispensing Organization License holder or the same entity holding any other licenses issued under this Act shall not take an ownership stake of greater than 10% in any business receiving incubation services to comply with this subsection. If an Early Approval Adult Use Dispensing Organization License at a secondary site holder fails to find a business to incubate in order to comply with this subsection before its Early Approval Adult Use Dispensing Organization License at a secondary site expires, it may opt to meet the requirement of this subsection by completing another item from this subsection before the expiration of its Early Approval Adult Use Dispensing Organization License at a secondary site to avoid a penalty; or

(5) participate in a sponsorship program for at least 2 years approved by the Department of Commerce and Economic Opportunity in which an Early Approval Adult Use Dispensing Organization License at a secondary site holder agrees to provide an interest-free loan of at least $200,000 to a Social Equity Applicant. The sponsor shall not take an ownership stake of greater than 10% in any business receiving sponsorship services to comply with this subsection.

(e) The license fee required by paragraph (1) of subsection (c) of this Section is in addition to any license fee required for the renewal of a registered medical cannabis dispensing organization license.

(f) Applicants must submit all required information, including the requirements in subsection (c) of this Section, to the Department. Failure by an applicant to submit all required information may result in the application being disqualified. Principal officers shall not be required to submit to the fingerprint and background check requirements of Section 5-20 [410 ILCS 705/5-20].

(g) If the Department receives an application that fails to provide the required elements contained in subsection (c), the Department shall issue a deficiency notice to the applicant. The applicant shall have 10 calendar days from the date of the deficiency notice to submit complete information. Applications that are still incomplete after this opportunity to cure may be disqualified.

(h) Once all required information and documents have been submitted, the Department will review the application. The Department may request revisions and retains final approval over dispensary features. Once the application is complete and meets the Department's approval, the Department shall conditionally approve the license. Final approval is contingent on the build-out and Department inspection.

(i) Upon submission of the Early Approval Adult Use Dispensing Organization at a secondary site application, the applicant shall request an inspection and the Department may inspect the Early Approval Adult Use Dispensing Organization's secondary site to confirm compliance with the application and this Act.

(j) The Department shall only issue an Early Approval Adult Use Dispensing Organization License at a secondary site after the completion of a successful inspection.

(k) If an applicant passes the inspection under this Section, the Department shall issue the Early Ap-

proval Adult Use Dispensing Organization License at a secondary site within 10 business days unless:

(1) The licensee, any principal officer or board member of the licensee, or any person having a financial or voting interest of 5% or greater in the licensee is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois; or

(2) The Secretary of Financial and Professional Regulation determines there is reason, based on documented compliance violations, the licensee is not entitled to an Early Approval Adult Use Dispensing Organization License at its secondary site.

(*l*) Once the Department has issued a license, the dispensing organization shall notify the Department of the proposed opening date.

(m) A registered medical cannabis dispensing organization that obtains an Early Approval Adult Use Dispensing Organization License at a secondary site may begin selling cannabis, cannabis-infused products, paraphernalia, and related items to purchasers under the rules of this Act no sooner than January 1, 2020.

(n) If there is a shortage of cannabis or cannabis-infused products, a dispensing organization holding both a dispensing organization license under the Compassionate Use of Medical Cannabis Program Act and this Article shall prioritize serving qualifying patients and caregivers before serving purchasers.

(o) An Early Approval Adult Use Dispensing Organization License at a secondary site is valid until March 31, 2021. A dispensing organization that obtains an Early Approval Adult Use Dispensing Organization License at a secondary site shall receive written or electronic notice 90 days before the expiration of the license that the license will expire, and inform the license holder that it may renew its Early Approval Adult Use Dispensing Organization License at a secondary site. The Department shall renew an Early Approval Adult Use Dispensing Organization License at a secondary site within 60 days of submission of the renewal application being deemed complete if:

(1) the dispensing organization submits an application and the required nonrefundable renewal fee of $30,000, to be deposited into the Cannabis Regulation Fund;

(2) the Department has not suspended or permanently revoked the Early Approval Adult Use Dispensing Organization License or a medical cannabis dispensing organization license held by the same person or entity for violating this Act or rules adopted under this Act or the Compassionate Use of Medical Cannabis Program Act or rules adopted under that Act; and

(3) the dispensing organization has completed a Social Equity Inclusion Plan provided by paragraph (1), (2), or (3) of subsection (d) of this Section or has made substantial progress toward completing a Social Equity Inclusion Plan provided by paragraph (4) or (5) of subsection (d) of this Section.

(p) The Early Approval Adult Use Dispensing Organization Licensee at a secondary site renewed pursuant to subsection (o) shall receive written or electronic notice 90 days before the expiration of the license that the license will expire, and that informs the license holder that it may apply for an Adult Use Dispensing Organization License on forms provided by the Department. The Department shall grant an Adult Use Dispensing Organization License within 60 days of an application being deemed complete if the applicant has meet all of the criteria in Section 15-36 [410 ILCS 705/15-36].

(q) If a dispensing organization fails to submit an application for renewal of an Early Approval Adult Use Dispensing Organization License or for an Adult Use Dispensing Organization License before the expiration dates provided in subsections (o) and (p) of this Section, the dispensing organization shall cease serving purchasers until it receives a renewal or an Adult Use Dispensing Organization License.

(r) A dispensing organization agent who holds a valid dispensing organization agent identification card issued under the Compassionate Use of Medical Cannabis Program Act and is an officer, director, manager, or employee of the dispensing organization licensed under this Section may engage in all activities authorized by this Article to be performed by a dispensing organization agent.

(s) If the Department suspends, permanently revokes, or otherwise disciplines the Early Approval Adult Use Dispensing Organization License of a dispensing organization that also holds a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act, the Department may consider the suspension, permanent revocation, or other discipline as grounds to take disciplinary action against the medical cannabis dispensing organization.

(t) All fees collected pursuant to this Section shall be deposited into the Cannabis Regulation Fund, unless otherwise specified.

HISTORY:

2019 P.A. 101-27, § 15-20, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/15-25 Awarding of Conditional Adult Use Dispensing Organization Licenses prior to January 1, 2021.

(a) The Department shall issue up to 75 Conditional Adult Use Dispensing Organization Licenses before May 1, 2020.

(b) The Department shall make the application for a Conditional Adult Use Dispensing Organization License available no later than October 1, 2019 and shall accept applications no later than January 1, 2020.

(c) To ensure the geographic dispersion of Conditional Adult Use Dispensing Organization License holders, the following number of licenses shall be

awarded in each BLS Region as determined by each region's percentage of the State's population:

(1) Bloomington: 1

(2) Cape Girardeau: 1

(3) Carbondale-Marion: 1

(4) Champaign-Urbana: 1

(5) Chicago-Naperville-Elgin: 47

(6) Danville: 1

(7) Davenport-Moline-Rock Island: 1

(8) Decatur: 1

(9) Kankakee: 1

(10) Peoria: 3

(11) Rockford: 2

(12) St. Louis: 4

(13) Springfield: 1

(14) Northwest Illinois nonmetropolitan: 3

(15) West Central Illinois nonmetropolitan: 3

(16) East Central Illinois nonmetropolitan: 2

(17) South Illinois nonmetropolitan: 2

(d) An applicant seeking issuance of a Conditional Adult Use Dispensing Organization License shall submit an application on forms provided by the Department. An applicant must meet the following requirements:

(1) Payment of a nonrefundable application fee of $5,000 for each license for which the applicant is applying, which shall be deposited into the Cannabis Regulation Fund;

(2) Certification that the applicant will comply with the requirements contained in this Act;

(3) The legal name of the proposed dispensing organization;

(4) A statement that the dispensing organization agrees to respond to the Department's supplemental requests for information;

(5) From each principal officer, a statement indicating whether that person:

(A) has previously held or currently holds an ownership interest in a cannabis business establishment in Illinois; or

(B) has held an ownership interest in a dispensing organization or its equivalent in another state or territory of the United States that had the dispensing organization registration or license suspended, revoked, placed on probationary status, or subjected to other disciplinary action;

(6) Disclosure of whether any principal officer has ever filed for bankruptcy or defaulted on spousal support or child support obligation;

(7) A resume for each principal officer, including whether that person has an academic degree, certification, or relevant experience with a cannabis business establishment or in a related industry;

(8) A description of the training and education that will be provided to dispensing organization agents;

(9) A copy of the proposed operating bylaws;

(10) A copy of the proposed business plan that complies with the requirements in this Act, including, at a minimum, the following:

(A) A description of services to be offered; and

(B) A description of the process of dispensing cannabis;

(11) A copy of the proposed security plan that complies with the requirements in this Article, including:

(A) The process or controls that will be implemented to monitor the dispensary, secure the premises, agents, and currency, and prevent the diversion, theft, or loss of cannabis; and

(B) The process to ensure that access to the restricted access areas is restricted to, registered agents, service professionals, transporting organization agents, Department inspectors, and security personnel;

(12) A proposed inventory control plan that complies with this Section;

(13) A proposed floor plan, a square footage estimate, and a description of proposed security devices, including, without limitation, cameras, motion detectors, servers, video storage capabilities, and alarm service providers;

(14) The name, address, social security number, and date of birth of each principal officer and board member of the dispensing organization; each of those individuals shall be at least 21 years of age;

(15) Evidence of the applicant's status as a Social Equity Applicant, if applicable, and whether a Social Equity Applicant plans to apply for a loan or grant issued by the Department of Commerce and Economic Opportunity;

(16) The address, telephone number, and email address of the applicant's principal place of business, if applicable. A post office box is not permitted;

(17) Written summaries of any information regarding instances in which a business or not-for-profit that a prospective board member previously managed or served on were fined or censured, or any instances in which a business or not-for-profit that a prospective board member previously managed or served on had its registration suspended or revoked in any administrative or judicial proceeding;

(18) A plan for community engagement;

(19) Procedures to ensure accurate recordkeeping and security measures that are in accordance with this Article and Department rules;

(20) The estimated volume of cannabis it plans to store at the dispensary;

(21) A description of the features that will provide accessibility to purchasers as required by the Americans with Disabilities Act;

(22) A detailed description of air treatment systems that will be installed to reduce odors;

(23) A reasonable assurance that the issuance of a license will not have a detrimental impact on the community in which the applicant wishes to locate;

(24) The dated signature of each principal officer;

(25) A description of the enclosed, locked facility where cannabis will be stored by the dispensing organization;

(26) Signed statements from each dispensing organization agent stating that he or she will not divert cannabis;

(27) The number of licenses it is applying for in each BLS Region;

(28) A diversity plan that includes a narrative of at least 2,500 words that establishes a goal of diversity in ownership, management, employment, and contracting to ensure that diverse participants and groups are afforded equality of opportunity;

(29) A contract with a private security contractor agency that is licensed under Section 10-5 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447/10-5] in order for the dispensary to have adequate security at its facility; and

(30) Other information deemed necessary by the Illinois Cannabis Regulation Oversight Officer to conduct the disparity and availability study referenced in subsection (e) of Section 5-45 [410 ILCS 705/5-45].

(e) An applicant who receives a Conditional Adult Use Dispensing Organization License under this Section has 180 days from the date of award to identify a physical location for the dispensing organization retail storefront. The applicant shall provide evidence that the location is not within 1,500 feet of an existing dispensing organization, unless the applicant is a Social Equity Applicant or Social Equity Justice Involved Applicant located or seeking to locate within 1,500 feet of a dispensing organization licensed under Section 15-15 or Section 15-20. If an applicant is unable to find a suitable physical address in the opinion of the Department within 180 days of the issuance of the Conditional Adult Use Dispensing Organization License, the Department may extend the period for finding a physical address another 180 days if the Conditional Adult Use Dispensing Organization License holder demonstrates concrete attempts to secure a location and a hardship. If the Department denies the extension or the Conditional Adult Use Dispensing Organization License holder is unable to find a location or become operational within 360 days of being awarded a conditional license, the Department shall rescind the conditional license and award it to the next highest scoring applicant in the BLS Region for which the license was assigned, provided the applicant receiving the license: (i) confirms a continued interest in operating a dispensing organization; (ii) can provide evidence that the applicant continues to meet all requirements for holding a Conditional Adult Use Dispensing Organization License set forth in this Act; and (iii) has not otherwise become ineligible to be awarded a dispensing organization license. If the new awardee is unable to accept the Conditional Adult Use Dispensing Organization License, the Department shall award the Conditional Adult Use Dispensing Organization License to the next highest scoring applicant in the same manner. The new awardee shall be subject to the same required deadlines as provided in this subsection.

(e-5) If, within 180 days of being awarded a Conditional Adult Use Dispensing Organization License, a dispensing organization is unable to find a location within the BLS Region in which it was awarded a Conditional Adult Use Dispensing Organization License because no jurisdiction within the BLS Region allows for the operation of an Adult Use Dispensing Organization, the Department of Financial and Professional Regulation may authorize the Conditional Adult Use Dispensing Organization License holder to transfer its license to a BLS Region specified by the Department.

(f) A dispensing organization that is awarded a Conditional Adult Use Dispensing Organization License pursuant to the criteria in Section 15-30 [410 ILCS 705/15-30] shall not purchase, possess, sell, or dispense cannabis or cannabis-infused products until the person has received an Adult Use Dispensing Organization License issued by the Department pursuant to Section 15-36 of this Act [410 ILCS 705/15-36].

(g) The Department shall conduct a background check of the prospective organization agents in order to carry out this Article. The Illinois State Police shall charge the applicant a fee for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the record check. Each person applying as a dispensing organization agent shall submit a full set of fingerprints to the Illinois State Police for the purpose of obtaining a State and federal criminal records check. These fingerprints shall be checked against the fingerprint records now and hereafter, to the extent allowed by law, filed in the Illinois State Police and Federal Bureau of Identification criminal history records databases. The Illinois State Police shall furnish, following positive identification, all Illinois conviction information to the Department.

HISTORY:

2019 P.A. 101-27, § 15-25, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021; 2021 P.A. 102-538, § 845, effective August 20, 2021; 2022 P.A. 102-813, § 540, effective May 13, 2022.

410 ILCS 705/15-30 Selection criteria for conditional licenses awarded under Section 15-25.

(a) Applicants for a Conditional Adult Use Dispensing Organization License must submit all required information, including the information required in Section 15-25 [410 ILCS 705/15-25], to the Department. Failure by an applicant to submit all required information may result in the application being disqualified.

(b) If the Department receives an application that fails to provide the required elements contained in this Section, the Department shall issue a deficiency notice to the applicant. The applicant shall have 10 calendar days from the date of the deficiency notice to resubmit the incomplete information. Applications

that are still incomplete after this opportunity to cure will not be scored and will be disqualified.

(c) The Department will award up to 250 points to complete applications based on the sufficiency of the applicant's responses to required information. Applicants will be awarded points based on a determination that the application satisfactorily includes the following elements:

(1) Suitability of Employee Training Plan (15 points). The plan includes an employee training plan that demonstrates that employees will understand the rules and laws to be followed by dispensary employees, have knowledge of any security measures and operating procedures of the dispensary, and are able to advise purchasers on how to safely consume cannabis and use individual products offered by the dispensary.

(2) Security and Recordkeeping (65 points).

(A) The security plan accounts for the prevention of the theft or diversion of cannabis. The security plan demonstrates safety procedures for dispensing organization agents and purchasers, and safe delivery and storage of cannabis and currency. It demonstrates compliance with all security requirements in this Act and rules.

(B) A plan for recordkeeping, tracking, and monitoring inventory, quality control, and other policies and procedures that will promote standard recordkeeping and discourage unlawful activity. This plan includes the applicant's strategy to communicate with the Department and the Illinois State Police on the destruction and disposal of cannabis. The plan must also demonstrate compliance with this Act and rules.

(C) The security plan shall also detail which private security contractor licensed under Section 10-5 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 the dispensary will contract with in order to provide adequate security at its facility.

(3) Applicant's Business Plan, Financials, Operating and Floor Plan (65 points).

(A) The business plan shall describe, at a minimum, how the dispensing organization will be managed on a long-term basis. This shall include a description of the dispensing organization's point-of-sale system, purchases and denials of sale, confidentiality, and products and services to be offered. It will demonstrate compliance with this Act and rules.

(B) The operating plan shall include, at a minimum, best practices for day-to-day dispensary operation and staffing. The operating plan may also include information about employment practices, including information about the percentage of full-time employees who will be provided a living wage.

(C) The proposed floor plan is suitable for public access, the layout promotes safe dispensing of cannabis, is compliant with the Americans with Disabilities Act and the Environmental Barriers Act [410 ILCS 25/1 et seq.], and facilitates safe product handling and storage.

(4) Knowledge and Experience (30 points).

(A) The applicant's principal officers must demonstrate experience and qualifications in business management or experience with the cannabis industry. This includes ensuring optimal safety and accuracy in the dispensing and sale of cannabis.

(B) The applicant's principal officers must demonstrate knowledge of various cannabis product strains or varieties and describe the types and quantities of products planned to be sold. This includes confirmation of whether the dispensing organization plans to sell cannabis paraphernalia or edibles.

(C) Knowledge and experience may be demonstrated through experience in other comparable industries that reflect on the applicant's ability to operate a cannabis business establishment.

(5) Status as a Social Equity Applicant (50 points). The applicant meets the qualifications for a Social Equity Applicant as set forth in this Act.

(6) Labor and employment practices (5 points). The applicant may describe plans to provide a safe, healthy, and economically beneficial working environment for its agents, including, but not limited to, codes of conduct, health care benefits, educational benefits, retirement benefits, living wage standards, and entering a labor peace agreement with employees.

(7) Environmental Plan (5 points). The applicant may demonstrate an environmental plan of action to minimize the carbon footprint, environmental impact, and resource needs for the dispensary, which may include, without limitation, recycling cannabis product packaging.

(8) Illinois owner (5 points). The applicant is 51% or more owned and controlled by an Illinois resident, who can prove residency in each of the past 5 years with tax records or 2 of the following:

(A) a signed lease agreement that includes the applicant's name;

(B) a property deed that includes the applicant's name;

(C) school records;

(D) a voter registration card;

(E) an Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card;

(F) a paycheck stub;

(G) a utility bill; or

(H) any other proof of residency or other information necessary to establish residence as provided by rule.

(9) Status as veteran (5 points). The applicant is 51% or more controlled and owned by an individual or individuals who meet the qualifications of a veteran as defined by Section 45-57 of the Illinois Procurement Code [30 ILCS 500/45-57].

(10) A diversity plan (5 points). The plan includes a narrative of not more than 2,500 words that establishes a goal of diversity in ownership, management, employment, and contracting to ensure that diverse participants and groups are afforded equality of opportunity.

(d) The Department may also award up to 2 bonus points for a plan to engage with the community. The applicant may demonstrate a desire to engage with its community by participating in one or more of, but not limited to, the following actions: (i) establishment of an incubator program designed to increase participation in the cannabis industry by persons who would qualify as Social Equity Applicants; (ii) providing financial assistance to substance abuse treatment centers; (iii) educating children and teens about the potential harms of cannabis use; or (iv) other measures demonstrating a commitment to the applicant's community. Bonus points will only be awarded if the Department receives applications that receive an equal score for a particular region.

(e) The Department may verify information contained in each application and accompanying documentation to assess the applicant's veracity and fitness to operate a dispensing organization.

(f) The Department may, in its discretion, refuse to issue an authorization to any applicant:

(1) Who is unqualified to perform the duties required of the applicant;

(2) Who fails to disclose or states falsely any information called for in the application;

(3) Who has been found guilty of a violation of this Act, who has had any disciplinary order entered against it by the Department, who has entered into a disciplinary or nondisciplinary agreement with the Department, or whose medical cannabis dispensing organization, medical cannabis cultivation organization, or Early Approval Adult Use Dispensing Organization License, or Early Approval Adult Use Dispensing Organization License at a secondary site, or Early Approval Cultivation Center License was suspended, restricted, revoked, or denied for just cause, or the applicant's cannabis business establishment license was suspended, restricted, revoked, or denied in any other state; or

(4) Who has engaged in a pattern or practice of unfair or illegal practices, methods, or activities in the conduct of owning a cannabis business establishment or other business.

(g) The Department shall deny the license if any principal officer, board member, or person having a financial or voting interest of 5% or greater in the licensee is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

(h) The Department shall verify an applicant's compliance with the requirements of this Article and rules before issuing a dispensing organization license.

(i) Should the applicant be awarded a license, the information and plans provided in the application, including any plans submitted for bonus points, shall become a condition of the Conditional Adult Use Dispensing Organization Licenses and any Adult Use Dispensing Organization License issued to the holder of the Conditional Adult Use Dispensing Organization License, except as otherwise provided by this Act or rule. Dispensing organizations have a duty to disclose any material changes to the application. The Department shall review all material changes disclosed by the dispensing organization, and may re-evaluate its prior decision regarding the awarding of a license, including, but not limited to, suspending or permanently revoking a license. Failure to comply with the conditions or requirements in the application may subject the dispensing organization to discipline, up to and including suspension or permanent revocation of its authorization or license by the Department.

(j) If an applicant has not begun operating as a dispensing organization within one year of the issuance of the Conditional Adult Use Dispensing Organization License, the Department may permanently revoke the Conditional Adult Use Dispensing Organization License and award it to the next highest scoring applicant in the BLS Region if a suitable applicant indicates a continued interest in the license or begin a new selection process to award a Conditional Adult Use Dispensing Organization License.

(k) The Department shall deny an application if granting that application would result in a single person or entity having a direct or indirect financial interest in more than 10 Early Approval Adult Use Dispensing Organization Licenses, Conditional Adult Use Dispensing Organization Licenses, or Adult Use Dispensing Organization Licenses. Any entity that is awarded a license that results in a single person or entity having a direct or indirect financial interest in more than 10 licenses shall forfeit the most recently issued license and suffer a penalty to be determined by the Department, unless the entity declines the license at the time it is awarded.

HISTORY:

2019 P.A. 101-27, § 15-30, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021; 2021 P.A. 102-538, § 845, effective August 20, 2021; 2022 P.A. 102-813, § 540, effective May 13, 2022.

410 ILCS 705/15-30.20 Tied Applicant Lottery; additional requirements; timing.

(a) If awarding a license in a Tied Applicant Lottery would result in a Tied Applicant possessing more than 10 Early Approval Adult Use Dispensing Organization Licenses, Early Approval Adult Use Dispensing Organization Licenses at a secondary site, Conditional Adult Use Dispensing Organization Licenses, Adult Use Dispensing Organization Licenses, or any combination thereof, the Tied Applicant must choose which license to abandon pursuant to subsection (d) of Section 15-36 [410 ILCS 705/15-36] and notify the Department in writing within 5 business

days after the date that the Tied Applicant Lottery is conducted.

(b) The Department shall publish the certified results of a Tied Applicant Lottery within 2 business days after the Tied Applicant Lottery is conducted.

HISTORY:
2021 P.A. 102-98, § 10, effective July 15, 2021.

410 ILCS 705/15-35 Qualifying Applicant Lottery for Conditional Adult Use Dispensing Organization Licenses.

(a) In addition to any of the licenses issued under Section 15-15, Section 15-20, Section 15-25, Section 15-30.20, or Section 15-35.10 of this Act [410 ILCS 705/15-15, 410 ILCS 705/15-20, 410 ILCS 705/15-25, 410 ILCS 705/15-30.20, or 410 ILCS 705/15-35.10], within 10 business days after the resulting final scores for all scored applications pursuant to Sections 15-25 and 15-30 [410 ILCS 705/15-25 and 410 ILCS 705/15-30] are released, the Department shall issue up to 55 Conditional Adult Use Dispensing Organization Licenses by lot, pursuant to the application process adopted under this Section. In order to be eligible to be awarded a Conditional Adult Use Dispensing Organization License by lot under this Section, a Dispensary Applicant must be a Qualifying Applicant.

The licenses issued under this Section shall be awarded in each BLS Region in the following amounts:

(1) Bloomington: 1.
(2) Cape Girardeau: 1.
(3) Carbondale-Marion: 1.
(4) Champaign-Urbana: 1.
(5) Chicago-Naperville-Elgin: 36.
(6) Danville: 1.
(7) Davenport-Moline-Rock Island: 1.
(8) Decatur: 1.
(9) Kankakee: 1.
(10) Peoria: 2.
(11) Rockford: 1.
(12) St. Louis: 3.
(13) Springfield: 1.
(14) Northwest Illinois nonmetropolitan: 1.
(15) West Central Illinois nonmetropolitan: 1.
(16) East Central Illinois nonmetropolitan: 1.
(17) South Illinois nonmetropolitan: 1.

(a-5) Prior to issuing licenses under subsection (a), the Department may adopt rules through emergency rulemaking in accordance with subsection (kk) of Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45]. The General Assembly finds that the adoption of rules to regulate cannabis use is deemed an emergency and necessary for the public interest, safety, and welfare.

(b) The Department shall distribute the available licenses established under this Section subject to the following:

(1) The drawing by lot for all available licenses issued under this Section shall occur on the same day when practicable.

(2) Within each BLS Region, the first Qualifying Applicant drawn will have the first right to an available license. The second Qualifying Applicant drawn will have the second right to an available license. The same pattern will continue for each subsequent Qualifying Applicant drawn.

(3) The process for distributing available licenses under this Section shall be recorded by the Department in a format selected by the Department.

(4) A Dispensary Applicant is prohibited from becoming a Qualifying Applicant if a principal officer resigns after the resulting final scores for all scored applications pursuant to Sections 15-25 and 15-30 are released.

(5) No Qualifying Applicant may be awarded more than 2 Conditional Adult Use Dispensing Organization Licenses at the conclusion of a lottery conducted under this Section.

(6) No individual may be listed as a principal officer of more than 2 Conditional Adult Use Dispensing Organization Licenses awarded under this Section.

(7) If, upon being selected for an available license established under this Section, a Qualifying Applicant exceeds the limits under paragraph (5) or (6), the Qualifying Applicant must choose which license to abandon and notify the Department in writing within 5 business days. If the Qualifying Applicant does not notify the Department as required, the Department shall refuse to issue the Qualifying Applicant all available licenses established under this Section obtained by lot in all BLS Regions.

(8) If, upon being selected for an available license established under this Section, a Qualifying Applicant has a principal officer who is a principal officer in more than 10 Early Approval Adult Use Dispensing Organization Licenses, Conditional Adult Use Dispensing Organization Licenses, Adult Use Dispensing Organization Licenses, or any combination thereof, the licensees and the Qualifying Applicant listing that principal officer must choose which license to abandon pursuant to subsection (d) of Section 15-36 [410 ILCS 705/15-36] and notify the Department in writing within 5 business days. If the Qualifying Applicant or licensees do not notify the Department as required, the Department shall refuse to issue the Qualifying Applicant all available licenses established under this Section obtained by lot in all BLS Regions.

(9) All available licenses that have been abandoned under paragraph (7) or (8) shall be distributed to the next Qualifying Applicant drawn by lot.

Any and all rights conferred or obtained under this Section shall be limited to the provisions of this Section.

(c) An applicant who receives a Conditional Adult Use Dispensing Organization License under this Section has 180 days from the date it is awarded to

identify a physical location for the dispensing organization's retail storefront. The applicant shall provide evidence that the location is not within 1,500 feet of an existing dispensing organization, unless the applicant is a Social Equity Applicant or Social Equity Justice Involved Applicant located or seeking to locate within 1,500 feet of a dispensing organization licensed under Section 15-15 or Section 15-20. If an applicant is unable to find a suitable physical address in the opinion of the Department within 180 days from the issuance of the Conditional Adult Use Dispensing Organization License, the Department may extend the period for finding a physical address another 180 days if the Conditional Adult Use Dispensing Organization License holder demonstrates a concrete attempt to secure a location and a hardship. If the Department denies the extension or the Conditional Adult Use Dispensing Organization License holder is unable to find a location or become operational within 360 days of being awarded a Conditional Adult Use Dispensing Organization License under this Section, the Department shall rescind the Conditional Adult Use Dispensing Organization License and award it pursuant to subsection (b), provided the applicant receiving the Conditional Adult Use Dispensing Organization License: (i) confirms a continued interest in operating a dispensing organization; (ii) can provide evidence that the applicant continues to meet all requirements for holding a Conditional Adult Use Dispensing Organization License set forth in this Act; and (iii) has not otherwise become ineligible to be awarded a Conditional Adult Use Dispensing Organization License. If the new awardee is unable to accept the Conditional Adult Use Dispensing Organization License, the Department shall award the Conditional Adult Use Dispensing Organization License pursuant to subsection (b). The new awardee shall be subject to the same required deadlines as provided in this subsection.

(d) If, within 180 days of being awarded a Conditional Adult Use Dispensing Organization License, a dispensing organization is unable to find a location within the BLS Region in which it was awarded a Conditional Adult Use Dispensing Organization License because no jurisdiction within the BLS Region allows for the operation of an Adult Use Dispensing Organization, the Department may authorize the Conditional Adult Use Dispensing Organization License holder to transfer its Conditional Adult Use Dispensing Organization License to a BLS Region specified by the Department.

(e) A dispensing organization that is awarded a Conditional Adult Use Dispensing Organization License under this Section shall not purchase, possess, sell, or dispense cannabis or cannabis-infused products until the dispensing organization has received an Adult Use Dispensing Organization License issued by the Department pursuant to Section 15-36.

(f) The Department shall conduct a background check of the prospective dispensing organization agents in order to carry out this Article. The Illinois State Police shall charge the applicant a fee for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the record check. Each person applying as a dispensing organization agent shall submit a full set of fingerprints to the Illinois State Police for the purpose of obtaining a State and federal criminal records check. These fingerprints shall be checked against the fingerprint records now and hereafter, to the extent allowed by law, filed with the Illinois State Police and the Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall furnish, following positive identification, all Illinois conviction information to the Department.

(g) The Department may verify information contained in each application and accompanying documentation to assess the applicant's veracity and fitness to operate a dispensing organization.

(h) The Department may, in its discretion, refuse to issue authorization to an applicant who meets any of the following criteria:

(1) An applicant who is unqualified to perform the duties required of the applicant.

(2) An applicant who fails to disclose or states falsely any information called for in the application.

(3) An applicant who has been found guilty of a violation of this Act, who has had any disciplinary order entered against the applicant by the Department, who has entered into a disciplinary or nondisciplinary agreement with the Department, whose medical cannabis dispensing organization, medical cannabis cultivation organization, Early Approval Adult Use Dispensing Organization License, Early Approval Adult Use Dispensing Organization License at a secondary site, Early Approval Cultivation Center License, Conditional Adult Use Dispensing Organization License, or Adult Use Dispensing Organization License was suspended, restricted, revoked, or denied for just cause, or whose cannabis business establishment license was suspended, restricted, revoked, or denied in any other state.

(4) An applicant who has engaged in a pattern or practice of unfair or illegal practices, methods, or activities in the conduct of owning a cannabis business establishment or other business.

(i) The Department shall deny issuance of a license under this Section if any principal officer, board member, or person having a financial or voting interest of 5% or greater in the licensee is delinquent in filing any required tax return or paying any amount owed to the State of Illinois.

(j) The Department shall verify an applicant's compliance with the requirements of this Article and rules adopted under this Article before issuing a Conditional Adult Use Dispensing Organization License under this Section.

(k) If an applicant is awarded a Conditional Adult Use Dispensing Organization License under this

Section, the information and plans provided in the application, including any plans submitted for bonus points, shall become a condition of the Conditional Adult Use Dispensing Organization License and any Adult Use Dispensing Organization License issued to the holder of the Conditional Adult Use Dispensing Organization License, except as otherwise provided by this Act or by rule. A dispensing organization has a duty to disclose any material changes to the application. The Department shall review all material changes disclosed by the dispensing organization and may reevaluate its prior decision regarding the awarding of a Conditional Adult Use Dispensing Organization License, including, but not limited to, suspending or permanently revoking a Conditional Adult Use Dispensing Organization License. Failure to comply with the conditions or requirements in the application may subject the dispensing organization to discipline up to and including suspension or permanent revocation of its authorization or Conditional Adult Use Dispensing Organization License by the Department.

(*l*) If an applicant has not begun operating as a dispensing organization within one year after the issuance of the Conditional Adult Use Dispensing Organization License under this Section, the Department may permanently revoke the Conditional Adult Use Dispensing Organization License and award it to the next highest scoring applicant in the BLS Region if a suitable applicant indicates a continued interest in the Conditional Adult Use Dispensing Organization License or may begin a new selection process to award a Conditional Adult Use Dispensing Organization License.

HISTORY:

2019 P.A. 101-27, § 15-35, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021.

410 ILCS 705/15-35.10 Social Equity Justice Involved Lottery for Conditional Adult Use Dispensing Organization Licenses.

(a) In addition to any of the licenses issued under Section 15-15 [410 ILCS 705/15-15], Section 15-20 [410 ILCS 705/15-20], Section 15-25 [410 ILCS 705/15-25], Section 15-30.20 [410 ILCS 705/15-30.20], or Section 15-35 [410 ILCS 705/15-35], within 10 business days after the resulting final scores for all scored applications pursuant to Sections 15-25 and 15-30 [410 ILCS 705/15-30] are released, the Department shall issue up to 55 Conditional Adult Use Dispensing Organization Licenses by lot, pursuant to the application process adopted under this Section. In order to be eligible to be awarded a Conditional Adult Use Dispensing Organization License by lot, a Dispensary Applicant must be a Qualifying Social Equity Justice Involved Applicant.

The licenses issued under this Section shall be awarded in each BLS Region in the following amounts:

(1) Bloomington: 1.
(2) Cape Girardeau: 1.
(3) Carbondale-Marion: 1.
(4) Champaign-Urbana: 1.
(5) Chicago-Naperville-Elgin: 36.
(6) Danville: 1.
(7) Davenport-Moline-Rock Island: 1.
(8) Decatur: 1.
(9) Kankakee: 1.
(10) Peoria: 2.
(11) Rockford: 1.
(12) St. Louis: 3.
(13) Springfield: 1.
(14) Northwest Illinois nonmetropolitan: 1.
(15) West Central Illinois nonmetropolitan: 1.
(16) East Central Illinois nonmetropolitan: 1.
(17) South Illinois nonmetropolitan: 1.

(a-5) Prior to issuing licenses under subsection (a), the Department may adopt rules through emergency rulemaking in accordance with subsection (kk) of Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45]. The General Assembly finds that the adoption of rules to regulate cannabis use is deemed an emergency and necessary for the public interest, safety, and welfare.

(b) The Department shall distribute the available licenses established under this Section subject to the following:

(1) The drawing by lot for all available licenses established under this Section shall occur on the same day when practicable.

(2) Within each BLS Region, the first Qualifying Social Equity Justice Involved Applicant drawn will have the first right to an available license. The second Qualifying Social Equity Justice Involved Applicant drawn will have the second right to an available license. The same pattern will continue for each subsequent applicant drawn.

(3) The process for distributing available licenses under this Section shall be recorded by the Department in a format selected by the Department.

(4) A Dispensary Applicant is prohibited from becoming a Qualifying Social Equity Justice Involved Applicant if a principal officer resigns after the resulting final scores for all scored applications pursuant to Sections 15-25 and 15-30 are released.

(5) No Qualifying Social Equity Justice Involved Applicant may be awarded more than 2 Conditional Adult Use Dispensing Organization Licenses at the conclusion of a lottery conducted under this Section.

(6) No individual may be listed as a principal officer of more than 2 Conditional Adult Use Dispensing Organization Licenses awarded under this Section.

(7) If, upon being selected for an available license established under this Section, a Qualifying Social Equity Justice Involved Applicant exceeds the limits under paragraph (5) or (6), the Qualifying Social Equity Justice Involved Applicant must

choose which license to abandon and notify the Department in writing within 5 business days on forms prescribed by the Department. If the Qualifying Social Equity Justice Involved Applicant does not notify the Department as required, the Department shall refuse to issue the Qualifying Social Equity Justice Involved Applicant all available licenses established under this Section obtained by lot in all BLS Regions.

(8) If, upon being selected for an available license established under this Section, a Qualifying Social Equity Justice Involved Applicant has a principal officer who is a principal officer in more than 10 Early Approval Adult Use Dispensing Organization Licenses, Conditional Adult Use Dispensing Organization Licenses, Adult Use Dispensing Organization Licenses, or any combination thereof, the licensees and the Qualifying Social Equity Justice Involved Applicant listing that principal officer must choose which license to abandon pursuant to subsection (d) of Section 15-36 [410 ILCS 705/15-36] and notify the Department in writing within 5 business days on forms prescribed by the Department. If the Dispensary Applicant or licensees do not notify the Department as required, the Department shall refuse to issue the Qualifying Social Equity Justice Involved Applicant all available licenses established under this Section obtained by lot in all BLS Regions.

(9) All available licenses that have been abandoned under paragraph (7) or (8) shall be distributed to the next Qualifying Social Equity Justice Involved Applicant drawn by lot.

Any and all rights conferred or obtained under this subsection shall be limited to the provisions of this subsection.

(c) An applicant who receives a Conditional Adult Use Dispensing Organization License under this Section has 180 days from the date of the award to identify a physical location for the dispensing organization's retail storefront. The applicant shall provide evidence that the location is not within 1,500 feet of an existing dispensing organization, unless the applicant is a Social Equity Applicant or Social Equity Justice Involved Applicant located or seeking to locate within 1,500 feet of a dispensing organization licensed under Section 15-15 or Section 15-20. If an applicant is unable to find a suitable physical address in the opinion of the Department within 180 days from the issuance of the Conditional Adult Use Dispensing Organization License, the Department may extend the period for finding a physical address another 180 days if the Conditional Adult Use Dispensing Organization License holder demonstrates a concrete attempt to secure a location and a hardship. If the Department denies the extension or the Conditional Adult Use Dispensing Organization License holder is unable to find a location or become operational within 360 days of being awarded a Conditional Adult Use Dispensing Organization License under this Section, the Department shall rescind the Conditional Adult Use Dispensing Organization License and award it pursuant to subsection (b) and notify the new awardee at the email address provided in the awardee's application, provided the applicant receiving the Conditional Adult Use Dispensing Organization License: (i) confirms a continued interest in operating a dispensing organization; (ii) can provide evidence that the applicant continues to meet all requirements for holding a Conditional Adult Use Dispensing Organization License set forth in this Act; and (iii) has not otherwise become ineligible to be awarded a Conditional Adult Use Dispensing Organization License. If the new awardee is unable to accept the Conditional Adult Use Dispensing Organization License, the Department shall award the Conditional Adult Use Dispensing Organization License pursuant to subsection (b). The new awardee shall be subject to the same required deadlines as provided in this subsection.

(d) If, within 180 days of being awarded a Conditional Adult Use Dispensing Organization License, a dispensing organization is unable to find a location within the BLS Region in which it was awarded a Conditional Adult Use Dispensing Organization License under this Section because no jurisdiction within the BLS Region allows for the operation of an Adult Use Dispensing Organization, the Department may authorize the Conditional Adult Use Dispensing Organization License holder to transfer its Conditional Adult Use Dispensing Organization License to a BLS Region specified by the Department.

(e) A dispensing organization that is awarded a Conditional Adult Use Dispensing Organization License under this Section shall not purchase, possess, sell, or dispense cannabis or cannabis-infused products until the dispensing organization has received an Adult Use Dispensing Organization License issued by the Department pursuant to Section 15-36.

(f) The Department shall conduct a background check of the prospective dispensing organization agents in order to carry out this Article. The Illinois State Police shall charge the applicant a fee for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the record check. Each person applying as a dispensing organization agent shall submit a full set of fingerprints to the Illinois State Police for the purpose of obtaining a State and federal criminal records check. These fingerprints shall be checked against the fingerprint records now and hereafter, to the extent allowed by law, filed with the Illinois State Police and the Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall furnish, following positive identification, all Illinois conviction information to the Department.

(g) The Department may verify information contained in each application and accompanying documentation to assess the applicant's veracity and fitness to operate a dispensing organization.

(h) The Department may, in its discretion, refuse to issue an authorization to an applicant who meets any of the following criteria:

(1) An applicant who is unqualified to perform the duties required of the applicant.

(2) An applicant who fails to disclose or states falsely any information called for in the application.

(3) An applicant who has been found guilty of a violation of this Act, who has had any disciplinary order entered against the applicant by the Department, who has entered into a disciplinary or non-disciplinary agreement with the Department, whose medical cannabis dispensing organization, medical cannabis cultivation organization, Early Approval Adult Use Dispensing Organization License, Early Approval Adult Use Dispensing Organization License at a secondary site, Early Approval Cultivation Center License, Conditional Adult Use Dispensing Organization License, or Adult Use Dispensing Organization License was suspended, restricted, revoked, or denied for just cause, or whose cannabis business establishment license was suspended, restricted, revoked, or denied in any other state.

(4) An applicant who has engaged in a pattern or practice of unfair or illegal practices, methods, or activities in the conduct of owning a cannabis business establishment or other business.

(i) The Department shall deny the license if any principal officer, board member, or person having a financial or voting interest of 5% or greater in the licensee is delinquent in filing any required tax return or paying any amount owed to the State of Illinois.

(j) The Department shall verify an applicant's compliance with the requirements of this Article and rules adopted under this Article before issuing a Conditional Adult Use Dispensing Organization License.

(k) If an applicant is awarded a Conditional Adult Use Dispensing Organization License under this Section, the information and plans provided in the application, including any plans submitted for bonus points, shall become a condition of the Conditional Adult Use Dispensing Organization License and any Adult Use Dispensing Organization License issued to the holder of the Conditional Adult Use Dispensing Organization License, except as otherwise provided by this Act or by rule. Dispensing organizations have a duty to disclose any material changes to the application. The Department shall review all material changes disclosed by the dispensing organization and may reevaluate its prior decision regarding the awarding of a Conditional Adult Use Dispensing Organization License, including, but not limited to, suspending or permanently revoking a Conditional Adult Use Dispensing Organization License. Failure to comply with the conditions or requirements in the application may subject the dispensing organization to discipline up to and including suspension or permanent revocation of its authorization or Conditional Adult Use Dispensing Organization License by the Department.

(*l*) If an applicant has not begun operating as a dispensing organization within one year after the issuance of the Conditional Adult Use Dispensing Organization License under this Section, the Department may permanently revoke the Conditional Adult Use Dispensing Organization License and award it to the next highest scoring applicant in the BLS Region if a suitable applicant indicates a continued interest in the Conditional Adult Use Dispensing Organization License or may begin a new selection process to award a Conditional Adult Use Dispensing Organization License.

HISTORY:

2021 P.A. 102-98, § 10, effective July 15, 2021.

410 ILCS 705/15-35.20 Conditional Adult Use Dispensing Organization Licenses on or after January 1, 2022.

(a) In addition to any of the licenses issued under Section 15-15 [410 ILCS 705/15-15], Section 15-20 [410 ILCS 705/15-20], Section 15-25 [410 ILCS 705/15-25], Section 15-35 [410 ILCS 705/15-35], or Section 15-35.10 [410 ILCS 705/15-35.10], by January 1, 2022, the Department may publish an application to issue additional Conditional Adult Use Dispensing Organization Licenses, pursuant to the application process adopted under this Section. The Department may adopt rules to issue any Conditional Adult Use Dispensing Organization Licenses under this Section. Such rules may:

(1) Modify or change the BLS Regions as they apply to this Article or modify or raise the number of Adult Conditional Use Dispensing Organization Licenses assigned to each BLS Region based on the following factors:

(A) Purchaser wait times.

(B) Travel time to the nearest dispensary for potential purchasers.

(C) Percentage of cannabis sales occurring in Illinois not in the regulated market using data from the Substance Abuse and Mental Health Services Administration, National Survey on Drug Use and Health, Illinois Behavioral Risk Factor Surveillance System, and tourism data from the Illinois Office of Tourism to ascertain total cannabis consumption in Illinois compared to the amount of sales in licensed dispensing organizations.

(D) Whether there is an adequate supply of cannabis and cannabis-infused products to serve registered medical cannabis patients.

(E) Population increases or shifts.

(F) Density of dispensing organizations in a region.

(G) The Department's capacity to appropriately regulate additional licenses.

(H) The findings and recommendations from the disparity and availability study commissioned by the Illinois Cannabis Regulation Oversight Officer in subsection (e) of Section 5-45 [410

ILCS 705/15-45]to reduce or eliminate any identified barriers to entry in the cannabis industry.

(I) Any other criteria the Department deems relevant.

(2) Modify or change the licensing application process to reduce or eliminate the barriers identified in the disparity and availability study commissioned by the Illinois Cannabis Regulation Oversight Officer and make modifications to remedy evidence of discrimination.

(b) At no time shall the Department issue more than 500 Adult Use Dispensing Organization Licenses.

(c) The Department shall issue at least 50 additional Conditional Adult Use Dispensing Organization Licenses on or before December 21, 2022.

HISTORY:
2021 P.A. 102-98, § 10, effective July 15, 2021.

410 ILCS 705/15-36 Adult Use Dispensing Organization License.

(a) A person is only eligible to receive an Adult Use Dispensing Organization if the person has been awarded a Conditional Adult Use Dispensing Organization License pursuant to this Act or has renewed its license pursuant to subsection (k) of Section 15-15 [410 ILCS 705/15-15] or subsection (p) of Section 15-20 [410 ILCS 705/15-20].

(b) The Department shall not issue an Adult Use Dispensing Organization License until:

(1) the Department has inspected the dispensary site and proposed operations and verified that they are in compliance with this Act and local zoning laws;

(2) the Conditional Adult Use Dispensing Organization License holder has paid a license fee of $60,000 or a prorated amount accounting for the difference of time between when the Adult Use Dispensing Organization License is issued and March 31 of the next even-numbered year; and

(3) the Conditional Adult Use Dispensing Organization License holder has met all the requirements in this Act and rules.

(c) No person or entity shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, of more than 10 dispensing organizations licensed under this Article. Further, no person or entity that is:

(1) employed by, is an agent of, or participates in the management of a dispensing organization or registered medical cannabis dispensing organization;

(2) a principal officer of a dispensing organization or registered medical cannabis dispensing organization; or

(3) an entity controlled by or affiliated with a principal officer of a dispensing organization or registered medical cannabis dispensing organization;

shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, in a dispensing organization that would result in such person or entity owning or participating in the management of more than 10 Early Approval Adult Use Dispensing Organization Licenses, Early Approval Adult Use Dispensing Organization Licenses at a secondary site, Conditional Adult Use Dispensing Organization Licenses, or Adult Use Dispensing Organization Licenses. For the purpose of this subsection, participating in management may include, without limitation, controlling decisions regarding staffing, pricing, purchasing, marketing, store design, hiring, and website design.

(d) The Department shall deny an application if granting that application would result in a person or entity obtaining direct or indirect financial interest in more than 10 Early Approval Adult Use Dispensing Organization Licenses, Conditional Adult Use Dispensing Organization Licenses, Adult Use Dispensing Organization Licenses, or any combination thereof. If a person or entity is awarded a Conditional Adult Use Dispensing Organization License that would cause the person or entity to be in violation of this subsection, he, she, or it shall choose which license application it wants to abandon and such licenses shall become available to the next qualified applicant in the region in which the abandoned license was awarded.

HISTORY:
2019 P.A. 101-27, § 15-36, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/15-40 Dispensing organization agent identification card; agent training.

(a) The Department shall:

(1) verify the information contained in an application or renewal for a dispensing organization agent identification card submitted under this Article, and approve or deny an application or renewal, within 30 days of receiving a completed application or renewal application and all supporting documentation required by rule;

(2) issue a dispensing organization agent identification card to a qualifying agent within 15 business days of approving the application or renewal;

(3) enter the registry identification number of the dispensing organization where the agent works;

(4) within one year from the effective date of this Act, allow for an electronic application process and provide a confirmation by electronic or other methods that an application has been submitted; and

(5) collect a $100 nonrefundable fee from the applicant to be deposited into the Cannabis Regulation Fund.

(b) A dispensing organization agent must keep his or her identification card visible at all times when in the dispensary.

(c) The dispensing organization agent identification cards shall contain the following:

(1) the name of the cardholder;

(2) the date of issuance and expiration date of the dispensing organization agent identification cards;

(3) a random 10-digit alphanumeric identification number containing at least 4 numbers and at least 4 letters that is unique to the cardholder; and

(4) a photograph of the cardholder.

(d) The dispensing organization agent identification cards shall be immediately returned to the dispensing organization upon termination of employment.

(e) The Department shall not issue an agent identification card if the applicant is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

(f) Any card lost by a dispensing organization agent shall be reported to the Illinois State Police and the Department immediately upon discovery of the loss.

(g) An applicant shall be denied a dispensing organization agent identification card renewal if he or she fails to complete the training provided for in this Section.

(h) A dispensing organization agent shall only be required to hold one card for the same employer regardless of what type of dispensing organization license the employer holds.

(i) Cannabis retail sales training requirements.

(1) Within 90 days of September 1, 2019, or 90 days of employment, whichever is later, all owners, managers, employees, and agents involved in the handling or sale of cannabis or cannabis-infused product employed by an adult use dispensing organization or medical cannabis dispensing organization as defined in Section 10 of the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/10] shall attend and successfully complete a Responsible Vendor Program.

(2) Each owner, manager, employee, and agent of an adult use dispensing organization or medical cannabis dispensing organization shall successfully complete the program annually.

(3) Responsible Vendor Program Training modules shall include at least 2 hours of instruction time approved by the Department including:

(i) Health and safety concerns of cannabis use, including the responsible use of cannabis, its physical effects, onset of physiological effects, recognizing signs of impairment, and appropriate responses in the event of overconsumption.

(ii) Training on laws and regulations on driving while under the influence and operating a watercraft or snowmobile while under the influence.

(iii) Sales to minors prohibition. Training shall cover all relevant Illinois laws and rules.

(iv) Quantity limitations on sales to purchasers. Training shall cover all relevant Illinois laws and rules.

(v) Acceptable forms of identification. Training shall include:

(I) How to check identification; and

(II) Common mistakes made in verification;

(vi) Safe storage of cannabis;

(vii) Compliance with all inventory tracking system regulations;

(viii) Waste handling, management, and disposal;

(ix) Health and safety standards;

(x) Maintenance of records;

(xi) Security and surveillance requirements;

(xii) Permitting inspections by State and local licensing and enforcement authorities;

(xiii) Privacy issues;

(xiv) Packaging and labeling requirement for sales to purchasers; and

(xv) Other areas as determined by rule.

(j) Blank.

(k) Upon the successful completion of the Responsible Vendor Program, the provider shall deliver proof of completion either through mail or electronic communication to the dispensing organization, which shall retain a copy of the certificate.

(*l*) The license of a dispensing organization or medical cannabis dispensing organization whose owners, managers, employees, or agents fail to comply with this Section may be suspended or permanently revoked under Section 15-145 [410 ILCS 705/15-145] or may face other disciplinary action.

(m) The regulation of dispensing organization and medical cannabis dispensing employer and employee training is an exclusive function of the State, and regulation by a unit of local government, including a home rule unit, is prohibited. This subsection (m) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(n) Persons seeking Department approval to offer the training required by paragraph (3) of subsection (i) may apply for such approval between August 1 and August 15 of each odd-numbered year in a manner prescribed by the Department.

(o) Persons seeking Department approval to offer the training required by paragraph (3) of subsection (i) shall submit a nonrefundable application fee of $2,000 to be deposited into the Cannabis Regulation Fund or a fee as may be set by rule. Any changes made to the training module shall be approved by the Department.

(p) The Department shall not unreasonably deny approval of a training module that meets all the requirements of paragraph (3) of subsection (i). A denial of approval shall include a detailed description of the reasons for the denial.

(q) Any person approved to provide the training required by paragraph (3) of subsection (i) shall submit an application for re-approval between August 1 and August 15 of each odd-numbered year and include a nonrefundable application fee of $2,000 to be deposited into the Cannabis Regulation Fund or a fee as may be set by rule.

(r) All persons applying to become or renewing their registrations to be agents, including agents-in-charge and principal officers, shall disclose any disciplinary action taken against them that may have occurred in Illinois, another state, or another country in relation to their employment at a cannabis business establishment or at any cannabis cultivation center, processor, infuser, dispensary, or other cannabis business establishment.

(s) An agent applicant may begin employment at a dispensing organization while the agent applicant's identification card application is pending. Upon approval, the Department shall issue the agent's identification card to the agent. If denied, the dispensing organization and the agent applicant shall be notified and the agent applicant must cease all activity at the dispensing organization immediately.

HISTORY:

2019 P.A. 101-27, § 15-40, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021; 2021 P.A. 102-538, § 845, effective August 20, 2021; 2022 P.A. 102-813, § 540, effective May 13, 2022.

410 ILCS 705/15-45 Renewal.

(a) Adult Use Dispensing Organization Licenses shall expire on March 31 of even-numbered years.

(b) Agent identification cards shall expire one year from the date they are issued.

(c) Licensees and dispensing agents shall submit a renewal application as provided by the Department and pay the required renewal fee. The Department shall require an agent, employee, contracting, and subcontracting diversity report and an environmental impact report with its renewal application. No license or agent identification card shall be renewed if it is currently under revocation or suspension for violation of this Article or any rules that may be adopted under this Article or the licensee, principal officer, board member, person having a financial or voting interest of 5% or greater in the licensee, or agent is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

(d) Renewal fees are:

(1) For a dispensing organization, $60,000, to be deposited into the Cannabis Regulation Fund.

(2) For an agent identification card, $100, to be deposited into the Cannabis Regulation Fund.

(e) If a dispensing organization fails to renew its license before expiration, the dispensing organization shall cease operations until the license is renewed.

(f) If a dispensing organization agent fails to renew his or her registration before its expiration, he or she shall cease to perform duties authorized by this Article at a dispensing organization until his or her registration is renewed.

(g) Any dispensing organization that continues to operate or dispensing agent that continues to perform duties authorized by this Article at a dispensing organization that fails to renew its license is subject to penalty as provided in this Article, or any rules that may be adopted pursuant to this Article.

(h) The Department shall not renew a license if the applicant is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois. The Department shall not renew a dispensing agent identification card if the applicant is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

HISTORY:

2019 P.A. 101-27, § 15-45, effective June 25, 2019.

410 ILCS 705/15-50 Disclosure of ownership and control.

(a) Each dispensing organization applicant and licensee shall file and maintain a Table of Organization, Ownership and Control with the Department. The Table of Organization, Ownership and Control shall contain the information required by this Section in sufficient detail to identify all owners, directors, and principal officers, and the title of each principal officer or business entity that, through direct or indirect means, manages, owns, or controls the applicant or licensee.

(b) The Table of Organization, Ownership and Control shall identify the following information:

(1) The management structure, ownership, and control of the applicant or license holder including the name of each principal officer or business entity, the office or position held, and the percentage ownership interest, if any. If the business entity has a parent company, the name of each owner, board member, and officer of the parent company and his or her percentage ownership interest in the parent company and the dispensing organization.

(2) If the applicant or licensee is a business entity with publicly traded stock, the identification of ownership shall be provided as required in subsection (c).

(c) If a business entity identified in subsection (b) is a publicly traded company, the following information shall be provided in the Table of Organization, Ownership and Control:

(1) The name and percentage of ownership interest of each individual or business entity with ownership of more than 5% of the voting shares of the entity, to the extent such information is known or contained in 13D or 13G Securities and Exchange Commission filings.

(2) To the extent known, the names and percentage of interest of ownership of persons who are relatives of one another and who together exercise control over or own more than 10% of the voting shares of the entity.

(d) A dispensing organization with a parent company or companies, or partially owned or controlled by another entity must disclose to the Department the relationship and all owners, board members, officers, or individuals with control or management of

those entities. A dispensing organization shall not shield its ownership or control from the Department.

(e) All principal officers must submit a complete online application with the Department within 14 days of the dispensing organization being licensed by the Department or within 14 days of Department notice of approval as a new principal officer.

(f) A principal officer may not allow his or her registration to expire.

(g) A dispensing organization separating with a principal officer must do so under this Act. The principal officer must communicate the separation to the Department within 5 business days.

(h) A principal officer not in compliance with the requirements of this Act shall be removed from his or her position with the dispensing organization or shall otherwise terminate his or her affiliation. Failure to do so may subject the dispensing organization to discipline, suspension, or revocation of its license by the Department.

(i) It is the responsibility of the dispensing organization and its principal officers to promptly notify the Department of any change of the principal place of business address, hours of operation, change in ownership or control, or a change of the dispensing organization's primary or secondary contact information. Any changes must be made to the Department in writing.

HISTORY:
2019 P.A. 101-27, § 15-50, effective June 25, 2019.

410 ILCS 705/15-55 Financial responsibility.

Evidence of financial responsibility is a requirement for the issuance, maintenance, or reactivation of a license under this Article. Evidence of financial responsibility shall be used to guarantee that the dispensing organization timely and successfully completes dispensary construction, operates in a manner that provides an uninterrupted supply of cannabis, faithfully pays registration renewal fees, keeps accurate books and records, makes regularly required reports, complies with State tax requirements, and conducts the dispensing organization in conformity with this Act and rules. Evidence of financial responsibility shall be provided by one of the following:

(1) Establishing and maintaining an escrow or surety account in a financial institution in the amount of $50,000, with escrow terms, approved by the Department, that it shall be payable to the Department in the event of circumstances outlined in this Act and rules.

(A) A financial institution may not return money in an escrow or surety account to the dispensing organization that established the account or a representative of the organization unless the organization or representative presents a statement issued by the Department indicating that the account may be released.

(B) The escrow or surety account shall not be canceled on less than 30 days' notice in writing to the Department, unless otherwise approved by the Department. If an escrow or surety account is canceled and the registrant fails to secure a new account with the required amount on or before the effective date of cancellation, the registrant's registration may be permanently revoked. The total and aggregate liability of the surety on the bond is limited to the amount specified in the escrow or surety account.

(2) Providing a surety bond in the amount of $50,000, naming the dispensing organization as principal of the bond, with terms, approved by the Department, that the bond defaults to the Department in the event of circumstances outlined in this Act and rules. Bond terms shall include:

(A) The business name and registration number on the bond must correspond exactly with the business name and registration number in the Department's records.

(B) The bond must be written on a form approved by the Department.

(C) A copy of the bond must be received by the Department within 90 days after the effective date.

(D) The bond shall not be canceled by a surety on less than 30 days' notice in writing to the Department. If a bond is canceled and the registrant fails to file a new bond with the Department in the required amount on or before the effective date of cancellation, the registrant's registration may be permanently revoked. The total and aggregate liability of the surety on the bond is limited to the amount specified in the bond.

HISTORY:
2019 P.A. 101-27, § 15-55, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/15-60 Changes to a dispensing organization.

(a) A license shall be issued to the specific dispensing organization identified on the application and for the specific location proposed. The license is valid only as designated on the license and for the location for which it is issued.

(b) A dispensing organization may only add principal officers after being approved by the Department.

(c) A dispensing organization shall provide written notice of the removal of a principal officer within 5 business days after removal. The notice shall include the written agreement of the principal officer being removed, unless otherwise approved by the Department, and allocation of ownership shares after removal in an updated ownership chart.

(d) A dispensing organization shall provide a written request to the Department for the addition of principal officers. A dispensing organization shall submit proposed principal officer applications on forms approved by the Department.

(e) All proposed new principal officers shall be subject to the requirements of this Act, this Article, and any rules that may be adopted pursuant to this Act.

(f) The Department may prohibit the addition of a principal officer to a dispensing organization for failure to comply with this Act, this Article, and any rules that may be adopted pursuant to this Act.

(g) A dispensing organization may not assign a license.

(h) A dispensing organization may not transfer a license without prior Department approval. Such approval may be withheld if the person to whom the license is being transferred does not commit to the same or a similar community engagement plan provided as part of the dispensing organization's application under paragraph (18) of subsection (d) of Section 15-25 [410 ILCS 705/15-25], and such transferee's license shall be conditional upon that commitment.

(i) With the addition or removal of principal officers, the Department will review the ownership structure to determine whether the change in ownership has had the effect of a transfer of the license. The dispensing organization shall supply all ownership documents requested by the Department.

(j) A dispensing organization may apply to the Department to approve a sale of the dispensing organization. A request to sell the dispensing organization must be on application forms provided by the Department. A request for an approval to sell a dispensing organization must comply with the following:

(1) New application materials shall comply with this Act and any rules that may be adopted pursuant to this Act;

(2) Application materials shall include a change of ownership fee of $5,000 to be deposited into the Cannabis Regulation Fund;

(3) The application materials shall provide proof that the transfer of ownership will not have the effect of granting any of the owners or principal officers direct or indirect ownership or control of more than 10 adult use dispensing organization licenses;

(4) New principal officers shall each complete the proposed new principal officer application;

(5) If the Department approves the application materials and proposed new principal officer applications, it will perform an inspection before approving the sale and issuing the dispensing organization license;

(6) If a new license is approved, the Department will issue a new license number and certificate to the new dispensing organization.

(k) The dispensing organization shall provide the Department with the personal information for all new dispensing organizations agents as required in this Article and all new dispensing organization agents shall be subject to the requirements of this Article. A dispensing organization agent must obtain an agent identification card from the Department before beginning work at a dispensary.

(*l*) Before remodeling, expansion, reduction, or other physical, noncosmetic alteration of a dispensary, the dispensing organization must notify the Department and confirm the alterations are in compliance with this Act and any rules that may be adopted pursuant to this Act.

HISTORY:

2019 P.A. 101-27, § 15-60, effective June 25, 2019.

410 ILCS 705/15-65 Administration.

(a) A dispensing organization shall establish, maintain, and comply with written policies and procedures as submitted in the Business, Financial and Operating plan as required in this Article or by rules established by the Department, and approved by the Department, for the security, storage, inventory, and distribution of cannabis. These policies and procedures shall include methods for identifying, recording, and reporting diversion, theft, or loss, and for correcting errors and inaccuracies in inventories. At a minimum, dispensing organizations shall ensure the written policies and procedures provide for the following:

(1) Mandatory and voluntary recalls of cannabis products. The policies shall be adequate to deal with recalls due to any action initiated at the request of the Department and any voluntary action by the dispensing organization to remove defective or potentially defective cannabis from the market or any action undertaken to promote public health and safety, including:

(i) A mechanism reasonably calculated to contact purchasers who have, or likely have, obtained the product from the dispensary, including information on the policy for return of the recalled product;

(ii) A mechanism to identify and contact the adult use cultivation center, craft grower, or infuser that manufactured the cannabis;

(iii) Policies for communicating with the Department, the Department of Agriculture, and the Department of Public Health within 24 hours of discovering defective or potentially defective cannabis; and

(iv) Policies for destruction of any recalled cannabis product;

(2) Responses to local, State, or national emergencies, including natural disasters, that affect the security or operation of a dispensary;

(3) Segregation and destruction of outdated, damaged, deteriorated, misbranded, or adulterated cannabis. This procedure shall provide for written documentation of the cannabis disposition;

(4) Ensure the oldest stock of a cannabis product is distributed first. The procedure may permit deviation from this requirement, if such deviation is temporary and appropriate;

(5) Training of dispensing organization agents in the provisions of this Act and rules, to effectively operate the point-of-sale system and the State's verification system, proper inventory handling and tracking, specific uses of cannabis or cannabis-infused products, instruction regarding regulatory inspection preparedness and law enforcement interaction, awareness of the legal requirements for maintaining status as an agent, and other topics as specified by the dispensing organization or the Department. The dispensing organization shall maintain evidence of all training provided to each agent in its files that is subject to inspection and audit by the Department. The dispensing organization shall ensure agents receive a minimum of 8 hours of training subject to the requirements in subsection (i) of Section 15-40 [410 ILCS 705/15-40] annually, unless otherwise approved by the Department;

(6) Maintenance of business records consistent with industry standards, including bylaws, consents, manual or computerized records of assets and liabilities, audits, monetary transactions, journals, ledgers, and supporting documents, including agreements, checks, invoices, receipts, and vouchers. Records shall be maintained in a manner consistent with this Act and shall be retained for 5 years;

(7) Inventory control, including:

(i) Tracking purchases and denials of sale;

(ii) Disposal of unusable or damaged cannabis as required by this Act and rules; and

(8) Purchaser education and support, including:

(i) Whether possession of cannabis is illegal under federal law;

(ii) Current educational information issued by the Department of Public Health about the health risks associated with the use or abuse of cannabis;

(iii) Information about possible side effects;

(iv) Prohibition on smoking cannabis in public places; and

(v) Offering any other appropriate purchaser education or support materials.

(b) Blank.

(c) A dispensing organization shall maintain copies of the policies and procedures on the dispensary premises and provide copies to the Department upon request. The dispensing organization shall review the dispensing organization policies and procedures at least once every 12 months from the issue date of the license and update as needed due to changes in industry standards or as requested by the Department.

(d) A dispensing organization shall ensure that each principal officer and each dispensing organization agent has a current agent identification card in the agent's immediate possession when the agent is at the dispensary.

(e) A dispensing organization shall provide prompt written notice to the Department, including the date of the event, when a dispensing organization agent no longer is employed by the dispensing organization.

(f) A dispensing organization shall promptly document and report any loss or theft of cannabis from the dispensary to the Illinois State Police and the Department. It is the duty of any dispensing organization agent who becomes aware of the loss or theft to report it as provided in this Article.

(g) A dispensing organization shall post the following information in a conspicuous location in an area of the dispensary accessible to consumers:

(1) The dispensing organization's license;

(2) The hours of operation.

(h) Signage that shall be posted inside the premises.

(1) All dispensing organizations must display a placard that states the following: "Cannabis consumption can impair cognition and driving, is for adult use only, may be habit forming, and should not be used by pregnant or breastfeeding women.".

(2) Any dispensing organization that sells edible cannabis-infused products must display a placard that states the following:

(A) "Edible cannabis-infused products were produced in a kitchen that may also process common food allergens."; and

(B) "The effects of cannabis products can vary from person to person, and it can take as long as two hours to feel the effects of some cannabis-infused products. Carefully review the portion size information and warnings contained on the product packaging before consuming.".

(3) All of the required signage in this subsection (h) shall be no smaller than 24 inches tall by 36 inches wide, with typed letters no smaller than 2 inches. The signage shall be clearly visible and readable by customers. The signage shall be placed in the area where cannabis and cannabis-infused products are sold and may be translated into additional languages as needed. The Department may require a dispensary to display the required signage in a different language, other than English, if the Secretary deems it necessary.

(i) A dispensing organization shall prominently post notices inside the dispensing organization that state activities that are strictly prohibited and punishable by law, including, but not limited to:

(1) no minors permitted on the premises unless the minor is a minor qualifying patient under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.];

(2) distribution to persons under the age of 21 is prohibited;

(3) transportation of cannabis or cannabis products across state lines is prohibited.

HISTORY:

2019 P.A. 101-27, § 15-65, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/15-70 Operational requirements; prohibitions.

(a) A dispensing organization shall operate in accordance with the representations made in its application and license materials. It shall be in compliance with this Act and rules.

(b) A dispensing organization must include the legal name of the dispensary on the packaging of any cannabis product it sells.

(c) All cannabis, cannabis-infused products, and cannabis seeds must be obtained from an Illinois registered adult use cultivation center, craft grower, infuser, or another dispensary.

(d) Dispensing organizations are prohibited from selling any product containing alcohol except tinctures, which must be limited to containers that are no larger than 100 milliliters.

(e) A dispensing organization shall inspect and count product received from a transporting organization, adult use cultivation center, craft grower, infuser organization, or other dispensing organization before dispensing it.

(f) A dispensing organization may only accept cannabis deliveries into a restricted access area. Deliveries may not be accepted through the public or limited access areas unless otherwise approved by the Department.

(g) A dispensing organization shall maintain compliance with State and local building, fire, and zoning requirements or regulations.

(h) A dispensing organization shall submit a list to the Department of the names of all service professionals that will work at the dispensary. The list shall include a description of the type of business or service provided. Changes to the service professional list shall be promptly provided. No service professional shall work in the dispensary until the name is provided to the Department on the service professional list.

(i) A dispensing organization's license allows for a dispensary to be operated only at a single location.

(j) A dispensary may operate between 6 a.m. and 10 p.m. local time.

(k) A dispensing organization must keep all lighting outside and inside the dispensary in good working order and wattage sufficient for security cameras.

(*l*) A dispensing organization must keep all air treatment systems that will be installed to reduce odors in good working order.

(m) A dispensing organization must contract with a private security contractor that is licensed under Section 10-5 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447/10-5] to provide on-site security at all hours of the dispensary's operation.

(n) A dispensing organization shall ensure that any building or equipment used by a dispensing organization for the storage or sale of cannabis is maintained in a clean and sanitary condition.

(o) The dispensary shall be free from infestation by insects, rodents, or pests.

(p) A dispensing organization shall not:

(1) Produce or manufacture cannabis;

(2) Accept a cannabis product from an adult use cultivation center, craft grower, infuser, dispensing organization, or transporting organization unless it is pre-packaged and labeled in accordance with this Act and any rules that may be adopted pursuant to this Act;

(3) Obtain cannabis or cannabis-infused products from outside the State of Illinois;

(4) Sell cannabis or cannabis-infused products to a purchaser unless the dispensing organization is licensed under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.], and the individual is registered under the Compassionate Use of Medical Cannabis Program or the purchaser has been verified to be 21 years of age or older;

(5) Enter into an exclusive agreement with any adult use cultivation center, craft grower, or infuser. Dispensaries shall provide consumers an assortment of products from various cannabis business establishment licensees such that the inventory available for sale at any dispensary from any single cultivation center, craft grower, processor, transporter, or infuser entity shall not be more than 40% of the total inventory available for sale. For the purpose of this subsection, a cultivation center, craft grower, processor, or infuser shall be considered part of the same entity if the licensees share at least one principal officer. The Department may request that a dispensary diversify its products as needed or otherwise discipline a dispensing organization for violating this requirement;

(6) Refuse to conduct business with an adult use cultivation center, craft grower, transporting organization, or infuser that has the ability to properly deliver the product and is permitted by the Department of Agriculture, on the same terms as other adult use cultivation centers, craft growers, infusers, or transporters with whom it is dealing;

(7) Operate drive-through windows;

(8) Allow for the dispensing of cannabis or cannabis-infused products in vending machines;

(9) Transport cannabis to residences or other locations where purchasers may be for delivery;

(10) Enter into agreements to allow persons who are not dispensing organization agents to deliver cannabis or to transport cannabis to purchasers;

(11) Operate a dispensary if its video surveillance equipment is inoperative;

(12) Operate a dispensary if the point-of-sale equipment is inoperative;

(13) Operate a dispensary if the State's cannabis electronic verification system is inoperative;

(14) Have fewer than 2 people working at the dispensary at any time while the dispensary is open;

(15) Be located within 1,500 feet of the property line of a pre-existing dispensing organization, un-

less the applicant is a Social Equity Applicant or Social Equity Justice Involved Applicant located or seeking to locate within 1,500 feet of a dispensing organization licensed under Section 15-15 or Section 15-20 [410 ILCS 705/15-15 or 410 ILCS 705/15-20];

(16) Sell clones or any other live plant material;

(17) Sell cannabis, cannabis concentrate, or cannabis-infused products in combination or bundled with each other or any other items for one price, and each item of cannabis, concentrate, or cannabis-infused product must be separately identified by quantity and price on the receipt;

(18) Violate any other requirements or prohibitions set by Department rules.

(q) It is unlawful for any person having an Early Approval Adult Use Cannabis Dispensing Organization License, a Conditional Adult Use Cannabis Dispensing Organization, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act or any officer, associate, member, representative, or agent of such licensee to accept, receive, or borrow money or anything else of value or accept or receive credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days) directly or indirectly from any adult use cultivation center, craft grower, infuser, or transporting organization in exchange for preferential placement on the dispensing organization's shelves, display cases, or website. This includes anything received or borrowed or from any stockholders, officers, agents, or persons connected with an adult use cultivation center, craft grower, infuser, or transporting organization.

(r) It is unlawful for any person having an Early Approval Adult Use Cannabis Dispensing Organization License, a Conditional Adult Use Cannabis Dispensing Organization, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program to enter into any contract with any person licensed to cultivate, process, or transport cannabis whereby such dispensing organization agrees not to sell any cannabis cultivated, processed, transported, manufactured, or distributed by any other cultivator, transporter, or infuser, and any provision in any contract violative of this Section shall render the whole of such contract void and no action shall be brought thereon in any court.

HISTORY:

2019 P.A. 101-27, § 15-70, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021.

410 ILCS 705/15-75 Inventory control system.

(a) A dispensing organization agent-in-charge shall have primary oversight of the dispensing organization's cannabis inventory verification system, and its point-of-sale system. The inventory point-of-sale system shall be real-time, web-based, and accessible by the Department at any time. The point-of-sale system shall track, at a minimum the date of sale, amount, price, and currency.

(b) A dispensing organization shall establish an account with the State's verification system that documents:

(1) Each sales transaction at the time of sale and each day's beginning inventory, acquisitions, sales, disposal, and ending inventory.

(2) Acquisition of cannabis and cannabis-infused products from a licensed adult use cultivation center, craft grower, infuser, or transporter, including:

(i) A description of the products, including the quantity, strain, variety, and batch number of each product received;

(ii) The name and registry identification number of the licensed adult use cultivation center, craft grower, or infuser providing the cannabis and cannabis-infused products;

(iii) The name and registry identification number of the licensed adult use cultivation center, craft grower, infuser, or transporting agent delivering the cannabis;

(iv) The name and registry identification number of the dispensing organization agent receiving the cannabis; and

(v) The date of acquisition.

(3) The disposal of cannabis, including:

(i) A description of the products, including the quantity, strain, variety, batch number, and reason for the cannabis being disposed;

(ii) The method of disposal; and

(iii) The date and time of disposal.

(c) Upon cannabis delivery, a dispensing organization shall confirm the product's name, strain name, weight, and identification number on the manifest matches the information on the cannabis product label and package. The product name listed and the weight listed in the State's verification system shall match the product packaging.

(d) The agent-in-charge shall conduct daily inventory reconciliation documenting and balancing cannabis inventory by confirming the State's verification system matches the dispensing organization's point-of-sale system and the amount of physical product at the dispensary.

(1) A dispensing organization must receive Department approval before completing an inventory adjustment. It shall provide a detailed reason for the adjustment. Inventory adjustment documentation shall be kept at the dispensary for 2 years from the date performed.

(2) If the dispensing organization identifies an imbalance in the amount of cannabis after the daily inventory reconciliation due to mistake, the dispensing organization shall determine how the imbalance occurred and immediately upon discovery take and document corrective action. If the

dispensing organization cannot identify the reason for the mistake within 2 calendar days after first discovery, it shall inform the Department immediately in writing of the imbalance and the corrective action taken to date. The dispensing organization shall work diligently to determine the reason for the mistake.

(3) If the dispensing organization identifies an imbalance in the amount of cannabis after the daily inventory reconciliation or through other means due to theft, criminal activity, or suspected criminal activity, the dispensing organization shall immediately determine how the reduction occurred and take and document corrective action. Within 24 hours after the first discovery of the reduction due to theft, criminal activity, or suspected criminal activity, the dispensing organization shall inform the Department and the Illinois State Police in writing.

(4) The dispensing organization shall file an annual compilation report with the Department, including a financial statement that shall include, but not be limited to, an income statement, balance sheet, profit and loss statement, statement of cash flow, wholesale cost and sales, and any other documentation requested by the Department in writing. The financial statement shall include any other information the Department deems necessary in order to effectively administer this Act and all rules, orders, and final decisions promulgated under this Act. Statements required by this Section shall be filed with the Department within 60 days after the end of the calendar year. The compilation report shall include a letter authored by a licensed certified public accountant that it has been reviewed and is accurate based on the information provided. The dispensing organization, financial statement, and accompanying documents are not required to be audited unless specifically requested by the Department.

(e) A dispensing organization shall:

(1) Maintain the documentation required in this Section in a secure locked location at the dispensing organization for 5 years from the date on the document;

(2) Provide any documentation required to be maintained in this Section to the Department for review upon request; and

(3) If maintaining a bank account, retain for a period of 5 years a record of each deposit or withdrawal from the account.

(f) If a dispensing organization chooses to have a return policy for cannabis and cannabis products, the dispensing organization shall seek prior approval from the Department.

HISTORY:

2019 P.A. 101-27, § 15-75, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/15-80 Storage requirements.

(a) Authorized on-premises storage. A dispensing organization must store inventory on its premises. All inventory stored on the premises must be secured in a restricted access area and tracked consistently with the inventory tracking rules.

(b) A dispensary shall be of suitable size and construction to facilitate cleaning, maintenance, and proper operations.

(c) A dispensary shall maintain adequate lighting, ventilation, temperature, humidity control, and equipment.

(d) Containers storing cannabis that have been tampered with, damaged, or opened shall be labeled with the date opened and quarantined from other cannabis products in the vault until they are disposed.

(e) Cannabis that was tampered with, expired, or damaged shall not be stored at the premises for more than 7 calendar days.

(f) Cannabis samples shall be in a sealed container. Samples shall be maintained in the restricted access area.

(g) The dispensary storage areas shall be maintained in accordance with the security requirements in this Act and rules.

(h) Cannabis must be stored at appropriate temperatures and under appropriate conditions to help ensure that its packaging, strength, quality, and purity are not adversely affected.

HISTORY:

2019 P.A. 101-27, § 15-80, effective June 25, 2019.

410 ILCS 705/15-85 Dispensing cannabis.

(a) Before a dispensing organization agent dispenses cannabis to a purchaser, the agent shall:

(1) Verify the age of the purchaser by checking a government-issued identification card by use of an electronic reader or electronic scanning device to scan a purchaser's government-issued identification, if applicable, to determine the purchaser's age and the validity of the identification;

(2) Verify the validity of the government-issued identification card by use of an electronic reader or electronic scanning device to scan a purchaser's government-issued identification, if applicable, to determine the purchaser's age and the validity of the identification;

(3) Offer any appropriate purchaser education or support materials;

(4) Enter the following information into the State's cannabis electronic verification system:

(i) The dispensing organization agent's identification number, or if the agent's card application is pending the Department's approval, a temporary and unique identifier until the agent's card application is approved or denied by the Department;

(ii) The dispensing organization's identification number;

(iii) The amount, type (including strain, if applicable) of cannabis or cannabis-infused product dispensed;

(iv) The date and time the cannabis was dispensed.

(b) A dispensing organization shall refuse to sell cannabis or cannabis-infused products to any person unless the person produces a valid identification showing that the person is 21 years of age or older. A medical cannabis dispensing organization may sell cannabis or cannabis-infused products to a person who is under 21 years of age if the sale complies with the provisions of the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.] and rules.

(c) For the purposes of this Section, valid identification must:

(1) Be valid and unexpired;

(2) Contain a photograph and the date of birth of the person.

HISTORY:

2019 P.A. 101-27, § 15-85, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021.

410 ILCS 705/15-90 Destruction and disposal of cannabis.

(a) Cannabis and cannabis-infused products must be destroyed by rendering them unusable using methods approved by the Department that comply with this Act and rules.

(b) Cannabis waste rendered unusable must be promptly disposed according to this Act and rules. Disposal of the cannabis waste rendered unusable may be delivered to a permitted solid waste facility for final disposition. Acceptable permitted solid waste facilities include, but are not limited to:

(1) Compostable mixed waste: Compost, anaerobic digester, or other facility with approval of the jurisdictional health department.

(2) Noncompostable mixed waste: Landfill, incinerator, or other facility with approval of the jurisdictional health department.

(c) All waste and unusable product shall be weighed, recorded, and entered into the inventory system before rendering it unusable. All waste and unusable cannabis concentrates and cannabis-infused products shall be recorded and entered into the inventory system before rendering it unusable. Verification of this event shall be performed by an agent-in-charge and conducted in an area with video surveillance.

(d) Electronic documentation of destruction and disposal shall be maintained for a period of at least 5 years.

HISTORY:

2019 P.A. 101-27, § 15-90, effective June 25, 2019.

410 ILCS 705/15-95 Agent-in-charge.

(a) Every dispensing organization shall designate, at a minimum, one agent-in-charge for each licensed dispensary. The designated agent-in-charge must hold a dispensing organization agent identification card. Maintaining an agent-in-charge is a continuing requirement for the license, except as provided in subsection (f).

(b) The agent-in-charge shall be a principal officer or a full-time agent of the dispensing organization and shall manage the dispensary. Managing the dispensary includes, but is not limited to, responsibility for opening and closing the dispensary, delivery acceptance, oversight of sales and dispensing organization agents, recordkeeping, inventory, dispensing organization agent training, and compliance with this Act and rules. Participation in affairs also includes the responsibility for maintaining all files subject to audit or inspection by the Department at the dispensary.

(c) The agent-in-charge is responsible for promptly notifying the Department of any change of information required to be reported to the Department.

(d) In determining whether an agent-in-charge manages the dispensary, the Department may consider the responsibilities identified in this Section, the number of dispensing organization agents under the supervision of the agent-in-charge, and the employment relationship between the agent-in-charge and the dispensing organization, including the existence of a contract for employment and any other relevant fact or circumstance.

(e) The agent-in-charge is responsible for notifying the Department of a change in the employment status of all dispensing organization agents within 5 business days after the change, including notice to the Department if the termination of an agent was for diversion of product or theft of currency.

(f) In the event of the separation of an agent-in-charge due to death, incapacity, termination, or any other reason and if the dispensary does not have an active agent-in-charge, the dispensing organization shall immediately contact the Department and request a temporary certificate of authority allowing the continuing operation. The request shall include the name of an interim agent-in-charge until a replacement is identified, or shall include the name of the replacement. The Department shall issue the temporary certificate of authority promptly after it approves the request. If a dispensing organization fails to promptly request a temporary certificate of authority after the separation of the agent-in-charge, its registration shall cease until the Department approves the temporary certificate of authority or registers a new agent-in-charge. No temporary certificate of authority shall be valid for more than 90 days. The succeeding agent-in-charge shall register with the Department in compliance with this Article. Once the permanent succeeding agent-in-charge is registered with the Department, the temporary certificate of authority is void. No temporary certificate of authority shall be issued for the separation of an agent-in-charge due to disciplinary action by the Department related to his or her conduct on behalf of the dispensing organization.

(g) The dispensing organization agent-in-charge registration shall expire one year from the date it is issued. The agent-in-charge's registration shall be renewed annually. The Department shall review the dispensing organization's compliance history when determining whether to grant the request to renew.

(h) Upon termination of an agent-in-charge's employment, the dispensing organization shall immediately reclaim the dispensing agent identification card. The dispensing organization shall promptly return the identification card to the Department.

(i) The Department may deny an application or renewal or discipline or revoke an agent-in-charge identification card for any of the following reasons:

(1) Submission of misleading, incorrect, false, or fraudulent information in the application or renewal application;

(2) Violation of the requirements of this Act or rules;

(3) Fraudulent use of the agent-in-charge identification card;

(4) Selling, distributing, transferring in any manner, or giving cannabis to any unauthorized person;

(5) Theft of cannabis, currency, or any other items from a dispensary;

(6) Tampering with, falsifying, altering, modifying, or duplicating an agent-in-charge identification card;

(7) Tampering with, falsifying, altering, or modifying the surveillance video footage, point-of-sale system, or the State's verification system;

(8) Failure to notify the Department immediately upon discovery that the agent-in-charge identification card has been lost, stolen, or destroyed;

(9) Failure to notify the Department within 5 business days after a change in the information provided in the application for an agent-in-charge identification card;

(10) Conviction of a felony offense in accordance with Sections 2105-131, 2105-135, and 2105-205 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-131, 20 ILCS 2105/2105-135, and 20 ILCS 2105/2105-205] or any incident listed in this Act or rules following the issuance of an agent-in-charge identification card;

(11) Dispensing to purchasers in amounts above the limits provided in this Act; or

(12) Delinquency in filing any required tax returns or paying any amounts owed to the State of Illinois.

HISTORY:

2019 P.A. 101-27, § 15-95, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/15-100 Security.

(a) A dispensing organization shall implement security measures to deter and prevent entry into and theft of cannabis or currency.

(b) A dispensing organization shall submit any changes to the floor plan or security plan to the Department for pre-approval. All cannabis shall be maintained and stored in a restricted access area during construction.

(c) The dispensing organization shall implement security measures to protect the premises, purchasers, and dispensing organization agents including, but not limited to the following:

(1) Establish a locked door or barrier between the facility's entrance and the limited access area;

(2) Prevent individuals from remaining on the premises if they are not engaging in activity permitted by this Act or rules;

(3) Develop a policy that addresses the maximum capacity and purchaser flow in the waiting rooms and limited access areas;

(4) Dispose of cannabis in accordance with this Act and rules;

(5) During hours of operation, store and dispense all cannabis from the restricted access area. During operational hours, cannabis shall be stored in an enclosed locked room or cabinet and accessible only to specifically authorized dispensing organization agents;

(6) When the dispensary is closed, store all cannabis and currency in a reinforced vault room in the restricted access area and in a manner as to prevent diversion, theft, or loss;

(7) Keep the reinforced vault room and any other equipment or cannabis storage areas securely locked and protected from unauthorized entry;

(8) Keep an electronic daily log of dispensing organization agents with access to the reinforced vault room and knowledge of the access code or combination;

(9) Keep all locks and security equipment in good working order;

(10) Maintain an operational security and alarm system at all times;

(11) Prohibit keys, if applicable, from being left in the locks, or stored or placed in a location accessible to persons other than specifically authorized personnel;

(12) Prohibit accessibility of security measures, including combination numbers, passwords, or electronic or biometric security systems to persons other than specifically authorized dispensing organization agents;

(13) Ensure that the dispensary interior and exterior premises are sufficiently lit to facilitate surveillance;

(14) Ensure that trees, bushes, and other foliage outside of the dispensary premises do not allow for a person or persons to conceal themselves from sight;

(15) Develop emergency policies and procedures for securing all product and currency following any instance of diversion, theft, or loss of cannabis, and conduct an assessment to determine whether additional safeguards are necessary; and

(16) Develop sufficient additional safeguards in response to any special security concerns, or as required by the Department.

(d) The Department may request or approve alternative security provisions that it determines are an adequate substitute for a security requirement specified in this Article. Any additional protections may be considered by the Department in evaluating overall security measures.

(e) A dispensing organization may share premises with a craft grower or an infuser organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

(f) A dispensing organization shall provide additional security as needed and in a manner appropriate for the community where it operates.

(g) Restricted access areas.

(1) All restricted access areas must be identified by the posting of a sign that is a minimum of 12 inches by 12 inches and that states "Do Not Enter - Restricted Access Area - Authorized Personnel Only" in lettering no smaller than one inch in height.

(2) All restricted access areas shall be clearly described in the floor plan of the premises, in the form and manner determined by the Department, reflecting walls, partitions, counters, and all areas of entry and exit. The floor plan shall show all storage, disposal, and retail sales areas.

(3) All restricted access areas must be secure, with locking devices that prevent access from the limited access areas.

(h) Security and alarm.

(1) A dispensing organization shall have an adequate security plan and security system to prevent and detect diversion, theft, or loss of cannabis, currency, or unauthorized intrusion using commercial grade equipment installed by an Illinois licensed private alarm contractor or private alarm contractor agency that shall, at a minimum, include:

(i) A perimeter alarm on all entry points and glass break protection on perimeter windows;

(ii) Security shatterproof tinted film on exterior windows;

(iii) A failure notification system that provides an audible, text, or visual notification of any failure in the surveillance system, including, but not limited to, panic buttons, alarms, and video monitoring system. The failure notification system shall provide an alert to designated dispensing organization agents within 5 minutes after the failure, either by telephone or text message;

(iv) A duress alarm, panic button, and alarm, or holdup alarm and after-hours intrusion detection alarm that by design and purpose will directly or indirectly notify, by the most efficient means, the Public Safety Answering Point for the law enforcement agency having primary jurisdiction;

(v) Security equipment to deter and prevent unauthorized entrance into the dispensary, including electronic door locks on the limited and restricted access areas that include devices or a series of devices to detect unauthorized intrusion that may include a signal system interconnected with a radio frequency method, cellular, private radio signals or other mechanical or electronic device.

(2) All security system equipment and recordings shall be maintained in good working order, in a secure location so as to prevent theft, loss, destruction, or alterations.

(3) Access to surveillance monitoring recording equipment shall be limited to persons who are essential to surveillance operations, law enforcement authorities acting within their jurisdiction, security system service personnel, and the Department. A current list of authorized dispensing organization agents and service personnel that have access to the surveillance equipment must be available to the Department upon request.

(4) All security equipment shall be inspected and tested at regular intervals, not to exceed one month from the previous inspection, and tested to ensure the systems remain functional.

(5) The security system shall provide protection against theft and diversion that is facilitated or hidden by tampering with computers or electronic records.

(6) The dispensary shall ensure all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(i) To monitor the dispensary, the dispensing organization shall incorporate continuous electronic video monitoring including the following:

(1) All monitors must be 19 inches or greater;

(2) Unobstructed video surveillance of all enclosed dispensary areas, unless prohibited by law, including all points of entry and exit that shall be appropriate for the normal lighting conditions of the area under surveillance. The cameras shall be directed so all areas are captured, including, but not limited to, safes, vaults, sales areas, and areas where cannabis is stored, handled, dispensed, or destroyed. Cameras shall be angled to allow for facial recognition, the capture of clear and certain identification of any person entering or exiting the dispensary area and in lighting sufficient during all times of night or day;

(3) Unobstructed video surveillance of outside areas, the storefront, and the parking lot, that shall be appropriate for the normal lighting conditions of the area under surveillance. Cameras shall be angled so as to allow for the capture of facial recognition, clear and certain identification of any person entering or exiting the dispensary and the immediate surrounding area, and license plates of vehicles in the parking lot;

(4) 24-hour recordings from all video cameras available for immediate viewing by the Department upon request. Recordings shall not be destroyed or altered and shall be retained for at least 90 days. Recordings shall be retained as long as necessary if the dispensing organization is aware of the loss or theft of cannabis or a pending criminal, civil, or administrative investigation or legal proceeding for which the recording may contain relevant information;

(5) The ability to immediately produce a clear, color still photo from the surveillance video, either live or recorded;

(6) A date and time stamp embedded on all video surveillance recordings. The date and time shall be synchronized and set correctly and shall not significantly obscure the picture;

(7) The ability to remain operational during a power outage and ensure all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage;

(8) All video surveillance equipment shall allow for the exporting of still images in an industry standard image format, including .jpg, .bmp, and .gif. Exported video shall have the ability to be archived in a proprietary format that ensures authentication of the video and guarantees that no alteration of the recorded image has taken place. Exported video shall also have the ability to be saved in an industry standard file format that can be played on a standard computer operating system. All recordings shall be erased or destroyed before disposal;

(9) The video surveillance system shall be operational during a power outage with a 4-hour minimum battery backup;

(10) A video camera or cameras recording at each point-of-sale location allowing for the identification of the dispensing organization agent distributing the cannabis and any purchaser. The camera or cameras shall capture the sale, the individuals and the computer monitors used for the sale;

(11) A failure notification system that provides an audible and visual notification of any failure in the electronic video monitoring system; and

(12) All electronic video surveillance monitoring must record at least the equivalent of 8 frames per second and be available as recordings to the Department and the Illinois State Police 24 hours a day via a secure web-based portal with reverse functionality.

(j) The requirements contained in this Act are minimum requirements for operating a dispensing organization. The Department may establish additional requirements by rule.

HISTORY:

2019 P.A. 101-27, § 15-100, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/15-110 Recordkeeping.

(a) Dispensing organization records must be maintained electronically for 3 years and be available for inspection by the Department upon request. Required written records include, but are not limited to, the following:

(1) Operating procedures;

(2) Inventory records, policies, and procedures;

(3) Security records;

(4) Audit records;

(5) Staff training plans and completion documentation;

(6) Staffing plan; and

(7) Business records, including but not limited to:

(i) Assets and liabilities;

(ii) Monetary transactions;

(iii) Written or electronic accounts, including bank statements, journals, ledgers, and supporting documents, agreements, checks, invoices, receipts, and vouchers; and

(iv) Any other financial accounts reasonably related to the dispensary operations.

(b) Storage and transfer of records. If a dispensary closes due to insolvency, revocation, bankruptcy, or for any other reason, all records must be preserved at the expense of the dispensing organization for at least 3 years in a form and location in Illinois acceptable to the Department. The dispensing organization shall keep the records longer if requested by the Department. The dispensing organization shall notify the Department of the location where the dispensary records are stored or transferred.

HISTORY:

2019 P.A. 101-27, § 15-110, effective June 25, 2019.

410 ILCS 705/15-120 Closure of a dispensary.

(a) If a dispensing organization decides not to renew its license or decides to close its business, it shall promptly notify the Department not less than 3 months before the effective date of the closing date or as otherwise authorized by the Department.

(b) The dispensing organization shall work with the Department to develop a closure plan that addresses, at a minimum, the transfer of business records, transfer of cannabis products, and anything else the Department finds necessary.

HISTORY:

2019 P.A. 101-27, § 15-120, effective June 25, 2019.

410 ILCS 705/15-125 Fees.

After January 1, 2022, the Department may by rule modify any fee established under this Article.

HISTORY:

2019 P.A. 101-27, § 15-125, effective June 25, 2019.

410 ILCS 705/15-135 Investigations.

(a) Dispensing organizations are subject to random and unannounced dispensary inspections and

cannabis testing by the Department, the Illinois State Police, local law enforcement, or as provided by rule.

(b) The Department and its authorized representatives may enter any place, including a vehicle, in which cannabis is held, stored, dispensed, sold, produced, delivered, transported, manufactured, or disposed of and inspect, in a reasonable manner, the place and all pertinent equipment, containers and labeling, and all things including records, files, financial data, sales data, shipping data, pricing data, personnel data, research, papers, processes, controls, and facility, and inventory any stock of cannabis and obtain samples of any cannabis or cannabis-infused product, any labels or containers for cannabis, or paraphernalia.

(c) The Department may conduct an investigation of an applicant, application, dispensing organization, principal officer, dispensary agent, third party vendor, or any other party associated with a dispensing organization for an alleged violation of this Act or rules or to determine qualifications to be granted a registration by the Department.

(d) The Department may require an applicant or holder of any license issued pursuant to this Article to produce documents, records, or any other material pertinent to the investigation of an application or alleged violations of this Act or rules. Failure to provide the required material may be grounds for denial or discipline.

(e) Every person charged with preparation, obtaining, or keeping records, logs, reports, or other documents in connection with this Act and rules and every person in charge, or having custody, of those documents shall, upon request by the Department, make the documents immediately available for inspection and copying by the Department, the Department's authorized representative, or others authorized by law to review the documents.

HISTORY:
2019 P.A. 101-27, § 15-135, effective June 25, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021; 2021 P.A. 102-538, § 845, effective August 20, 2021; 2022 P.A. 102-813, § 540, effective May 13, 2022.

410 ILCS 705/15-140 Citations.

The Department may issue nondisciplinary citations for minor violations. Any such citation issued by the Department may be accompanied by a fee. The fee shall not exceed $20,000 per violation. The citation shall be issued to the licensee and shall contain the licensee's name and address, the licensee's license number, a brief factual statement, the Sections of the law allegedly violated, and the fee, if any, imposed. The citation must clearly state that the licensee may choose, in lieu of accepting the citation, to request a hearing. If the licensee does not dispute the matter in the citation with the Department within 30 days after the citation is served, then the citation shall become final and not subject to appeal. The penalty shall be a fee or other conditions as established by rule.

HISTORY:
2019 P.A. 101-27, § 15-140, effective June 25, 2019.

410 ILCS 705/15-145 Grounds for discipline.

(a) The Department may deny issuance, refuse to renew or restore, or may reprimand, place on probation, suspend, revoke, or take other disciplinary or nondisciplinary action against any license or agent identification card or may impose a fine for any of the following:

(1) Material misstatement in furnishing information to the Department;

(2) Violations of this Act or rules;

(3) Obtaining an authorization or license by fraud or misrepresentation;

(4) A pattern of conduct that demonstrates incompetence or that the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act;

(5) Aiding or assisting another person in violating any provision of this Act or rules;

(6) Failing to respond to a written request for information by the Department within 30 days;

(7) Engaging in unprofessional, dishonorable, or unethical conduct of a character likely to deceive, defraud, or harm the public;

(8) Adverse action by another United States jurisdiction or foreign nation;

(9) A finding by the Department that the licensee, after having his or her license placed on suspended or probationary status, has violated the terms of the suspension or probation;

(10) Conviction, entry of a plea of guilty, nolo contendere, or the equivalent in a State or federal court of a principal officer or agent-in-charge of a felony offense in accordance with Sections 2105-131, 2105-135, and 2105-205 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-131, 20 ILCS 2105/2105-135, and 20 ILCS 2105/2105-205];

(11) Excessive use of or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug;

(12) A finding by the Department of a discrepancy in a Department audit of cannabis;

(13) A finding by the Department of a discrepancy in a Department audit of capital or funds;

(14) A finding by the Department of acceptance of cannabis from a source other than an Adult Use Cultivation Center, craft grower, infuser, or transporting organization licensed by the Department of Agriculture, or a dispensing organization licensed by the Department;

(15) An inability to operate using reasonable judgment, skill, or safety due to physical or mental illness or other impairment or disability, including, without limitation, deterioration through the ag-

ing process or loss of motor skills or mental incompetence;

(16) Failing to report to the Department within the time frames established, or if not identified, 14 days, of any adverse action taken against the dispensing organization or an agent by a licensing jurisdiction in any state or any territory of the United States or any foreign jurisdiction, any governmental agency, any law enforcement agency or any court defined in this Section;

(17) Any violation of the dispensing organization's policies and procedures submitted to the Department annually as a condition for licensure;

(18) Failure to inform the Department of any change of address within 10 business days;

(19) Disclosing customer names, personal information, or protected health information in violation of any State or federal law;

(20) Operating a dispensary before obtaining a license from the Department;

(21) Performing duties authorized by this Act prior to receiving a license to perform such duties;

(22) Dispensing cannabis when prohibited by this Act or rules;

(23) Any fact or condition that, if it had existed at the time of the original application for the license, would have warranted the denial of the license;

(24) Permitting a person without a valid agent identification card to perform licensed activities under this Act;

(25) Failure to assign an agent-in-charge as required by this Article;

(26) Failure to provide the training required by paragraph (3) of subsection (i) of Section 15-40 [410 ILCS 705/15-40] within the provided timeframe;

(27) Personnel insufficient in number or unqualified in training or experience to properly operate the dispensary business;

(28) Any pattern of activity that causes a harmful impact on the community; and

(29) Failing to prevent diversion, theft, or loss of cannabis.

(b) All fines and fees imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine or as otherwise specified in the order.

(c) A circuit court order establishing that an agent-in-charge or principal officer holding an agent identification card is subject to involuntary admission as that term is defined in Section 1-119 or 1-119.1 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-119 or 405 ILCS 5/1-119.1] shall operate as a suspension of that card.

HISTORY:
2019 P.A. 101-27, § 15-145, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/15-150 Temporary suspension.

(a) The Secretary of Financial and Professional Regulation may temporarily suspend a dispensing organization license or an agent registration without a hearing if the Secretary finds that public safety or welfare requires emergency action. The Secretary shall cause the temporary suspension by issuing a suspension notice in connection with the institution of proceedings for a hearing.

(b) If the Secretary temporarily suspends a license or agent registration without a hearing, the licensee or agent is entitled to a hearing within 45 days after the suspension notice has been issued. The hearing shall be limited to the issues cited in the suspension notice, unless all parties agree otherwise.

(c) If the Department does not hold a hearing with 45 days after the date the suspension notice was issued, then the suspended license or registration shall be automatically reinstated and the suspension vacated.

(d) The suspended licensee or agent may seek a continuance of the hearing date, during which time the suspension remains in effect and the license or registration shall not be automatically reinstated.

(e) Subsequently discovered causes of action by the Department after the issuance of the suspension notice may be filed as a separate notice of violation. The Department is not precluded from filing a separate action against the suspended licensee or agent.

HISTORY:
2019 P.A. 101-27, § 15-150, effective June 25, 2019.

410 ILCS 705/15-155 Unlicensed practice; violation; civil penalty.

(a) In addition to any other penalty provided by law, any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a licensed dispensing organization owner, principal officer, agent-in-charge, or agent without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department of Financial and Professional Regulation in an amount not to exceed $10,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

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

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty or in accordance with the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of this State.

HISTORY:
2019 P.A. 101-27, § 15-155, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/15-160 Notice; hearing.

(a) The Department shall, before disciplining an applicant or licensee, at least 30 days before the date

set for the hearing: (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges; (ii) direct him or her to file a written answer to the charges under oath within 20 days after service; and (iii) inform the applicant or licensee that failure to answer will result in a default being entered against the applicant or licensee.

(b) At the time and place fixed in the notice, the hearing officer appointed by the Secretary shall proceed to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The hearing officer may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, his or her license may, in the discretion of the Secretary, having first received the recommendation of the hearing officer, be suspended, revoked, or placed on probationary status, or be subject to whatever disciplinary action the Secretary considers proper, including a fine, without hearing, if that act or acts charged constitute sufficient grounds for that action under this Act.

(c) The written notice and any notice in the subsequent proceeding may be served by regular mail or email to the licensee's or applicant's address of record.

HISTORY:
2019 P.A. 101-27, § 15-160, effective June 25, 2019.

410 ILCS 705/15-165 Subpoenas; oaths.

The Department shall have the power to subpoena and bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in courts in this State. The Secretary or the hearing officer shall each have the power to administer oaths to witnesses at any hearings that the Department is authorized to conduct.

HISTORY:
2019 P.A. 101-27, § 15-165, effective June 25, 2019.

410 ILCS 705/15-170 Hearing; motion for rehearing.

(a) The hearing officer shall hear evidence in support of the formal charges and evidence produced by the licensee. At the conclusion of the hearing, the hearing officer shall present to the Secretary a written report of his or her findings of fact, conclusions of law, and recommendations.

(b) At the conclusion of the hearing, a copy of the hearing officer's report shall be served upon the applicant or licensee by the Department, either personally or as provided in this Act for the service of a notice of hearing. Within 20 calendar days after service, the applicant or licensee may present to the Department a motion in writing for rehearing, which shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 calendar days after its service on the Department. If no motion for rehearing is filed, then, upon the expiration of the time specified for filing such motion or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendation of the hearing officer. If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.

(c) If the Secretary disagrees in any regard with the report of the hearing officer, the Secretary may issue an order contrary to the report.

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

(e) At any point in any investigation or disciplinary proceeding under in this Article, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary.

HISTORY:
2019 P.A. 101-27, § 15-170, effective June 25, 2019.

410 ILCS 705/15-175 Review under the Administrative Review Law.

(a) All final administrative decisions of the Department hereunder shall be subject to judicial review under the provisions of the Administrative Review Law, and all amendment and modifications thereof. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure [735 ILCS 5/3-101].

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of Illinois, the venue shall be in Sangamon County.

(c) The Department shall not be required to certify any record to the court, file any answer in court, or otherwise appear in any court in a judicial review proceeding, unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

HISTORY:
2019 P.A. 101-27, § 15-175, effective June 25, 2019.

ARTICLE 20.

ADULT USE CULTIVATION CENTERS

410 ILCS 705/20-1 Definition.

In this Article, "Department" means the Department of Agriculture.

HISTORY:
2019 P.A. 101-27, § 20-1, effective June 25, 2019.

410 ILCS 705/20-5 Issuance of licenses.

On or after July 1, 2021, the Department of Agriculture by rule may:

(1) Modify or change the number of cultivation center licenses available, which shall at no time exceed 30 cultivation center licenses. In determining whether to exercise the authority granted by this subsection, the Department of Agriculture must consider the following factors:

(A) The percentage of cannabis sales occurring in Illinois not in the regulated market using data from the Substance Abuse and Mental Health Services Administration, National Survey on Drug Use and Health, Illinois Behavioral Risk Factor Surveillance System, and tourism data from the Illinois Office of Tourism to ascertain total cannabis consumption in Illinois compared to the amount of sales in licensed dispensing organizations;

(B) Whether there is an adequate supply of cannabis and cannabis-infused products to serve registered medical cannabis patients;

(C) Whether there is an adequate supply of cannabis and cannabis-infused products to serve purchasers;

(D) Whether there is an oversupply of cannabis in Illinois leading to trafficking of cannabis to any other state;

(E) Population increases or shifts;

(F) Changes to federal law;

(G) Perceived security risks of increasing the number or location of cultivation centers;

(H) The past security records of cultivation centers;

(I) The Department of Agriculture's capacity to appropriately regulate additional licensees;

(J) The findings and recommendations from the disparity and availability study commissioned by the Illinois Cannabis Regulation Oversight Officer referenced in subsection (e) of Section 5-45 [410 ILCS 705/5-45] to reduce or eliminate any identified barriers to entry in the cannabis industry; and

(K) Any other criteria the Department of Agriculture deems relevant.

(2) Modify or change the licensing application process to reduce or eliminate the barriers identified in the disparity and availability study commission by the Illinois Cannabis Regulation Oversight Officer and shall make modifications to remedy evidence of discrimination.

HISTORY:
2019 P.A. 101-27, § 20-5, effective June 25, 2019.

410 ILCS 705/20-10 Early Approval of Adult Use Cultivation Center License.

(a) Any medical cannabis cultivation center registered and in good standing under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.] as of the effective date of this Act may, within 60 days of the effective date of this Act but no later than 180 days from the effective date of this Act, apply to the Department of Agriculture for an Early Approval Adult Use Cultivation Center License to produce cannabis and cannabis-infused products at its existing facilities as of the effective date of this Act.

(b) A medical cannabis cultivation center seeking issuance of an Early Approval Adult Use Cultivation Center License shall submit an application on forms provided by the Department of Agriculture. The application must meet or include the following qualifications:

(1) Payment of a nonrefundable application fee of $100,000 to be deposited into the Cannabis Regulation Fund;

(2) Proof of registration as a medical cannabis cultivation center that is in good standing;

(3) Submission of the application by the same person or entity that holds the medical cannabis cultivation center registration;

(4) Certification that the applicant will comply with the requirements of Section 20-30 [410 ILCS 705/20-30];

(5) The legal name of the cultivation center;

(6) The physical address of the cultivation center;

(7) The name, address, social security number, and date of birth of each principal officer and board member of the cultivation center; each of those individuals shall be at least 21 years of age;

(8) A nonrefundable Cannabis Business Development Fee equal to 5% of the cultivation center's total sales between June 1, 2018 to June 1, 2019 or $750,000, whichever is less, but at not less than $250,000, to be deposited into the Cannabis Business Development Fund; and

(9) A commitment to completing one of the following Social Equity Inclusion Plans provided for in this subsection (b) before the expiration of the Early Approval Adult Use Cultivation Center License:

(A) A contribution of 5% of the cultivation center's total sales from June 1, 2018 to June 1, 2019, or $100,000, whichever is less, to one of the following:

(i) the Cannabis Business Development Fund. This is in addition to the fee required by item (8) of this subsection (b);

(ii) a cannabis industry training or education program at an Illinois community college as defined in the Public Community College Act [110 ILCS 805/1-1 et seq.];

(iii) a program that provides job training services to persons recently incarcerated or that operates in a Disproportionately Impacted Area.

(B) Participate as a host in a cannabis business incubator program for at least one year

approved by the Department of Commerce and Economic Opportunity, and in which an Early Approval Adult Use Cultivation Center License holder agrees to provide a loan of at least $100,000 and mentorship to incubate, for at least a year, a Social Equity Applicant intending to seek a license or a licensee that qualifies as a Social Equity Applicant. As used in this Section, "incubate" means providing direct financial assistance and training necessary to engage in licensed cannabis industry activity similar to that of the host licensee. The Early Approval Adult Use Cultivation Center License holder or the same entity holding any other licenses issued pursuant to this Act shall not take an ownership stake of greater than 10% in any business receiving incubation services to comply with this subsection. If an Early Approval Adult Use Cultivation Center License holder fails to find a business to incubate to comply with this subsection before its Early Approval Adult Use Cultivation Center License expires, it may opt to meet the requirement of this subsection by completing another item from this subsection prior to the expiration of its Early Approval Adult Use Cultivation Center License to avoid a penalty.

(c) An Early Approval Adult Use Cultivation Center License is valid until March 31, 2021. A cultivation center that obtains an Early Approval Adult Use Cultivation Center License shall receive written or electronic notice 90 days before the expiration of the license that the license will expire, and inform the license holder that it may renew its Early Approval Adult Use Cultivation Center License. The Department of Agriculture shall grant a renewal of an Early Approval Adult Use Cultivation Center License within 60 days of submission of an application if:

(1) the cultivation center submits an application and the required renewal fee of $100,000 for an Early Approval Adult Use Cultivation Center License;

(2) the Department of Agriculture has not suspended the license of the cultivation center or suspended or revoked the license for violating this Act or rules adopted under this Act; and

(3) the cultivation center has completed a Social Equity Inclusion Plan as required by item (9) of subsection (b) of this Section.

(c-5) The Early Approval Adult Use Cultivation Center License renewed pursuant to subsection (c) of this Section shall expire March 31, 2022. The Early Approval Adult Use Cultivation Center Licensee shall receive written or electronic notice 90 days before the expiration of the license that the license will expire, and inform the license holder that it may apply for an Adult Use Cultivation Center License. The Department of Agriculture shall grant an Adult Use Dispensing Organization License within 60 days of an application being deemed complete if the applicant meets all of the criteria in Section 20-21 [410 ILCS 705/20-21].

(d) The license fee required by paragraph (1) of subsection (c) of this Section shall be in addition to any license fee required for the renewal of a registered medical cannabis cultivation center license that expires during the effective period of the Early Approval Adult Use Cultivation Center License.

(e) Applicants must submit all required information, including the requirements in subsection (b) of this Section, to the Department of Agriculture. Failure by an applicant to submit all required information may result in the application being disqualified.

(f) If the Department of Agriculture receives an application with missing information, the Department may issue a deficiency notice to the applicant. The applicant shall have 10 calendar days from the date of the deficiency notice to submit complete information. Applications that are still incomplete after this opportunity to cure may be disqualified.

(g) If an applicant meets all the requirements of subsection (b) of this Section, the Department of Agriculture shall issue the Early Approval Adult Use Cultivation Center License within 14 days of receiving the application unless:

(1) The licensee; principal officer, board member, or person having a financial or voting interest of 5% or greater in the licensee; or agent is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois;

(2) The Director of Agriculture determines there is reason, based on an inordinate number of documented compliance violations, the licensee is not entitled to an Early Approval Adult Use Cultivation Center License; or

(3) The licensee fails to commit to the Social Equity Inclusion Plan.

(h) A cultivation center may begin producing cannabis and cannabis-infused products once the Early Approval Adult Use Cultivation Center License is approved. A cultivation center that obtains an Early Approval Adult Use Cultivation Center License may begin selling cannabis and cannabis-infused products on December 1, 2019.

(i) An Early Approval Adult Use Cultivation Center License holder must continue to produce and provide an adequate supply of cannabis and cannabis-infused products for purchase by qualifying patients and caregivers. For the purposes of this subsection, "adequate supply" means a monthly production level that is comparable in type and quantity to those medical cannabis products produced for patients and caregivers on an average monthly basis for the 6 months before the effective date of this Act.

(j) If there is a shortage of cannabis or cannabis-infused products, a license holder shall prioritize patients registered under the Compassionate Use of Medical Cannabis Program Act over adult use purchasers.

(k) If an Early Approval Adult Use Cultivation Center licensee fails to submit an application for an Adult Use Cultivation Center License before the

expiration of the Early Approval Adult Use Cultivation Center License pursuant to subsection (c-5) of this Section, the cultivation center shall cease adult use cultivation until it receives an Adult Use Cultivation Center License.

(*l*) A cultivation center agent who holds a valid cultivation center agent identification card issued under the Compassionate Use of Medical Cannabis Program Act and is an officer, director, manager, or employee of the cultivation center licensed under this Section may engage in all activities authorized by this Article to be performed by a cultivation center agent.

(m) If the Department of Agriculture suspends or revokes the Early Approval Adult Use Cultivation Center License of a cultivation center that also holds a medical cannabis cultivation center license issued under the Compassionate Use of Medical Cannabis Program Act, the Department of Agriculture may suspend or revoke the medical cannabis cultivation center license concurrently with the Early Approval Adult Use Cultivation Center License.

(n) All fees or fines collected from an Early Approval Adult Use Cultivation Center License holder as a result of a disciplinary action in the enforcement of this Act shall be deposited into the Cannabis Regulation Fund.

HISTORY:

2019 P.A. 101-27, § 20-10, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/20-15 Conditional Adult Use Cultivation Center application.

(a) If the Department of Agriculture makes available additional cultivation center licenses pursuant to Section 20-5 [410 ILCS 705/20-5], applicants for a Conditional Adult Use Cultivation Center License shall electronically submit the following in such form as the Department of Agriculture may direct:

(1) the nonrefundable application fee set by rule by the Department of Agriculture, to be deposited into the Cannabis Regulation Fund;

(2) the legal name of the cultivation center;

(3) the proposed physical address of the cultivation center;

(4) the name, address, social security number, and date of birth of each principal officer and board member of the cultivation center; each principal officer and board member shall be at least 21 years of age;

(5) the details of any administrative or judicial proceeding in which any of the principal officers or board members of the cultivation center (i) pled guilty, were convicted, were fined, or had a registration or license suspended or revoked, or (ii) managed or served on the board of a business or non-profit organization that pled guilty, was convicted, was fined, or had a registration or license suspended or revoked;

(6) proposed operating bylaws that include procedures for the oversight of the cultivation center, including the development and implementation of a plant monitoring system, accurate recordkeeping, staffing plan, and security plan approved by the Illinois State Police that are in accordance with the rules issued by the Department of Agriculture under this Act. A physical inventory shall be performed of all plants and cannabis on a weekly basis by the cultivation center;

(7) verification from the Illinois State Police that all background checks of the prospective principal officers, board members, and agents of the cannabis business establishment have been conducted;

(8) a copy of the current local zoning ordinance or permit and verification that the proposed cultivation center is in compliance with the local zoning rules and distance limitations established by the local jurisdiction;

(9) proposed employment practices, in which the applicant must demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, and persons with disabilities, engage in fair labor practices, and provide worker protections;

(10) whether an applicant can demonstrate experience in or business practices that promote economic empowerment in Disproportionately Impacted Areas;

(11) experience with the cultivation of agricultural or horticultural products, operating an agriculturally related business, or operating a horticultural business;

(12) a description of the enclosed, locked facility where cannabis will be grown, harvested, manufactured, processed, packaged, or otherwise prepared for distribution to a dispensing organization;

(13) a survey of the enclosed, locked facility, including the space used for cultivation;

(14) cultivation, processing, inventory, and packaging plans;

(15) a description of the applicant's experience with agricultural cultivation techniques and industry standards;

(16) a list of any academic degrees, certifications, or relevant experience of all prospective principal officers, board members, and agents of the related business;

(17) the identity of every person having a financial or voting interest of 5% or greater in the cultivation center operation with respect to which the license is sought, whether a trust, corporation, partnership, limited liability company, or sole proprietorship, including the name and address of each person;

(18) a plan describing how the cultivation center will address each of the following:

(i) energy needs, including estimates of monthly electricity and gas usage, to what extent it will procure energy from a local utility or from on-site generation, and if it has or will adopt a sustainable energy use and energy conservation policy;

(ii) water needs, including estimated water draw and if it has or will adopt a sustainable water use and water conservation policy; and

(iii) waste management, including if it has or will adopt a waste reduction policy;

(19) a diversity plan that includes a narrative of not more than 2,500 words that establishes a goal of diversity in ownership, management, employment, and contracting to ensure that diverse participants and groups are afforded equality of opportunity;

(20) any other information required by rule;

(21) a recycling plan:

(A) Purchaser packaging, including cartridges, shall be accepted by the applicant and recycled.

(B) Any recyclable waste generated by the cannabis cultivation facility shall be recycled per applicable State and local laws, ordinances, and rules.

(C) Any cannabis waste, liquid waste, or hazardous waste shall be disposed of in accordance with 8 Ill. Adm. Code 1000.460, except, to the greatest extent feasible, all cannabis plant waste will be rendered unusable by grinding and incorporating the cannabis plant waste with compostable mixed waste to be disposed of in accordance with 8 Ill. Adm. Code 1000.460(g)(1);

(22) commitment to comply with local waste provisions: a cultivation facility must remain in compliance with applicable State and federal environmental requirements, including, but not limited to:

(A) storing, securing, and managing all recyclables and waste, including organic waste composed of or containing finished cannabis and cannabis products, in accordance with applicable State and local laws, ordinances, and rules; and

(B) disposing liquid waste containing cannabis or byproducts of cannabis processing in compliance with all applicable State and federal requirements, including, but not limited to, the cannabis cultivation facility's permits under Title X of the Environmental Protection Act [415 ILCS 5/39 et seq.]; and

(23) a commitment to a technology standard for resource efficiency of the cultivation center facility.

(A) A cannabis cultivation facility commits to use resources efficiently, including energy and water. For the following, a cannabis cultivation facility commits to meet or exceed the technology standard identified in items (i), (ii), (iii), and (iv), which may be modified by rule:

(i) lighting systems, including light bulbs;

(ii) HVAC system;

(iii) water application system to the crop; and

(iv) filtration system for removing contaminants from wastewater.

(B) Lighting. The Lighting Power Densities (LPD) for cultivation space commits to not exceed an average of 36 watts per gross square foot of active and growing space canopy, or all installed lighting technology shall meet a photosynthetic photon efficacy (PPE) of no less than 2.2 micromoles per joule fixture and shall be featured on the DesignLights Consortium (DLC) Horticultural Specification Qualified Products List (QPL). In the event that DLC requirement for minimum efficacy exceeds 2.2 micromoles per joule fixture, that PPE shall become the new standard.

(C) HVAC.

(i) For cannabis grow operations with less than 6,000 square feet of canopy, the licensee commits that all HVAC units will be high-efficiency ductless split HVAC units, or other more energy efficient equipment.

(ii) For cannabis grow operations with 6,000 square feet of canopy or more, the licensee commits that all HVAC units will be variable refrigerant flow HVAC units, or other more energy efficient equipment.

(D) Water application.

(i) The cannabis cultivation facility commits to use automated watering systems, including, but not limited to, drip irrigation and flood tables, to irrigate cannabis crop.

(ii) The cannabis cultivation facility commits to measure runoff from watering events and report this volume in its water usage plan, and that on average, watering events shall have no more than 20% of runoff of water.

(E) Filtration. The cultivator commits that HVAC condensate, dehumidification water, excess runoff, and other wastewater produced by the cannabis cultivation facility shall be captured and filtered to the best of the facility's ability to achieve the quality needed to be reused in subsequent watering rounds.

(F) Reporting energy use and efficiency as required by rule.

(b) Applicants must submit all required information, including the information required in Section 20-10 [410 ILCS 705/20-10], to the Department of Agriculture. Failure by an applicant to submit all required information may result in the application being disqualified.

(c) If the Department of Agriculture receives an application with missing information, the Department of Agriculture may issue a deficiency notice to the applicant. The applicant shall have 10 calendar days from the date of the deficiency notice to resubmit the incomplete information. Applications that are still incomplete after this opportunity to cure will not be scored and will be disqualified.

(e) A cultivation center that is awarded a Conditional Adult Use Cultivation Center License pursuant to the criteria in Section 20-20 [410 ILCS 705/20-20] shall not grow, purchase, possess, or sell cannabis or cannabis-infused products until the person has received an Adult Use Cultivation Center

License issued by the Department of Agriculture pursuant to Section 20-21 of this Act [410 ILCS 705/20-21].

HISTORY:
2019 P.A. 101-27, § 20-15, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/20-20 Conditional Adult Use License scoring applications.

(a) The Department of Agriculture shall by rule develop a system to score cultivation center applications to administratively rank applications based on the clarity, organization, and quality of the applicant's responses to required information. Applicants shall be awarded points based on the following categories:

(1) Suitability of the proposed facility;

(2) Suitability of employee training plan;

(3) Security and recordkeeping;

(4) Cultivation plan;

(5) Product safety and labeling plan;

(6) Business plan;

(7) The applicant's status as a Social Equity Applicant, which shall constitute no less than 20% of total available points;

(8) Labor and employment practices, which shall constitute no less than 2% of total available points;

(9) Environmental plan as described in paragraphs (18), (21), (22), and (23) of subsection (a) of Section 20-15 [410 ILCS 705/20-15];

(10) The applicant is 51% or more owned and controlled by an individual or individuals who have been an Illinois resident for the past 5 years as proved by tax records or 2 of the following:

(A) a signed lease agreement that includes the applicant's name;

(B) a property deed that includes the applicant's name;

(C) school records;

(D) a voter registration card;

(E) an Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card;

(F) a paycheck stub;

(G) a utility bill; or

(H) any other proof of residency or other information necessary to establish residence as provided by rule;

(11) The applicant is 51% or more controlled and owned by an individual or individuals who meet the qualifications of a veteran as defined by Section 45-57 of the Illinois Procurement Code [30 ILCS 500/45-57];

(12) a diversity plan that includes a narrative of not more than 2,500 words that establishes a goal of diversity in ownership, management, employment, and contracting to ensure that diverse participants and groups are afforded equality of opportunity; and

(13) Any other criteria the Department of Agriculture may set by rule for points.

(b) The Department may also award bonus points for the applicant's plan to engage with the community. Bonus points will only be awarded if the Department receives applications that receive an equal score for a particular region.

(c) Should the applicant be awarded a cultivation center license, the information and plans that an applicant provided in its application, including any plans submitted for the acquiring of bonus points, becomes a mandatory condition of the permit. Any variation from or failure to perform such plans may result in discipline, including the revocation or nonrenewal of a license.

(d) Should the applicant be awarded a cultivation center license, it shall pay a fee of $100,000 prior to receiving the license, to be deposited into the Cannabis Regulation Fund. The Department of Agriculture may by rule adjust the fee in this Section after January 1, 2021.

HISTORY:
2019 P.A. 101-27, § 20-20, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/20-21 Adult Use Cultivation Center License.

(a) A person or entity is only eligible to receive an Adult Use Cultivation Center License if the person or entity has first been awarded a Conditional Adult Use Cultivation Center License pursuant to this Act or the person or entity has renewed its Early Approval Cultivation Center License pursuant to subsection (c) of Section 20-10 [410 ILCS 705/20-10].

(b) The Department of Agriculture shall not issue an Adult Use Cultivation Center License until:

(1) the Department of Agriculture has inspected the cultivation center site and proposed operations and verified that they are in compliance with this Act and local zoning laws;

(2) the Conditional Adult Use Cultivation Center License holder has paid a registration fee of $100,000 or a prorated amount accounting for the difference of time between when the Adult Use Cultivation Center License is issued and March 31 of the next even-numbered year; and

(3) The Conditional Adult Use Cultivation Center License holder has met all the requirements in the Act and rules.

HISTORY:
2019 P.A. 101-27, § 20-21, effective June 25, 2019.

410 ILCS 705/20-25 Denial of application.

An application for a cultivation center license must be denied if any of the following conditions are met:

(1) the applicant failed to submit the materials required by this Article;

(2) the applicant would not be in compliance with local zoning rules;

(3) one or more of the prospective principal officers or board members causes a violation of Section 20-30 [410 ILCS 705/20-30];

(4) one or more of the principal officers or board members is under 21 years of age;

(5) the person has submitted an application for a permit under this Act that contains false information; or

(6) the licensee, principal officer, board member, or person having a financial or voting interest of 5% or greater in the licensee, or the agent is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

HISTORY:
2019 P.A. 101-27, § 20-25, effective June 25, 2019.

410 ILCS 705/20-30 Cultivation center requirements; prohibitions.

(a) The operating documents of a cultivation center shall include procedures for the oversight of the cultivation center, a cannabis plant monitoring system including a physical inventory recorded weekly, accurate recordkeeping, and a staffing plan.

(b) A cultivation center shall implement a security plan reviewed by the Illinois State Police that includes, but is not limited to: facility access controls, perimeter intrusion detection systems, personnel identification systems, 24-hour surveillance system to monitor the interior and exterior of the cultivation center facility and accessibility to authorized law enforcement, the Department of Public Health where processing takes place, and the Department of Agriculture in real time.

(c) All cultivation of cannabis by a cultivation center must take place in an enclosed, locked facility at the physical address provided to the Department of Agriculture during the licensing process. The cultivation center location shall only be accessed by the agents working for the cultivation center, the Department of Agriculture staff performing inspections, the Department of Public Health staff performing inspections, local and State law enforcement or other emergency personnel, contractors working on jobs unrelated to cannabis, such as installing or maintaining security devices or performing electrical wiring, transporting organization agents as provided in this Act, individuals in a mentoring or educational program approved by the State, or other individuals as provided by rule.

(d) A cultivation center may not sell or distribute any cannabis or cannabis-infused products to any person other than a dispensing organization, craft grower, infuser organization, transporter, or as otherwise authorized by rule.

(e) A cultivation center may not either directly or indirectly discriminate in price between different dispensing organizations, craft growers, or infuser organizations that are purchasing a like grade, strain, brand, and quality of cannabis or cannabis-infused product. Nothing in this subsection (e) prevents a cultivation center from pricing cannabis differently based on differences in the cost of manufacturing or processing, the quantities sold, such as volume discounts, or the way the products are delivered.

(f) All cannabis harvested by a cultivation center and intended for distribution to a dispensing organization must be entered into a data collection system, packaged and labeled under Section 55-21 [410 ILCS 705/55-21 et seq.], and placed into a cannabis container for transport. All cannabis harvested by a cultivation center and intended for distribution to a craft grower or infuser organization must be packaged in a labeled cannabis container and entered into a data collection system before transport.

(g) Cultivation centers are subject to random inspections by the Department of Agriculture, the Department of Public Health, local safety or health inspectors, the Illinois State Police, or as provided by rule.

(h) A cultivation center agent shall notify local law enforcement, the Illinois State Police, and the Department of Agriculture within 24 hours of the discovery of any loss or theft. Notification shall be made by phone or in person, or by written or electronic communication.

(i) A cultivation center shall comply with all State and any applicable federal rules and regulations regarding the use of pesticides on cannabis plants.

(j) No person or entity shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, of more than 3 cultivation centers licensed under this Article. Further, no person or entity that is employed by, an agent of, has a contract to receive payment in any form from a cultivation center, is a principal officer of a cultivation center, or entity controlled by or affiliated with a principal officer of a cultivation shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, in a cultivation that would result in the person or entity owning or controlling in combination with any cultivation center, principal officer of a cultivation center, or entity controlled or affiliated with a principal officer of a cultivation center by which he, she, or it is employed, is an agent of, or participates in the management of, more than 3 cultivation center licenses.

(k) A cultivation center may not contain more than 210,000 square feet of canopy space for plants in the flowering stage for cultivation of adult use cannabis as provided in this Act.

(*l*) A cultivation center may process cannabis, cannabis concentrates, and cannabis-infused products.

(m) Beginning July 1, 2020, a cultivation center shall not transport cannabis or cannabis-infused products to a craft grower, dispensing organization, infuser organization, or laboratory licensed under this Act, unless it has obtained a transporting organization license.

(n) It is unlawful for any person having a cultivation center license or any officer, associate, member,

representative, or agent of such licensee to offer or deliver money, or anything else of value, directly or indirectly to any person having an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.], or to any person connected with or in any way representing, or to any member of the family of, such person holding an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act, or to any stockholders in any corporation engaged in the retail sale of cannabis, or to any officer, manager, agent, or representative of the Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act to obtain preferential placement within the dispensing organization, including, without limitation, on shelves and in display cases where purchasers can view products, or on the dispensing organization's website.

(o) A cultivation center must comply with any other requirements or prohibitions set by administrative rule of the Department of Agriculture.

HISTORY:

2019 P.A. 101-27, § 20-30, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021; 2021 P.A. 102-538, § 845, effective August 20, 2021; 2022 P.A. 102-813, § 540, effective May 13, 2022.

410 ILCS 705/20-35 Cultivation center agent identification card.

(a) The Department of Agriculture shall:

(1) establish by rule the information required in an initial application or renewal application for an agent identification card submitted under this Act and the nonrefundable fee to accompany the initial application or renewal application;

(2) verify the information contained in an initial application or renewal application for an agent identification card submitted under this Act, and approve or deny an application within 30 days of receiving a completed initial application or renewal application and all supporting documentation required by rule;

(3) issue an agent identification card to a qualifying agent within 15 business days of approving the initial application or renewal application;

(4) enter the license number of the cultivation center where the agent works; and

(5) allow for an electronic initial application and renewal application process, and provide a confirmation by electronic or other methods that an application has been submitted. The Department of Agriculture may by rule require prospective agents to file their applications by electronic means and provide notices to the agents by electronic means.

(b) An agent must keep his or her identification card visible at all times when on the property of the cultivation center at which the agent is employed.

(c) The agent identification cards shall contain the following:

(1) the name of the cardholder;

(2) the date of issuance and expiration date of the identification card;

(3) a random 10-digit alphanumeric identification number containing at least 4 numbers and at least 4 letters that is unique to the holder;

(4) a photograph of the cardholder; and

(5) the legal name of the cultivation center employing the agent.

(d) An agent identification card shall be immediately returned to the cultivation center of the agent upon termination of his or her employment.

(e) Any agent identification card lost by a cultivation center agent shall be reported to the Illinois State Police and the Department of Agriculture immediately upon discovery of the loss.

(f) The Department of Agriculture shall not issue an agent identification card if the applicant is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

HISTORY:

2019 P.A. 101-27, § 20-35, effective June 25, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/20-40 Cultivation center background checks.

(a) Through the Illinois State Police, the Department of Agriculture shall conduct a background check of the prospective principal officers, board members, and agents of a cultivation center applying for a license or identification card under this Act. The Illinois State Police shall charge a fee set by rule for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the record check. In order to carry out this provision, each cultivation center prospective principal officer, board member, or agent shall submit a full set of fingerprints to the Illinois State Police for the purpose of obtaining a State and federal criminal records check. These fingerprints shall be checked against the fingerprint records now and hereafter, to the extent allowed by law, filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall furnish, following positive identification, all conviction information to the Department of Agriculture.

(b) When applying for the initial license or identification card, the background checks for all prospec-

tive principal officers, board members, and agents shall be completed before submitting the application to the licensing or issuing agency.

HISTORY:
2019 P.A. 101-27, § 20-40, effective June 25, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/20-45 Renewal of cultivation center licenses and agent identification cards.

(a) Licenses and identification cards issued under this Act shall be renewed annually. A cultivation center shall receive written or electronic notice 90 days before the expiration of its current license that the license will expire. The Department of Agriculture shall grant a renewal within 45 days of submission of a renewal application if:

(1) the cultivation center submits a renewal application and the required nonrefundable renewal fee of $100,000, or another amount as the Department of Agriculture may set by rule after January 1, 2021, to be deposited into the Cannabis Regulation Fund.

(2) the Department of Agriculture has not suspended the license of the cultivation center or suspended or revoked the license for violating this Act or rules adopted under this Act;

(3) the cultivation center has continued to operate in accordance with all plans submitted as part of its application and approved by the Department of Agriculture or any amendments thereto that have been approved by the Department of Agriculture;

(4) the cultivation center has submitted an agent, employee, contracting, and subcontracting diversity report as required by the Department; and

(5) the cultivation center has submitted an environmental impact report.

(b) If a cultivation center fails to renew its license before expiration, it shall cease operations until its license is renewed.

(c) If a cultivation center agent fails to renew his or her identification card before its expiration, he or she shall cease to work as an agent of the cultivation center until his or her identification card is renewed.

(d) Any cultivation center that continues to operate, or any cultivation center agent who continues to work as an agent, after the applicable license or identification card has expired without renewal is subject to the penalties provided under Section 45-5 [410 ILCS 705/45-5].

HISTORY:
2019 P.A. 101-27, § 20-45, effective June 25, 2019.

410 ILCS 705/20-50 Cultivator taxes; returns.

(a) A tax is imposed upon the privilege of cultivating and processing adult use cannabis at the rate of 7% of the gross receipts from the sale of cannabis by a cultivator to a dispensing organization. The sale of any adult use product that contains any amount of cannabis or any derivative thereof is subject to the tax under this Section on the full selling price of the product. The proceeds from this tax shall be deposited into the Cannabis Regulation Fund. This tax shall be paid by the cultivator who makes the first sale and is not the responsibility of a dispensing organization, qualifying patient, or purchaser.

(b) In the administration of and compliance with this Section, the Department of Revenue and persons who are subject to this Section: (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) are subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and (iii) shall employ the same modes of procedure as are set forth in the Cannabis Cultivation Privilege Tax Law and the Uniform Penalty and Interest Act [35 ILCS 735/3-1 et seq.] as if those provisions were set forth in this Section.

(c) The tax imposed under this Act shall be in addition to all other occupation or privilege taxes imposed by the State of Illinois or by any municipal corporation or political subdivision thereof.

HISTORY:
2019 P.A. 101-27, § 20-50, effective June 25, 2019.

410 ILCS 705/20-55 Disclosure of ownership and control.

(a) Each Adult Use Cultivation Center applicant and license holder shall file and maintain a Table of Organization, Ownership, and Control with the Department. The Table of Organization, Ownership, and Control shall contain the information required by this Section in sufficient detail to identify all owners, directors, and principal officers, and the title of each principal officer or business entity that, through direct or indirect means, manages, owns, or controls the applicant or license holder.

(b) The Table of Organization, Ownership, and Control shall identify the following information:

(1) The management structure, ownership, and control of the applicant or license holder including the name of each principal officer or business entity, the office or position held, and the percentage ownership interest, if any. If the business entity has a parent company, the name of each owner, board member, and officer of the parent company and his or her percentage ownership interest in the parent company and the Adult Use Cultivation Center.

(2) If the applicant or licensee is a business entity with publicly traded stock, the identification of ownership shall be provided as required in subsection (c).

(c) If a business entity identified in subsection (b) is a publicly traded company, the following information shall be provided in the Table of Organization, Ownership, and Control:

(1) The name and percentage of ownership interest of each individual or business entity with ownership of more than 5% of the voting shares of the entity, to the extent such information is known or contained in 13D or 13G Securities and Exchange Commission filings.

(2) To the extent known, the names and percentage of interest of ownership of persons who are relatives of one another and who together exercise control over or own more than 10% of the voting shares of the entity.

(d) An Adult Use Cultivation Center with a parent company or companies, or partially owned or controlled by another entity must disclose to the Department the relationship and all owners, board members, officers, or individuals with control or management of those entities. An Adult Use Cultivation Center shall not shield its ownership or control from the Department.

(e) All principal officers must submit a complete online application with the Department within 14 days of the Adult Use Cultivation Center being licensed by the Department or within 14 days of Department notice of approval as a new principal officer.

(f) A principal officer may not allow his or her registration to expire.

(g) An Adult Use Cultivation Center separating with a principal officer must do so under this Act. The principal officer must communicate the separation to the Department within 5 business days.

(h) A principal officer not in compliance with the requirements of this Act shall be removed from his or her position with the Adult Use Cultivation Center or shall otherwise terminate his or her affiliation. Failure to do so may subject the Adult Use Cultivation Center to discipline, suspension, or revocation of its license by the Department.

(i) It is the responsibility of the Adult Use Cultivation Center and its principal officers to promptly notify the Department of any change of the principal place of business address, hours of operation, change in ownership or control, or a change of the Adult Use Cultivation Center's primary or secondary contact information. Any changes must be made to the Department in writing.

HISTORY:
2021 P.A. 102-98, § 10, effective July 15, 2021.

ARTICLE 25.

COMMUNITY COLLEGE CANNABIS VOCATIONAL PILOT PROGRAM [REPEALED JULY 1, 2026]

410 ILCS 705/25-1 Definitions. [Repealed July 1, 2026]

In this Article:

"Board" means the Illinois Community College Board.

"Career in Cannabis Certificate" or "Certificate" means the certification awarded to a community college student who completes a prescribed course of study in cannabis and cannabis business industry related classes and curriculum at a community college awarded a Community College Cannabis Vocational Pilot Program license.

"Community college" means a public community college organized under the Public Community College Act [110 ILCS 805/1-1 et seq.].

"Department" means the Department of Agriculture.

"Licensee" means a community college awarded a Community College Cannabis Vocational Pilot Program license under this Article.

"Program" means the Community College Cannabis Vocational Pilot Program.

"Program license" means a Community College Cannabis Vocational Pilot Program license issued to a community college under this Article.

HISTORY:
2019 P.A. 101-27, § 25-1, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/25-5 Administration. [Repealed July 1, 2026]

(a) The Department shall establish and administer the Program in coordination with the Illinois Community College Board. The Department may issue Program licenses to applicants that meet the requirements outlined in this Article.

(b) Beginning with the 2021-2022 academic year, and subject to subsection (h) of Section 2-12 of the Public Community College Act [110 ILCS 805/2-12], community colleges awarded Program licenses may offer qualifying students a Career in Cannabis Certificate, which includes, but is not limited to, courses that allow participating students to work with, study, and grow live cannabis plants so as to prepare students for a career in the legal cannabis industry, and to instruct participating students on the best business practices, professional responsibility, and legal compliance of the cannabis business industry.

(c) The Board may issue rules pertaining to the provisions in this Act.

(d) Notwithstanding any other provision of this Act, students shall be at least 18 years old in order to enroll in a licensee's Career in Cannabis Certificate's prescribed course of study.

HISTORY:
2019 P.A. 101-27, § 25-5, effective June 25, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021.

410 ILCS 705/25-10 Issuance of Community College Cannabis Vocational Pilot Program licenses. [Repealed July 1, 2026]

(a) The Department shall issue rules regulating the selection criteria for applicants by January 1,

2020. The Department shall make the application for a Program license available no later than February 1, 2020, and shall require that applicants submit the completed application no later than July 1, 2020. If the Department issues fewer than 8 Program licenses by September 1, 2020, the Department may accept applications at a future date as prescribed by rule.

(b) The Department shall by rule develop a system to score Program licenses to administratively rank applications based on the clarity, organization, and quality of the applicant's responses to required information. Applicants shall be awarded points that are based on or that meet the following categories:

(1) Geographic diversity of the applicants;

(2) Experience and credentials of the applicant's faculty;

(3) At least 5 Program license awardees must have a student population that is more than 50% low-income in each of the past 4 years;

(4) Security plan, including a requirement that all cannabis plants be in an enclosed, locked facility;

(5) Curriculum plan, including processing and testing curriculum for the Career in Cannabis Certificate;

(6) Career advising and placement plan for participating students; and

(7) Any other criteria the Department may set by rule.

HISTORY:
2019 P.A. 101-27, § 25-10, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/25-15 Community College Cannabis Vocational Pilot Program requirements and prohibitions. [Repealed July 1, 2026]

(a) Licensees shall not have more than 50 flowering cannabis plants at any one time.

(b) The agent-in-charge shall keep a vault log of the licensee's enclosed, locked facility or facilities, including but not limited to, the person entering the site location, the time of entrance, the time of exit, and any other information the Department may set by rule.

(c) Cannabis shall not be removed from the licensee's facility, except for the limited purpose of shipping a sample to a laboratory registered under this Act.

(d) The licensee shall limit keys, access cards, or an access code to the licensee's enclosed, locked facility, or facilities, to cannabis curriculum faculty and college security personnel with a bona fide need to access the facility for emergency purposes.

(e) A transporting organization may transport cannabis produced pursuant to this Article to a laboratory registered under this Act. All other cannabis produced by the licensee that was not shipped to a registered laboratory shall be destroyed within 5 weeks of being harvested.

(f) Licensees shall subscribe to the Department of Agriculture's cannabis plant monitoring system.

(g) Licensees shall maintain a weekly inventory system.

(h) No student participating in the cannabis curriculum necessary to obtain a Certificate may be in the licensee's facility unless a faculty agent-in-charge is also physically present in the facility.

(i) Licensees shall conduct post-certificate follow up surveys and record participating students' job placements within the cannabis business industry within a year of the student's completion.

(j) The Illinois Community College Board shall report annually to the Department on the race, ethnicity, and gender of all students participating in the cannabis curriculum necessary to obtain a Certificate, and of those students who obtain a Certificate.

HISTORY:
2019 P.A. 101-27, § 25-15, effective June 25, 2019.

410 ILCS 705/25-20 Faculty. [Repealed July 1, 2026]

(a) All faculty members shall be required to maintain registration as an agent-in-charge and have a valid agent identification card prior to teaching or participating in the licensee's cannabis curriculum that involves instruction offered in the enclosed, locked facility or facilities.

(b) All faculty receiving an agent-in-charge or agent identification card must successfully pass a background check required by Section 5-20 [410 ILCS 705/5-20] prior to participating in a licensee's cannabis curriculum that involves instruction offered in the enclosed, locked facility.

HISTORY:
2019 P.A. 101-27, § 25-20, effective June 25, 2019.

410 ILCS 705/25-25 Enforcement. [Repealed July 1, 2026]

(a) The Department has the authority to suspend or revoke any faculty agent-in-charge or agent identification card for any violation found under this Article.

(b) The Department has the authority to suspend or revoke any Program license for any violation found under this Article.

(c) The Board shall revoke the authority to offer the Certificate of any community college that has had its license revoked by the Department.

HISTORY:
2019 P.A. 101-27, § 25-25, effective June 25, 2019.

410 ILCS 705/25-30 Inspection rights. [Effective until July 1, 2026]

(a) A licensee's enclosed, locked facilities are subject to random inspections by the Department, the Illinois State Police, or as provided by rule.

(b) Nothing in this Section shall be construed to give the Department, the Illinois State Police, or any other entity identified by rule under subsection (a) a right of inspection or access to any location on the licensee's premises beyond the facilities licensed under this Article.

HISTORY:
2019 P.A. 101-27, § 25-30, effective June 25, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021; 2021 P.A. 102-538, § 845, effective August 20, 2021; 2022 P.A. 102-813, § 540, effective May 13, 2022.

410 ILCS 705/25-35 Community College Cannabis Vocational Training Pilot Program faculty participant agent identification card. [Effective until July 1, 2026]

(a) The Department shall:

(1) establish by rule the information required in an initial application or renewal application for an agent identification card submitted under this Article and the nonrefundable fee to accompany the initial application or renewal application;

(2) verify the information contained in an initial application or renewal application for an agent identification card submitted under this Article, and approve or deny an application within 30 days of receiving a completed initial application or renewal application and all supporting documentation required by rule;

(3) issue an agent identification card to a qualifying agent within 15 business days of approving the initial application or renewal application;

(4) enter the license number of the community college where the agent works; and

(5) allow for an electronic initial application and renewal application process, and provide a confirmation by electronic or other methods that an application has been submitted. Each Department may by rule require prospective agents to file their applications by electronic means and to provide notices to the agents by electronic means.

(b) An agent must keep his or her identification card visible at all times when in the enclosed, locked facility, or facilities for which he or she is an agent.

(c) The agent identification cards shall contain the following:

(1) the name of the cardholder;

(2) the date of issuance and expiration date of the identification card;

(3) a random 10-digit alphanumeric identification number containing at least 4 numbers and at least 4 letters that is unique to the holder;

(4) a photograph of the cardholder; and

(5) the legal name of the community college employing the agent.

(d) An agent identification card shall be immediately returned to the community college of the agent upon termination of his or her employment.

(e) Any agent identification card lost shall be reported to the Illinois State Police and the Department of Agriculture immediately upon discovery of the loss.

(f) An agent applicant may begin employment at a Community College Cannabis Vocational Training Pilot Program while the agent applicant's identification card application is pending. Upon approval, the Department shall issue the agent's identification card to the agent. If denied, the Community College Cannabis Vocational Training Pilot Program and the agent applicant shall be notified and the agent applicant must cease all activity at the Community College Cannabis Vocational Training Pilot Program immediately.

HISTORY:
2019 P.A. 101-27, § 25-35, effective June 25, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021; 2021 P.A. 102-538, § 845, effective August 20, 2021; 2022 P.A. 102-813, § 540, effective May 13, 2022.

410 ILCS 705/25-40 Study. [Repealed July 1, 2026]

By December 31, 2025, the Illinois Cannabis Regulation Oversight Officer, in coordination with the Board, must issue a report to the Governor and the General Assembly which includes, but is not limited to, the following:

(1) Number of security incidents or infractions at each licensee and any action taken or not taken;

(2) Statistics, based on race, ethnicity, gender, and participating community college of:

(A) students enrolled in career in cannabis classes;

(B) successful completion rates by community college students for the Certificate;

(C) postgraduate job placement of students who obtained a Certificate, including both cannabis business establishment jobs and non-cannabis business establishment jobs; and

(3) Any other relevant information.

HISTORY:
2019 P.A. 101-27, § 25-40, effective June 25, 2019.

410 ILCS 705/25-45 Repeal. [Repealed July 1, 2026]

This Article is repealed on July 1, 2026.

HISTORY:
2019 P.A. 101-27, § 25-45, effective June 25, 2019.

ARTICLE 30.

CRAFT GROWERS

410 ILCS 705/30-3 Definition.

In this Article, "Department" means the Department of Agriculture.

HISTORY:
2019 P.A. 101-27, § 30-3, effective June 25, 2019.

410 ILCS 705/30-5 Issuance of licenses.

(a) The Department of Agriculture shall issue up to 40 craft grower licenses by July 1, 2020. Any person or entity awarded a license pursuant to this subsection shall only hold one craft grower license and may not sell that license until after December 21, 2021.

(b) By December 21, 2021, the Department of Agriculture shall issue up to 60 additional craft grower licenses. Any person or entity awarded a license pursuant to this subsection shall not hold more than 2 craft grower licenses. The person or entity awarded a license pursuant to this subsection or subsection (a) of this Section may sell its craft grower license subject to the restrictions of this Act or as determined by administrative rule. Prior to issuing such licenses, the Department may adopt rules through emergency rulemaking in accordance with subsection (kk) of Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45], to modify or raise the number of craft grower licenses and modify or change the licensing application process. The General Assembly finds that the adoption of rules to regulate cannabis use is deemed an emergency and necessary for the public interest, safety, and welfare. In determining whether to exercise the authority granted by this subsection, the Department of Agriculture must consider the following factors:

(1) the percentage of cannabis sales occurring in Illinois not in the regulated market using data from the Substance Abuse and Mental Health Services Administration, National Survey on Drug Use and Health, Illinois Behavioral Risk Factor Surveillance System, and tourism data from the Illinois Office of Tourism to ascertain total cannabis consumption in Illinois compared to the amount of sales in licensed dispensing organizations;

(2) whether there is an adequate supply of cannabis and cannabis-infused products to serve registered medical cannabis patients;

(3) whether there is an adequate supply of cannabis and cannabis-infused products to serve purchasers;

(4) whether there is an oversupply of cannabis in Illinois leading to trafficking of cannabis to states where the sale of cannabis is not permitted by law;

(5) population increases or shifts;

(6) the density of craft growers in any area of the State;

(7) perceived security risks of increasing the number or location of craft growers;

(8) the past safety record of craft growers;

(9) the Department of Agriculture's capacity to appropriately regulate additional licensees;

(10) (blank); and

(11) any other criteria the Department of Agriculture deems relevant.

(c) After January 1, 2022, the Department of Agriculture may by rule modify or raise the number of craft grower licenses and modify or change the licensing application process. At no time may the number of craft grower licenses exceed 150. Any person or entity awarded a license pursuant to this subsection shall not hold more than 3 craft grower licenses. A person or entity awarded a license pursuant to this subsection or subsection (a) or subsection (b) of this Section may sell its craft grower license or licenses subject to the restrictions of this Act or as determined by administrative rule.

(d) Upon the completion of the disparity and availability study pertaining to craft growers by the Cannabis Regulation Oversight Officer pursuant to subsection (e) of Section 5-45 [410 ILCS 705/5-45], the Department may modify or change the licensing application process to reduce or eliminate barriers from and remedy evidence of discrimination identified in the disparity and availability study.

HISTORY:

2019 P.A. 101-27, § 30-5, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021.

410 ILCS 705/30-10 Application.

(a) When applying for a license, the applicant shall electronically submit the following in such form as the Department of Agriculture may direct:

(1) the nonrefundable application fee of $5,000 to be deposited into the Cannabis Regulation Fund, or another amount as the Department of Agriculture may set by rule after January 1, 2021;

(2) the legal name of the craft grower;

(3) the proposed physical address of the craft grower;

(4) the name, address, social security number, and date of birth of each principal officer and board member of the craft grower; each principal officer and board member shall be at least 21 years of age;

(5) the details of any administrative or judicial proceeding in which any of the principal officers or board members of the craft grower (i) pled guilty, were convicted, were fined, or had a registration or license suspended or revoked or (ii) managed or served on the board of a business or non-profit organization that pled guilty, was convicted, was fined, or had a registration or license suspended or revoked;

(6) proposed operating bylaws that include procedures for the oversight of the craft grower, including the development and implementation of a plant monitoring system, accurate recordkeeping, staffing plan, and security plan approved by the Illinois State Police that are in accordance with the rules issued by the Department of Agriculture under this Act; a physical inventory shall be performed of all plants and on a weekly basis by the craft grower;

(7) verification from the Illinois State Police that all background checks of the prospective principal

officers, board members, and agents of the cannabis business establishment have been conducted;

(8) a copy of the current local zoning ordinance or permit and verification that the proposed craft grower is in compliance with the local zoning rules and distance limitations established by the local jurisdiction;

(9) proposed employment practices, in which the applicant must demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, and persons with disabilities, engage in fair labor practices, and provide worker protections;

(10) whether an applicant can demonstrate experience in or business practices that promote economic empowerment in Disproportionately Impacted Areas;

(11) experience with the cultivation of agricultural or horticultural products, operating an agriculturally related business, or operating a horticultural business;

(12) a description of the enclosed, locked facility where cannabis will be grown, harvested, manufactured, packaged, or otherwise prepared for distribution to a dispensing organization or other cannabis business establishment;

(13) a survey of the enclosed, locked facility, including the space used for cultivation;

(14) cultivation, processing, inventory, and packaging plans;

(15) a description of the applicant's experience with agricultural cultivation techniques and industry standards;

(16) a list of any academic degrees, certifications, or relevant experience of all prospective principal officers, board members, and agents of the related business;

(17) the identity of every person having a financial or voting interest of 5% or greater in the craft grower operation, whether a trust, corporation, partnership, limited liability company, or sole proprietorship, including the name and address of each person;

(18) a plan describing how the craft grower will address each of the following:

(i) energy needs, including estimates of monthly electricity and gas usage, to what extent it will procure energy from a local utility or from on-site generation, and if it has or will adopt a sustainable energy use and energy conservation policy;

(ii) water needs, including estimated water draw and if it has or will adopt a sustainable water use and water conservation policy; and

(iii) waste management, including if it has or will adopt a waste reduction policy;

(19) a recycling plan:

(A) Purchaser packaging, including cartridges, shall be accepted by the applicant and recycled.

(B) Any recyclable waste generated by the craft grower facility shall be recycled per applicable State and local laws, ordinances, and rules.

(C) Any cannabis waste, liquid waste, or hazardous waste shall be disposed of in accordance with 8 Ill. Adm. Code 1000.460, except, to the greatest extent feasible, all cannabis plant waste will be rendered unusable by grinding and incorporating the cannabis plant waste with compostable mixed waste to be disposed of in accordance with 8 Ill. Adm. Code 1000.460(g)(1);

(20) a commitment to comply with local waste provisions: a craft grower facility must remain in compliance with applicable State and federal environmental requirements, including, but not limited to:

(A) storing, securing, and managing all recyclables and waste, including organic waste composed of or containing finished cannabis and cannabis products, in accordance with applicable State and local laws, ordinances, and rules; and

(B) disposing liquid waste containing cannabis or byproducts of cannabis processing in compliance with all applicable State and federal requirements, including, but not limited to, the cannabis cultivation facility's permits under Title X of the Environmental Protection Act [415 ILCS 5/39 et seq.];

(21) a commitment to a technology standard for resource efficiency of the craft grower facility.

(A) A craft grower facility commits to use resources efficiently, including energy and water. For the following, a cannabis cultivation facility commits to meet or exceed the technology standard identified in paragraphs (i), (ii), (iii), and (iv), which may be modified by rule:

(i) lighting systems, including light bulbs;

(ii) HVAC system;

(iii) water application system to the crop; and

(iv) filtration system for removing contaminants from wastewater.

(B) Lighting. The Lighting Power Densities (LPD) for cultivation space commits to not exceed an average of 36 watts per gross square foot of active and growing space canopy, or all installed lighting technology shall meet a photosynthetic photon efficacy (PPE) of no less than 2.2 micromoles per joule fixture and shall be featured on the DesignLights Consortium (DLC) Horticultural Specification Qualified Products List (QPL). In the event that DLC requirement for minimum efficacy exceeds 2.2 micromoles per joule fixture, that PPE shall become the new standard.

(C) HVAC.

(i) For cannabis grow operations with less than 6,000 square feet of canopy, the licensee commits that all HVAC units will be high-efficiency ductless split HVAC units, or other more energy efficient equipment.

(ii) For cannabis grow operations with 6,000 square feet of canopy or more, the licensee commits that all HVAC units will be variable

refrigerant flow HVAC units, or other more energy efficient equipment.

(D) Water application.

(i) The craft grower facility commits to use automated watering systems, including, but not limited to, drip irrigation and flood tables, to irrigate cannabis crop.

(ii) The craft grower facility commits to measure runoff from watering events and report this volume in its water usage plan, and that on average, watering events shall have no more than 20% of runoff of water.

(E) Filtration. The craft grower commits that HVAC condensate, dehumidification water, excess runoff, and other wastewater produced by the craft grower facility shall be captured and filtered to the best of the facility's ability to achieve the quality needed to be reused in subsequent watering rounds.

(F) Reporting energy use and efficiency as required by rule; and

(22) any other information required by rule.

(b) Applicants must submit all required information, including the information required in Section 30-15 [410 ILCS 705/30-15], to the Department of Agriculture. Failure by an applicant to submit all required information may result in the application being disqualified.

(c) If the Department of Agriculture receives an application with missing information, the Department of Agriculture may issue a deficiency notice to the applicant. The applicant shall have 10 calendar days from the date of the deficiency notice to resubmit the incomplete information. Applications that are still incomplete after this opportunity to cure will not be scored and will be disqualified.

HISTORY:

2019 P.A. 101-27, § 30-10, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/30-15 Scoring applications.

(a) The Department of Agriculture shall by rule develop a system to score craft grower applications to administratively rank applications based on the clarity, organization, and quality of the applicant's responses to required information. Applicants shall be awarded points based on the following categories:

(1) Suitability of the proposed facility;

(2) Suitability of the employee training plan;

(3) Security and recordkeeping;

(4) Cultivation plan;

(5) Product safety and labeling plan;

(6) Business plan;

(7) The applicant's status as a Social Equity Applicant, which shall constitute no less than 20% of total available points;

(8) Labor and employment practices, which shall constitute no less than 2% of total available points;

(9) Environmental plan as described in paragraphs (18), (19), (20), and (21) of subsection (a) of Section 30-10 [410 ILCS 705/30-10];

(10) The applicant is 51% or more owned and controlled by an individual or individuals who have been an Illinois resident for the past 5 years as proved by tax records or 2 of the following:

(A) a signed lease agreement that includes the applicant's name;

(B) a property deed that includes the applicant's name;

(C) school records;

(D) a voter registration card;

(E) an Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card;

(F) a paycheck stub;

(G) a utility bill; or

(H) any other proof of residency or other information necessary to establish residence as provided by rule;

(11) The applicant is 51% or more controlled and owned by an individual or individuals who meet the qualifications of a veteran as defined in Section 45-57 of the Illinois Procurement Code [30 ILCS 500/45-57];

(12) A diversity plan that includes a narrative of not more than 2,500 words that establishes a goal of diversity in ownership, management, employment, and contracting to ensure that diverse participants and groups are afforded equality of opportunity; and

(13) Any other criteria the Department of Agriculture may set by rule for points.

(b) The Department may also award up to 2 bonus points for the applicant's plan to engage with the community. The applicant may demonstrate a desire to engage with its community by participating in one or more of, but not limited to, the following actions: (i) establishment of an incubator program designed to increase participation in the cannabis industry by persons who would qualify as Social Equity Applicants; (ii) providing financial assistance to substance abuse treatment centers; (iii) educating children and teens about the potential harms of cannabis use; or (iv) other measures demonstrating a commitment to the applicant's community. Bonus points will only be awarded if the Department receives applications that receive an equal score.

(c) Should the applicant be awarded a craft grower license, the information and plans that an applicant provided in its application, including any plans submitted for the acquiring of bonus points, shall be a mandatory condition of the license. Any variation from or failure to perform such plans may result in discipline, including the revocation or nonrenewal of a license.

(d) Should the applicant be awarded a craft grower license, the applicant shall pay a prorated fee of $40,000 prior to receiving the license, to be deposited into the Cannabis Regulation Fund. The Department

of Agriculture may by rule adjust the fee in this Section after January 1, 2021.

HISTORY:
2019 P.A. 101-27, § 30-15, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/30-20 Issuance of license to certain persons prohibited.

(a) No craft grower license issued by the Department of Agriculture shall be issued to a person who is licensed by any licensing authority as a cultivation center, or to any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or any other form of business enterprise having more than 10% legal, equitable, or beneficial interest, directly or indirectly, in a person licensed in this State as a cultivation center, or to any principal officer, agent, employee, or human being with any form of ownership or control over a cultivation center except for a person who owns no more than 5% of the outstanding shares of a cultivation center whose shares are publicly traded on an exchange within the meaning of the Securities Exchange Act of 1934.

(b) A person who is licensed in this State as a craft grower, or any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or agent thereof, or any other form of business enterprise licensed in this State as a craft grower shall not have more than 10% legal, equitable, or beneficial interest, directly or indirectly, in a person licensed as a cultivation center, nor shall any partnership, corporation, limited liability company, or trust or any subsidiary, affiliate, or any other form of business enterprise having any legal, equitable, or beneficial interest, directly or indirectly, in a person licensed in this State as a craft grower or a craft grower agent be a principal officer, agent, employee, or human being with any form of ownership or control over a cultivation center except for a person who owns no more than 5% of the outstanding shares of a cultivation center whose shares are publicly traded on an exchange within the meaning of the Securities Exchange Act of 1934.

HISTORY:
2019 P.A. 101-27, § 30-20, effective June 25, 2019.

410 ILCS 705/30-25 Denial of application.

An application for a craft grower license must be denied if any of the following conditions are met:

(1) the applicant failed to submit the materials required by this Article;

(2) the applicant would not be in compliance with local zoning rules;

(3) one or more of the prospective principal officers or board members causes a violation of Section 30-20 of this Article [410 ILCS 705/30-20];

(4) one or more of the principal officers or board members is under 21 years of age;

(5) the person has submitted an application for a license under this Act that contains false information; or

(6) the licensee; principal officer, board member, or person having a financial or voting interest of 5% or greater in the licensee; or agent is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

HISTORY:
2019 P.A. 101-27, § 30-25, effective June 25, 2019.

410 ILCS 705/30-30 Craft grower requirements; prohibitions.

(a) The operating documents of a craft grower shall include procedures for the oversight of the craft grower, a cannabis plant monitoring system including a physical inventory recorded weekly, accurate recordkeeping, and a staffing plan.

(b) A craft grower shall implement a security plan reviewed by the Illinois State Police that includes, but is not limited to: facility access controls, perimeter intrusion detection systems, personnel identification systems, and a 24-hour surveillance system to monitor the interior and exterior of the craft grower facility and that is accessible to authorized law enforcement and the Department of Agriculture in real time.

(c) All cultivation of cannabis by a craft grower must take place in an enclosed, locked facility at the physical address provided to the Department of Agriculture during the licensing process. The craft grower location shall only be accessed by the agents working for the craft grower, the Department of Agriculture staff performing inspections, the Department of Public Health staff performing inspections, State and local law enforcement or other emergency personnel, contractors working on jobs unrelated to cannabis, such as installing or maintaining security devices or performing electrical wiring, transporting organization agents as provided in this Act, or participants in the incubator program, individuals in a mentoring or educational program approved by the State, or other individuals as provided by rule. However, if a craft grower shares a premises with an infuser or dispensing organization, agents from those other licensees may access the craft grower portion of the premises if that is the location of common bathrooms, lunchrooms, locker rooms, or other areas of the building where work or cultivation of cannabis is not performed. At no time may an infuser or dispensing organization agent perform work at a craft grower without being a registered agent of the craft grower.

(d) A craft grower may not sell or distribute any cannabis to any person other than a cultivation center, a craft grower, an infuser organization, a dispensing organization, or as otherwise authorized by rule.

(e) A craft grower may not be located in an area zoned for residential use.

(f) A craft grower may not either directly or indirectly discriminate in price between different cannabis business establishments that are purchasing a like grade, strain, brand, and quality of cannabis or cannabis-infused product. Nothing in this subsection (f) prevents a craft grower from pricing cannabis differently based on differences in the cost of manufacturing or processing, the quantities sold, such as volume discounts, or the way the products are delivered.

(g) All cannabis harvested by a craft grower and intended for distribution to a dispensing organization must be entered into a data collection system, packaged and labeled under Section 55-21 [410 ILCS 705/55-21], and, if distribution is to a dispensing organization that does not share a premises with the dispensing organization receiving the cannabis, placed into a cannabis container for transport. All cannabis harvested by a craft grower and intended for distribution to a cultivation center, to an infuser organization, or to a craft grower with which it does not share a premises, must be packaged in a labeled cannabis container and entered into a data collection system before transport.

(h) Craft growers are subject to random inspections by the Department of Agriculture, local safety or health inspectors, the Illinois State Police, or as provided by rule.

(i) A craft grower agent shall notify local law enforcement, the Illinois State Police, and the Department of Agriculture within 24 hours of the discovery of any loss or theft. Notification shall be made by phone, in person, or written or electronic communication.

(j) A craft grower shall comply with all State and any applicable federal rules and regulations regarding the use of pesticides.

(k) A craft grower or craft grower agent shall not transport cannabis or cannabis-infused products to any other cannabis business establishment without a transport organization license unless:

(i) If the craft grower is located in a county with a population of 3,000,000 or more, the cannabis business establishment receiving the cannabis is within 2,000 feet of the property line of the craft grower;

(ii) If the craft grower is located in a county with a population of more than 700,000 but fewer than 3,000,000, the cannabis business establishment receiving the cannabis is within 2 miles of the craft grower; or

(iii) If the craft grower is located in a county with a population of fewer than 700,000, the cannabis business establishment receiving the cannabis is within 15 miles of the craft grower.

(*l*) A craft grower may enter into a contract with a transporting organization to transport cannabis to a cultivation center, a craft grower, an infuser organization, a dispensing organization, or a laboratory.

(m) No person or entity shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, of more than 3 craft grower licenses. Further, no person or entity that is employed by, an agent of, or has a contract to receive payment from or participate in the management of a craft grower, is a principal officer of a craft grower, or entity controlled by or affiliated with a principal officer of a craft grower shall hold any legal, equitable, ownership, or beneficial interest, directly or indirectly, in a craft grower license that would result in the person or entity owning or controlling in combination with any craft grower, principal officer of a craft grower, or entity controlled or affiliated with a principal officer of a craft grower by which he, she, or it is employed, is an agent of, or participates in the management of more than 3 craft grower licenses.

(n) It is unlawful for any person having a craft grower license or any officer, associate, member, representative, or agent of the licensee to offer or deliver money, or anything else of value, directly or indirectly, to any person having an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act, or to any person connected with or in any way representing, or to any member of the family of, the person holding an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act, or to any stockholders in any corporation engaged in the retail sale of cannabis, or to any officer, manager, agent, or representative of the Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act to obtain preferential placement within the dispensing organization, including, without limitation, on shelves and in display cases where purchasers can view products, or on the dispensing organization's website.

(o) A craft grower shall not be located within 1,500 feet of another craft grower or a cultivation center.

(p) A craft grower may process cannabis, cannabis concentrates, and cannabis-infused products.

(q) A craft grower must comply with any other requirements or prohibitions set by administrative rule of the Department of Agriculture.

HISTORY:

2019 P.A. 101-27, § 30-30, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021; 2021 P.A. 102-538, § 845, effective August 20, 2021; 2022 P.A. 102-813, § 540, effective May 13, 2022.

410 ILCS 705/30-35 Craft grower agent identification card.

(a) The Department of Agriculture shall:

(1) establish by rule the information required in an initial application or renewal application for an agent identification card submitted under this Act and the nonrefundable fee to accompany the initial application or renewal application;

(2) verify the information contained in an initial application or renewal application for an agent identification card submitted under this Act and approve or deny an application within 30 days of receiving a completed initial application or renewal application and all supporting documentation required by rule;

(3) issue an agent identification card to a qualifying agent within 15 business days of approving the initial application or renewal application;

(4) enter the license number of the craft grower where the agent works; and

(5) allow for an electronic initial application and renewal application process, and provide a confirmation by electronic or other methods that an application has been submitted. The Department of Agriculture may by rule require prospective agents to file their applications by electronic means and provide notices to the agents by electronic means.

(b) An agent must keep his or her identification card visible at all times when on the property of a cannabis business establishment, including the craft grower organization for which he or she is an agent.

(c) The agent identification cards shall contain the following:

(1) the name of the cardholder;

(2) the date of issuance and expiration date of the identification card;

(3) a random 10-digit alphanumeric identification number containing at least 4 numbers and at least 4 letters that is unique to the holder;

(4) a photograph of the cardholder; and

(5) the legal name of the craft grower organization employing the agent.

(d) An agent identification card shall be immediately returned to the cannabis business establishment of the agent upon termination of his or her employment.

(e) Any agent identification card lost by a craft grower agent shall be reported to the Illinois State Police and the Department of Agriculture immediately upon discovery of the loss.

HISTORY:

2019 P.A. 101-27, § 30-35, effective June 25, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/30-40 Craft grower background checks.

(a) Through the Illinois State Police, the Department of Agriculture shall conduct a background check of the prospective principal officers, board members, and agents of a craft grower applying for a license or identification card under this Act. The Illinois State Police shall charge a fee set by rule for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the record check. In order to carry out this Section, each craft grower organization's prospective principal officer, board member, or agent shall submit a full set of fingerprints to the Illinois State Police for the purpose of obtaining a State and federal criminal records check. These fingerprints shall be checked against the fingerprint records now and hereafter, to the extent allowed by law, filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall furnish, following positive identification, all conviction information to the Department of Agriculture.

(b) When applying for the initial license or identification card, the background checks for all prospective principal officers, board members, and agents shall be completed before submitting the application to the licensing or issuing agency.

HISTORY:

2019 P.A. 101-27, § 30-40, effective June 25, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/30-45 Renewal of craft grower licenses and agent identification cards.

(a) Licenses and identification cards issued under this Act shall be renewed annually. A craft grower shall receive written or electronic notice 90 days before the expiration of its current license that the license will expire. The Department of Agriculture shall grant a renewal within 45 days of submission of a renewal application if:

(1) the craft grower submits a renewal application and the required nonrefundable renewal fee of $40,000, or another amount as the Department of Agriculture may set by rule after January 1, 2021;

(2) the Department of Agriculture has not suspended the license of the craft grower or suspended or revoked the license for violating this Act or rules adopted under this Act;

(3) the craft grower has continued to operate in accordance with all plans submitted as part of its application and approved by the Department of Agriculture or any amendments thereto that have been approved by the Department of Agriculture;

(4) the craft grower has submitted an agent, employee, contracting, and subcontracting diversity report as required by the Department; and

(5) the craft grower has submitted an environmental impact report.

(b) If a craft grower fails to renew its license before expiration, it shall cease operations until its license is renewed.

(c) If a craft grower agent fails to renew his or her identification card before its expiration, he or she shall cease to work as an agent of the craft grower organization until his or her identification card is renewed.

(d) Any craft grower that continues to operate, or any craft grower agent who continues to work as an agent, after the applicable license or identification card has expired without renewal is subject to the penalties provided under Section 45-5 [410 ILCS 705/45-5].

(e) All fees or fines collected from the renewal of a craft grower license shall be deposited into the Cannabis Regulation Fund.

HISTORY:
2019 P.A. 101-27, § 30-45, effective June 25, 2019.

410 ILCS 705/30-50 Craft grower taxes; returns.

(a) A tax is imposed upon the privilege of cultivating and processing adult use cannabis at the rate of 7% of the gross receipts from the sale of cannabis by a craft grower to a dispensing organization. The sale of any adult use product that contains any amount of cannabis or any derivative thereof is subject to the tax under this Section on the full selling price of the product. The proceeds from this tax shall be deposited into the Cannabis Regulation Fund. This tax shall be paid by the craft grower who makes the first sale and is not the responsibility of a dispensing organization, qualifying patient, or purchaser.

(b) In the administration of and compliance with this Section, the Department of Revenue and persons who are subject to this Section: (i) have the same rights, remedies, privileges, immunities, powers, and duties, (ii) are subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and (iii) shall employ the same modes of procedure as are set forth in the Cannabis Cultivation Privilege Tax Law and the Uniform Penalty and Interest Act [35 ILCS 735/3-1 et seq.] as if those provisions were set forth in this Section.

(c) The tax imposed under this Act shall be in addition to all other occupation or privilege taxes imposed by the State of Illinois or by any municipal corporation or political subdivision thereof.

HISTORY:
2019 P.A. 101-27, § 30-50, effective June 25, 2019.

410 ILCS 705/30-55 Disclosure of ownership and control.

(a) Each craft grower applicant and licensee shall file and maintain a Table of Organization, Ownership, and Control with the Department. The Table of Organization, Ownership, and Control shall contain the information required by this Section in sufficient detail to identify all owners, directors, and principal officers, and the title of each principal officer or business entity that, through direct or indirect means, manages, owns, or controls the applicant or licensee.

(b) The Table of Organization, Ownership and Control shall identify the following information:

(1) The management structure, ownership, and control of the applicant or license holder including the name of each principal officer or business entity, the office or position held, and the percentage ownership interest, if any. If the business entity has a parent company, the name of each owner, board member, and officer of the parent company and his or her percentage ownership interest in the parent company and the craft grower.

(2) If the applicant or licensee is a business entity with publicly traded stock, the identification of ownership shall be provided as required in subsection (c).

(c) If a business entity identified in subsection (b) is a publicly traded company, the following information shall be provided in the Table of Organization, Ownership, and Control:

(1) The name and percentage of ownership interest of each individual or business entity with ownership of more than 5% of the voting shares of the entity, to the extent such information is known or contained in 13D or 13G Securities and Exchange Commission filings.

(2) To the extent known, the names and percentage of interest of ownership of persons who are relatives of one another and who together exercise control over or own more than 10% of the voting shares of the entity.

(d) A craft grower with a parent company or companies, or partially owned or controlled by another entity must disclose to the Department the relationship and all owners, board members, officers, or individuals with control or management of those entities. A craft grower shall not shield its ownership or control from the Department.

(e) All principal officers must submit a complete online application with the Department within 14 days of the craft grower being licensed by the Department or within 14 days of Department notice of approval as a new principal officer.

(f) A principal officer may not allow his or her registration to expire.

(g) A craft grower separating with a principal officer must do so under this Act. The principal officer must communicate the separation to the Department within 5 business days.

(h) A principal officer not in compliance with the requirements of this Act shall be removed from his or her position with the craft grower or shall otherwise terminate his or her affiliation. Failure to do so may subject the craft grower to discipline, suspension, or revocation of its license by the Department.

(i) It is the responsibility of the craft grower and its principal officers to promptly notify the Department of any change of the principal place of business address, hours of operation, change in ownership or control, or a change of the craft grower's primary or secondary contact information. Any changes must be made to the Department in writing.

HISTORY:
2021 P.A. 102-98, § 10, effective July 15, 2021.

ARTICLE 35.

INFUSER ORGANIZATIONS

410 ILCS 705/35-3 Definitions.

In this Article:

"Department" means the Department of Agriculture.

HISTORY:

2019 P.A. 101-27, § 35-3, effective June 25, 2019.

410 ILCS 705/35-5 Issuance of licenses.

(a) The Department of Agriculture shall issue up to 40 infuser licenses through a process provided for in this Article no later than July 1, 2020.

(b) The Department of Agriculture shall make the application for infuser licenses available on January 7, 2020, or if that date falls on a weekend or holiday, the business day immediately succeeding the weekend or holiday and every January 7 or succeeding business day thereafter, and shall receive such applications no later than March 15, 2020, or, if that date falls on a weekend or holiday, the business day immediately succeeding the weekend or holiday and every March 15 or succeeding business day thereafter.

(c) By December 21, 2021, the Department of Agriculture may issue up to 60 additional infuser licenses. Prior to issuing such licenses, the Department may adopt rules through emergency rulemaking in accordance with subsection (kk) of Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45], to modify or raise the number of infuser licenses and modify or change the licensing application process to reduce or eliminate barriers. The General Assembly finds that the adoption of rules to regulate cannabis use is deemed an emergency and necessary for the public interest, safety, and welfare.

In determining whether to exercise the authority granted by this subsection, the Department of Agriculture must consider the following factors:

(1) the percentage of cannabis sales occurring in Illinois not in the regulated market using data from the Substance Abuse and Mental Health Services Administration, National Survey on Drug Use and Health, Illinois Behavioral Risk Factor Surveillance System, and tourism data from the Illinois Office of Tourism to ascertain total cannabis consumption in Illinois compared to the amount of sales in licensed dispensing organizations;

(2) whether there is an adequate supply of cannabis and cannabis-infused products to serve registered medical cannabis patients;

(3) whether there is an adequate supply of cannabis and cannabis-infused products to serve purchasers;

(4) whether there is an oversupply of cannabis in Illinois leading to trafficking of cannabis to any other state;

(5) population increases or shifts;

(6) changes to federal law;

(7) perceived security risks of increasing the number or location of infuser organizations;

(8) the past security records of infuser organizations;

(9) the Department of Agriculture's capacity to appropriately regulate additional licenses;

(10) (blank); and

(11) any other criteria the Department of Agriculture deems relevant.

(d) After January 1, 2022, the Department of Agriculture may by rule modify or raise the number of infuser licenses, and modify or change the licensing application process to reduce or eliminate barriers based on the criteria in subsection (c).

(e) Upon the completion of the disparity and availability study pertaining to infusers by the Cannabis Regulation Oversight Officer pursuant to subsection (e) of Section 5-45 [410 ILCS 705/5-45], the Department of Agriculture may modify or change the licensing application process to reduce or eliminate barriers and remedy evidence of discrimination identified in the study.

HISTORY:

2019 P.A. 101-27, § 35-5, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021.

410 ILCS 705/35-10 Application.

(a) When applying for a license, the applicant shall electronically submit the following in such form as the Department of Agriculture may direct:

(1) the nonrefundable application fee of $5,000 or, after January 1, 2021, another amount as set by rule by the Department of Agriculture, to be deposited into the Cannabis Regulation Fund;

(2) the legal name of the infuser;

(3) the proposed physical address of the infuser;

(4) the name, address, social security number, and date of birth of each principal officer and board member of the infuser; each principal officer and board member shall be at least 21 years of age;

(5) the details of any administrative or judicial proceeding in which any of the principal officers or board members of the infuser (i) pled guilty, were convicted, fined, or had a registration or license suspended or revoked, or (ii) managed or served on the board of a business or non-profit organization that pled guilty, was convicted, fined, or had a registration or license suspended or revoked;

(6) proposed operating bylaws that include procedures for the oversight of the infuser, including the development and implementation of a plant monitoring system, accurate recordkeeping, staffing plan, and security plan approved by the Illinois State Police that are in accordance with the rules

issued by the Department of Agriculture under this Act; a physical inventory of all cannabis shall be performed on a weekly basis by the infuser;

(7) verification from the Illinois State Police that all background checks of the prospective principal officers, board members, and agents of the infuser organization have been conducted;

(8) a copy of the current local zoning ordinance and verification that the proposed infuser is in compliance with the local zoning rules and distance limitations established by the local jurisdiction;

(9) proposed employment practices, in which the applicant must demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, and persons with disabilities, engage in fair labor practices, and provide worker protections;

(10) whether an applicant can demonstrate experience in or business practices that promote economic empowerment in Disproportionately Impacted Areas;

(11) experience with infusing products with cannabis concentrate;

(12) a description of the enclosed, locked facility where cannabis will be infused, packaged, or otherwise prepared for distribution to a dispensing organization or other infuser;

(13) processing, inventory, and packaging plans;

(14) a description of the applicant's experience with operating a commercial kitchen or laboratory preparing products for human consumption;

(15) a list of any academic degrees, certifications, or relevant experience of all prospective principal officers, board members, and agents of the related business;

(16) the identity of every person having a financial or voting interest of 5% or greater in the infuser operation with respect to which the license is sought, whether a trust, corporation, partnership, limited liability company, or sole proprietorship, including the name and address of each person;

(17) a plan describing how the infuser will address each of the following:

(i) energy needs, including estimates of monthly electricity and gas usage, to what extent it will procure energy from a local utility or from on-site generation, and if it has or will adopt a sustainable energy use and energy conservation policy;

(ii) water needs, including estimated water draw, and if it has or will adopt a sustainable water use and water conservation policy; and

(iii) waste management, including if it has or will adopt a waste reduction policy;

(18) a recycling plan:

(A) a commitment that any recyclable waste generated by the infuser shall be recycled per applicable State and local laws, ordinances, and rules; and

(B) a commitment to comply with local waste provisions. An infuser commits to remain in compliance with applicable State and federal environmental requirements, including, but not limited to, storing, securing, and managing all recyclables and waste, including organic waste composed of or containing finished cannabis and cannabis products, in accordance with applicable State and local laws, ordinances, and rules; and

(19) any other information required by rule.

(b) Applicants must submit all required information, including the information required in Section 35-15 [410 ILCS 705/35-15], to the Department of Agriculture. Failure by an applicant to submit all required information may result in the application being disqualified.

(c) If the Department of Agriculture receives an application with missing information, the Department of Agriculture may issue a deficiency notice to the applicant. The applicant shall have 10 calendar days from the date of the deficiency notice to resubmit the incomplete information. Applications that are still incomplete after this opportunity to cure will not be scored and will be disqualified.

HISTORY:

2019 P.A. 101-27, § 35-10, effective June 25, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/35-15 Issuing licenses.

(a) The Department of Agriculture shall by rule develop a system to score infuser applications to administratively rank applications based on the clarity, organization, and quality of the applicant's responses to required information. Applicants shall be awarded points based on the following categories:

(1) Suitability of the proposed facility;

(2) Suitability of the employee training plan;

(3) Security and recordkeeping plan;

(4) Infusing plan;

(5) Product safety and labeling plan;

(6) Business plan;

(7) The applicant's status as a Social Equity Applicant, which shall constitute no less than 20% of total available points;

(8) Labor and employment practices, which shall constitute no less than 2% of total available points;

(9) Environmental plan as described in paragraphs (17) and (18) of subsection (a) of Section 35-10 [410 ILCS 705/35-10];

(10) The applicant is 51% or more owned and controlled by an individual or individuals who have been an Illinois resident for the past 5 years as proved by tax records or 2 of the following:

(A) a signed lease agreement that includes the applicant's name;

(B) a property deed that includes the applicant's name;

(C) school records;

(D) a voter registration card;

(E) an Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card;

(F) a paycheck stub;

(G) a utility bill; or

(H) any other proof of residency or other information necessary to establish residence as provided by rule;

(11) The applicant is 51% or more controlled and owned by an individual or individuals who meet the qualifications of a veteran as defined by Section 45-57 of the Illinois Procurement Code [30 ILCS 500/45-57];

(12) A diversity plan that includes a narrative of not more than 2,500 words that establishes a goal of diversity in ownership, management, employment, and contracting to ensure that diverse participants and groups are afforded equality of opportunity; and

(13) Any other criteria the Department of Agriculture may set by rule for points.

(b) The Department may also award up to 2 bonus points for the applicant's plan to engage with the community. The applicant may demonstrate a desire to engage with its community by participating in one or more of, but not limited to, the following actions: (i) establishment of an incubator program designed to increase participation in the cannabis industry by persons who would qualify as Social Equity Applicants; (ii) providing financial assistance to substance abuse treatment centers; (iii) educating children and teens about the potential harms of cannabis use; or (iv) other measures demonstrating a commitment to the applicant's community. Bonus points will only be awarded if the Department receives applications that receive an equal score.

(c) Should the applicant be awarded an infuser license, the information and plans that an applicant provided in its application, including any plans submitted for the acquiring of bonus points, becomes a mandatory condition of the permit. Any variation from or failure to perform such plans may result in discipline, including the revocation or nonrenewal of a license.

(d) Should the applicant be awarded an infuser organization license, it shall pay a fee of $5,000 prior to receiving the license, to be deposited into the Cannabis Regulation Fund. The Department of Agriculture may by rule adjust the fee in this Section after January 1, 2021.

HISTORY:

2019 P.A. 101-27, § 35-15, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/35-20 Denial of application.

An application for an infuser license shall be denied if any of the following conditions are met:

(1) the applicant failed to submit the materials required by this Article;

(2) the applicant would not be in compliance with local zoning rules or permit requirements;

(3) one or more of the prospective principal officers or board members causes a violation of Section 35-25 [410 ILCS 705/35-25].

(4) one or more of the principal officers or board members is under 21 years of age;

(5) the person has submitted an application for a license under this Act or this Article that contains false information; or

(6) if the licensee; principal officer, board member, or person having a financial or voting interest of 5% or greater in the licensee; or agent is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

HISTORY:

2019 P.A. 101-27, § 35-20, effective June 25, 2019.

410 ILCS 705/35-25 Infuser organization requirements; prohibitions.

(a) The operating documents of an infuser shall include procedures for the oversight of the infuser, an inventory monitoring system including a physical inventory recorded weekly, accurate recordkeeping, and a staffing plan.

(b) An infuser shall implement a security plan reviewed by the Illinois State Police that includes, but is not limited to: facility access controls, perimeter intrusion detection systems, personnel identification systems, and a 24-hour surveillance system to monitor the interior and exterior of the infuser facility and that is accessible to authorized law enforcement, the Department of Public Health, and the Department of Agriculture in real time.

(c) All processing of cannabis by an infuser must take place in an enclosed, locked facility at the physical address provided to the Department of Agriculture during the licensing process. The infuser location shall only be accessed by the agents working for the infuser, the Department of Agriculture staff performing inspections, the Department of Public Health staff performing inspections, State and local law enforcement or other emergency personnel, contractors working on jobs unrelated to cannabis, such as installing or maintaining security devices or performing electrical wiring, transporting organization agents as provided in this Act, participants in the incubator program, individuals in a mentoring or educational program approved by the State, local safety or health inspectors, or other individuals as provided by rule. However, if an infuser shares a premises with a craft grower or dispensing organization, agents from these other licensees may access the infuser portion of the premises if that is the location of common bathrooms, lunchrooms, locker rooms, or other areas of the building where processing of cannabis is not performed. At no time may a craft grower or dispensing organization agent perform work at an infuser without being a registered agent of the infuser.

(d) An infuser may not sell or distribute any cannabis to any person other than a dispensing organization, or as otherwise authorized by rule.

(e) An infuser may not either directly or indirectly discriminate in price between different cannabis

business establishments that are purchasing a like grade, strain, brand, and quality of cannabis or cannabis-infused product. Nothing in this subsection (e) prevents an infuser from pricing cannabis differently based on differences in the cost of manufacturing or processing, the quantities sold, such volume discounts, or the way the products are delivered.

(f) All cannabis infused by an infuser and intended for distribution to a dispensing organization must be entered into a data collection system, packaged and labeled under Section 55-21 [410 ILCS 705/55-21], and, if distribution is to a dispensing organization that does not share a premises with the infuser, placed into a cannabis container for transport. All cannabis produced by an infuser and intended for distribution to a cultivation center, infuser organization, or craft grower with which it does not share a premises, must be packaged in a labeled cannabis container and entered into a data collection system before transport.

(g) Infusers are subject to random inspections by the Department of Agriculture, the Department of Public Health, the Illinois State Police, local law enforcement, or as provided by rule.

(h) An infuser agent shall notify local law enforcement, the Illinois State Police, and the Department of Agriculture within 24 hours of the discovery of any loss or theft. Notification shall be made by phone, in person, or by written or electronic communication.

(i) An infuser organization may not be located in an area zoned for residential use.

(j) An infuser or infuser agent shall not transport cannabis or cannabis-infused products to any other cannabis business establishment without a transport organization license unless:

(i) If the infuser is located in a county with a population of 3,000,000 or more, the cannabis business establishment receiving the cannabis or cannabis-infused product is within 2,000 feet of the property line of the infuser;

(ii) If the infuser is located in a county with a population of more than 700,000 but fewer than 3,000,000, the cannabis business establishment receiving the cannabis or cannabis-infused product is within 2 miles of the infuser; or

(iii) If the infuser is located in a county with a population of fewer than 700,000, the cannabis business establishment receiving the cannabis or cannabis-infused product is within 15 miles of the infuser.

(k) An infuser may enter into a contract with a transporting organization to transport cannabis to a dispensing organization or a laboratory.

(*l*) An infuser organization may share premises with a craft grower or a dispensing organization, or both, provided each licensee stores currency and cannabis or cannabis-infused products in a separate secured vault to which the other licensee does not have access or all licensees sharing a vault share more than 50% of the same ownership.

(m) It is unlawful for any person or entity having an infuser organization license or any officer, associate, member, representative or agent of such licensee to offer or deliver money, or anything else of value, directly or indirectly to any person having an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.], or to any person connected with or in any way representing, or to any member of the family of, such person holding an Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act, or to any stockholders in any corporation engaged the retail sales of cannabis, or to any officer, manager, agent, or representative of the Early Approval Adult Use Dispensing Organization License, a Conditional Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act to obtain preferential placement within the dispensing organization, including, without limitation, on shelves and in display cases where purchasers can view products, or on the dispensing organization's website.

(n) At no time shall an infuser organization or an infuser agent perform the extraction of cannabis concentrate from cannabis flower.

HISTORY:

2019 P.A. 101-27, § 35-25, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021; 2021 P.A. 102-538, § 845, effective August 20, 2021; 2022 P.A. 102-813, § 540, effective May 13, 2022.

410 ILCS 705/35-30 Infuser agent identification card.

(a) The Department of Agriculture shall:

(1) establish by rule the information required in an initial application or renewal application for an agent identification card submitted under this Act and the nonrefundable fee to accompany the initial application or renewal application;

(2) verify the information contained in an initial application or renewal application for an agent identification card submitted under this Act, and approve or deny an application within 30 days of receiving a completed initial application or renewal application and all supporting documentation required by rule;

(3) issue an agent identification card to a qualifying agent within 15 business days of approving the initial application or renewal application;

(4) enter the license number of the infuser where the agent works; and

(5) allow for an electronic initial application and renewal application process, and provide a confir-

mation by electronic or other methods that an application has been submitted. The Department of Agriculture may by rule require prospective agents to file their applications by electronic means and provide notices to the agents by electronic means.

(b) An agent must keep his or her identification card visible at all times when on the property of a cannabis business establishment including the cannabis business establishment for which he or she is an agent.

(c) The agent identification cards shall contain the following:

(1) the name of the cardholder;

(2) the date of issuance and expiration date of the identification card;

(3) a random 10-digit alphanumeric identification number containing at least 4 numbers and at least 4 letters that is unique to the holder;

(4) a photograph of the cardholder; and

(5) the legal name of the infuser organization employing the agent.

(d) An agent identification card shall be immediately returned to the infuser organization of the agent upon termination of his or her employment.

(e) Any agent identification card lost by a transporting agent shall be reported to the Illinois State Police and the Department of Agriculture immediately upon discovery of the loss.

(f) An agent applicant may begin employment at an infuser organization while the agent applicant's identification card application is pending. Upon approval, the Department shall issue the agent's identification card to the agent. If denied, the infuser organization and the agent applicant shall be notified and the agent applicant must cease all activity at the infuser organization immediately.

HISTORY:

2019 P.A. 101-27, § 35-30, effective June 25, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021; 2021 P.A. 102-538, § 845, effective August 20, 2021; 2022 P.A. 102-813, § 540, effective May 13, 2022.

410 ILCS 705/35-31 Ensuring an adequate supply of raw materials to serve infusers.

(a) As used in this Section, "raw materials" includes, but is not limited to, CO_2 hash oil, "crude", "distillate", or any other cannabis concentrate extracted from cannabis flower by use of a solvent or a mechanical process.

(b) The Department of Agriculture may by rule design a method for assessing whether licensed infusers have access to an adequate supply of reasonably affordable raw materials, which may include but not be limited to: (i) a survey of infusers; (ii) a market study on the sales trends of cannabis-infused products manufactured by infusers; and (iii) the costs cultivation centers and craft growers assume for the raw materials they use in any cannabis-infused products they manufacture.

(c) The Department of Agriculture shall perform an assessment of whether infusers have access to an adequate supply of reasonably affordable raw materials that shall start no sooner than January 1, 2022 and shall conclude no later than April 1, 2022. The Department of Agriculture may rely on data from the Illinois Cannabis Regulation Oversight Officer as part of this assessment.

(d) The Department of Agriculture shall perform an assessment of whether infusers have access to an adequate supply of reasonably affordable raw materials that shall start no sooner than January 1, 2023 and shall conclude no later than April 1, 2023. The Department of Agriculture may rely on data from the Cannabis Regulation Oversight Officer as part of this assessment.

(e) The Department of Agriculture may by rule adopt measures to ensure infusers have access to an adequate supply of reasonably affordable raw materials necessary for the manufacture of cannabis-infused products. Such measures may include, but not be limited to (i) requiring cultivation centers and craft growers to set aside a minimum amount of raw materials for the wholesale market or (ii) enabling infusers to apply for a processor license to extract raw materials from cannabis flower.

(f) If the Department of Agriculture determines processor licenses may be available to infuser organizations based upon findings made pursuant to subsection (e), infuser organizations may submit to the Department of Agriculture on forms provided by the Department of Agriculture the following information as part of an application to receive a processor license:

(1) experience with the extraction, processing, or infusing of oils similar to those derived from cannabis, or other business practices to be performed by the infuser;

(2) a description of the applicant's experience with manufacturing equipment and chemicals to be used in processing;

(3) expertise in relevant scientific fields;

(4) a commitment that any cannabis waste, liquid waste, or hazardous waste shall be disposed of in accordance with 8 Ill. Adm. Code 1000.460, except, to the greatest extent feasible, all cannabis plant waste will be rendered unusable by grinding and incorporating the cannabis plant waste with compostable mixed waste to be disposed of in accordance with Ill. Adm. Code 1000.460(g)(1); and

(5) any other information the Department of Agriculture deems relevant.

(g) The Department of Agriculture may only issue an infuser organization a processor license if, based on the information pursuant to subsection (f) and any other criteria set by the Department of Agriculture, which may include but not be limited an inspection of the site where processing would occur, the Department of Agriculture is reasonably certain the infuser organization will process cannabis in a safe and compliant manner.

HISTORY:
2019 P.A. 101-27, § 35-31, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/35-35 Infuser organization background checks.

(a) Through the Department of State Police, the Department of Agriculture shall conduct a background check of the prospective principal officers, board members, and agents of an infuser applying for a license or identification card under this Act. The Department of State Police shall charge a fee set by rule for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the record check. In order to carry out this provision, each infuser organization's prospective principal officer, board member, or agent shall submit a full set of fingerprints to the Department of State Police for the purpose of obtaining a State and federal criminal records check. These fingerprints shall be checked against the fingerprint records now and hereafter, to the extent allowed by law, filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall furnish, following positive identification, all conviction information to the Department of Agriculture.

(b) When applying for the initial license or identification card, the background checks for all prospective principal officers, board members, and agents shall be completed before submitting the application to the licensing or issuing agency.

HISTORY:
2019 P.A. 101-27, § 35-35, effective June 25, 2019.

410 ILCS 705/35-40 Renewal of infuser organization licenses and agent identification cards.

(a) Licenses and identification cards issued under this Act shall be renewed annually. An infuser organization shall receive written or electronic notice 90 days before the expiration of its current license that the license will expire. The Department of Agriculture shall grant a renewal within 45 days of submission of a renewal application if:

(1) the infuser organization submits a renewal application and the required nonrefundable renewal fee of $20,000, or, after January 1, 2021, another amount set by rule by the Department of Agriculture, to be deposited into the Cannabis Regulation Fund;

(2) the Department of Agriculture has not suspended or revoked the license of the infuser organization for violating this Act or rules adopted under this Act;

(3) the infuser organization has continued to operate in accordance with all plans submitted as part of its application and approved by the Department of Agriculture or any amendments thereto that have been approved by the Department of Agriculture;

(4) The infuser has submitted an agent, employee, contracting, and subcontracting diversity report as required by the Department; and

(5) The infuser has submitted an environmental impact report.

(b) If an infuser organization fails to renew its license before expiration, it shall cease operations until its license is renewed.

(c) If an infuser organization agent fails to renew his or her identification card before its expiration, he or she shall cease to work as an agent of the infuser organization until his or her identification card is renewed.

(d) Any infuser organization that continues to operate, or any infuser organization agent who continues to work as an agent, after the applicable license or identification card has expired without renewal is subject to the penalties provided under Section 35-25 [410 ILCS 705/35-25].

(e) The Department shall not renew a license or an agent identification card if the applicant is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

HISTORY:
2019 P.A. 101-27, § 35-40, effective June 25, 2019.

410 ILCS 705/35-45 Disclosure of ownership and control.

(a) Each infuser organization applicant and licensee shall file and maintain a Table of Organization, Ownership and Control with the Department. The Table of Organization, Ownership and Control shall contain the information required by this Section in sufficient detail to identify all owners, directors, and principal officers, and the title of each principal officer or business entity that, through direct or indirect means, manages, owns, or controls the applicant or licensee.

(b) The Table of Organization, Ownership, and Control shall identify the following information:

(1) The management structure, ownership, and control of the applicant or license holder including the name of each principal officer or business entity, the office or position held, and the percentage ownership interest, if any. If the business entity has a parent company, the name of each owner, board member, and officer of the parent company and his or her percentage ownership interest in the parent company and the infuser organization.

(2) If the applicant or licensee is a business entity with publicly traded stock, the identification of ownership shall be provided as required in subsection (c).

(c) If a business entity identified in subsection (b) is a publicly traded company, the following information shall be provided in the Table of Organization, Ownership, and Control:

(1) The name and percentage of ownership interest of each individual or business entity with ownership of more than 5% of the voting shares of the entity, to the extent such information is known or contained in 13D or 13G Securities and Exchange Commission filings.

(2) To the extent known, the names and percentage of interest of ownership of persons who are relatives of one another and who together exercise control over or own more than 10% of the voting shares of the entity.

(d) An infuser organization with a parent company or companies, or partially owned or controlled by another entity must disclose to the Department the relationship and all owners, board members, officers, or individuals with control or management of those entities. An infuser organization shall not shield its ownership or control from the Department.

(e) All principal officers must submit a complete online application with the Department within 14 days of the infuser organization being licensed by the Department or within 14 days of Department notice of approval as a new principal officer.

(f) A principal officer may not allow his or her registration to expire.

(g) An infuser organization separating with a principal officer must do so under this Act. The principal officer must communicate the separation to the Department within 5 business days.

(h) A principal officer not in compliance with the requirements of this Act shall be removed from his or her position with the infuser organization or shall otherwise terminate his or her affiliation. Failure to do so may subject the infuser organization to discipline, suspension, or revocation of its license by the Department.

(i) It is the responsibility of the infuser organization and its principal officers to promptly notify the Department of any change of the principal place of business address, hours of operation, change in ownership or control, or a change of the infuser organization's primary or secondary contact information. Any changes must be made to the Department in writing.

HISTORY:
2021 P.A. 102-98, § 10, effective July 15, 2021.

ARTICLE 40.

TRANSPORTING ORGANIZATIONS

410 ILCS 705/40-1 Definition.

In this Article, "Department" means the Department of Agriculture.

HISTORY:
2019 P.A. 101-27, § 40-1, effective June 25, 2019.

410 ILCS 705/40-5 Issuance of licenses.

(a) The Department shall issue transporting licenses through a process provided for in this Article no later than July 1, 2020.

(b) The Department shall make the application for transporting organization licenses available on January 7, 2020 and shall receive such applications no later than March 15, 2020. The Department of Agriculture shall make available such applications on every January 7 thereafter or if that date falls on a weekend or holiday, the business day immediately succeeding the weekend or holiday and shall receive such applications no later than March 15 or the succeeding business day thereafter.

HISTORY:
2019 P.A. 101-27, § 40-5, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/40-10 Application.

(a) When applying for a transporting organization license, the applicant shall submit the following in such form as the Department of Agriculture may direct:

(1) the nonrefundable application fee of $5,000 or, after January 1, 2021, another amount as set by rule by the Department of Agriculture, to be deposited into the Cannabis Regulation Fund;

(2) the legal name of the transporting organization;

(3) the proposed physical address of the transporting organization, if one is proposed;

(4) the name, address, social security number, and date of birth of each principal officer and board member of the transporting organization; each principal officer and board member shall be at least 21 years of age;

(5) the details of any administrative or judicial proceeding in which any of the principal officers or board members of the transporting organization (i) pled guilty, were convicted, fined, or had a registration or license suspended or revoked, or (ii) managed or served on the board of a business or non-profit organization that pled guilty, was convicted, fined, or had a registration or license suspended or revoked;

(6) proposed operating bylaws that include procedures for the oversight of the transporting organization, including the development and implementation of an accurate recordkeeping plan, staffing plan, and security plan approved by the Illinois State Police that are in accordance with the rules issued by the Department of Agriculture under this Act; a physical inventory shall be performed of all cannabis on a weekly basis by the transporting organization;

(7) verification from the Illinois State Police that all background checks of the prospective principal officers, board members, and agents of the transporting organization have been conducted;

(8) a copy of the current local zoning ordinance or permit and verification that the proposed transporting organization is in compliance with the local zoning rules and distance limitations established by the local jurisdiction, if the transporting organization has a business address;

(9) proposed employment practices, in which the applicant must demonstrate a plan of action to inform, hire, and educate minorities, women, veterans, and persons with disabilities, engage in fair labor practices, and provide worker protections;

(10) whether an applicant can demonstrate experience in or business practices that promote economic empowerment in Disproportionately Impacted Areas;

(11) the number and type of equipment the transporting organization will use to transport cannabis and cannabis-infused products;

(12) loading, transporting, and unloading plans;

(13) a description of the applicant's experience in the distribution or security business;

(14) the identity of every person having a financial or voting interest of 5% or more in the transporting organization with respect to which the license is sought, whether a trust, corporation, partnership, limited liability company, or sole proprietorship, including the name and address of each person; and

(15) any other information required by rule.

(b) Applicants must submit all required information, including the information required in Section 40-35 [410 ILCS 705/40-35] to the Department. Failure by an applicant to submit all required information may result in the application being disqualified.

(c) If the Department receives an application with missing information, the Department of Agriculture may issue a deficiency notice to the applicant. The applicant shall have 10 calendar days from the date of the deficiency notice to resubmit the incomplete information. Applications that are still incomplete after this opportunity to cure will not be scored and will be disqualified.

HISTORY:

2019 P.A. 101-27, § 40-10, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/40-15 Issuing licenses.

(a) The Department of Agriculture shall by rule develop a system to score transporter applications to administratively rank applications based on the clarity, organization, and quality of the applicant's responses to required information. Applicants shall be awarded points based on the following categories:

(1) suitability of employee training plan;

(2) security and recordkeeping plan;

(3) business plan;

(4) the applicant's status as a Social Equity Applicant, which shall constitute no less than 20% of total available points;

(5) labor and employment practices, which shall constitute no less than 2% of total available points;

(6) environmental plan that demonstrates an environmental plan of action to minimize the carbon footprint, environmental impact, and resource needs for the transporter, which may include, without limitation, recycling cannabis product packaging;

(7) the applicant is 51% or more owned and controlled by an individual or individuals who have been an Illinois resident for the past 5 years as proved by tax records or 2 of the following:

(A) a signed lease agreement that includes the applicant's name;

(B) a property deed that includes the applicant's name;

(C) school records;

(D) a voter registration card;

(E) an Illinois driver's license, an Illinois Identification Card, or an Illinois Person with a Disability Identification Card;

(F) a paycheck stub;

(G) a utility bill; or

(H) any other proof of residency or other information necessary to establish residence as provided by rule;

(8) the applicant is 51% or more controlled and owned by an individual or individuals who meet the qualifications of a veteran as defined by Section 45-57 of the Illinois Procurement Code [30 ILCS 500/45-57];

(9) a diversity plan that includes a narrative of not more than 2,500 words that establishes a goal of diversity in ownership, management, employment, and contracting to ensure that diverse participants and groups are afforded equality of opportunity; and

(10) any other criteria the Department of Agriculture may set by rule for points.

(b) The Department may also award up to 2 bonus points for the applicant's plan to engage with the community. The applicant may demonstrate a desire to engage with its community by participating in one or more of, but not limited to, the following actions: (i) establishment of an incubator program designed to increase participation in the cannabis industry by persons who would qualify as Social Equity Applicants; (ii) providing financial assistance to substance abuse treatment centers; (iii) educating children and teens about the potential harms of cannabis use; or (iv) other measures demonstrating a commitment to the applicant's community. Bonus points will only be awarded if the Department receives applications that receive an equal score.

(c) Applicants for transporting organization licenses that score at least 75% of the available points according to the system developed by rule and meet all other requirements for a transporter license shall be issued a license by the Department of Agriculture within 60 days of receiving the application. Applicants that were registered as medical cannabis cul-

tivation centers prior to January 1, 2020 and who meet all other requirements for a transporter license shall be issued a license by the Department of Agriculture within 60 days of receiving the application.

(d) Should the applicant be awarded a transporting organization license, the information and plans that an applicant provided in its application, including any plans submitted for the acquiring of bonus points, shall be a mandatory condition of the permit. Any variation from or failure to perform such plans may result in discipline, including the revocation or nonrenewal of a license.

(e) Should the applicant be awarded a transporting organization license, the applicant shall pay a prorated fee of $10,000 prior to receiving the license, to be deposited into the Cannabis Regulation Fund. The Department of Agriculture may by rule adjust the fee in this Section after January 1, 2021.

HISTORY:
2019 P.A. 101-27, § 40-15, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/40-20 Denial of application.

An application for a transporting organization license shall be denied if any of the following conditions are met:

(1) the applicant failed to submit the materials required by this Article;

(2) the applicant would not be in compliance with local zoning rules or permit requirements;

(3) one or more of the prospective principal officers or board members causes a violation of Section 40-25 [410 ILCS 705/40-25];

(4) one or more of the principal officers or board members is under 21 years of age;

(5) the person has submitted an application for a license under this Act that contains false information; or

(6) the licensee, principal officer, board member, or person having a financial or voting interest of 5% or greater in the licensee is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

HISTORY:
2019 P.A. 101-27, § 40-20, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/40-25 Transporting organization requirements; prohibitions.

(a) The operating documents of a transporting organization shall include procedures for the oversight of the transporter, an inventory monitoring system including a physical inventory recorded weekly, accurate recordkeeping, and a staffing plan.

(b) A transporting organization may not transport cannabis or cannabis-infused products to any person other than a cultivation center, a craft grower, an infuser organization, a dispensing organization, a testing facility, or as otherwise authorized by rule.

(c) All cannabis transported by a transporting organization must be entered into a data collection system and placed into a cannabis container for transport.

(d) Transporters are subject to random inspections by the Department of Agriculture, the Department of Public Health, the Illinois State Police, or as provided by rule.

(e) A transporting organization agent shall notify local law enforcement, the Illinois State Police, and the Department of Agriculture within 24 hours of the discovery of any loss or theft. Notification shall be made by phone, in person, or by written or electronic communication.

(f) No person under the age of 21 years shall be in a commercial vehicle or trailer transporting cannabis goods.

(g) No person or individual who is not a transporting organization agent shall be in a vehicle while transporting cannabis goods.

(h) Transporters may not use commercial motor vehicles with a weight rating of over 10,001 pounds.

(i) It is unlawful for any person to offer or deliver money, or anything else of value, directly or indirectly, to any of the following persons to obtain preferential placement within the dispensing organization, including, without limitation, on shelves and in display cases where purchasers can view products, or on the dispensing organization's website:

(1) a person having a transporting organization license, or any officer, associate, member, representative, or agent of the licensee;

(2) a person having an Early Applicant Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.];

(3) a person connected with or in any way representing, or a member of the family of, a person holding an Early Applicant Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act; or

(4) a stockholder, officer, manager, agent, or representative of a corporation engaged in the retail sale of cannabis, an Early Applicant Adult Use Dispensing Organization License, an Adult Use Dispensing Organization License, or a medical cannabis dispensing organization license issued under the Compassionate Use of Medical Cannabis Program Act.

(j) A transporting organization agent must keep his or her identification card visible at all times when on the property of a cannabis business establishment and during the transporting of cannabis when acting under his or her duties as a transportation organization agent. During these times, the transporting organization agent must also provide the identifica-

tion card upon request of any law enforcement officer engaged in his or her official duties.

(k) A copy of the transporting organization's registration and a manifest for the delivery shall be present in any vehicle transporting cannabis.

(*l*) Cannabis shall be transported so it is not visible or recognizable from outside the vehicle.

(m) A vehicle transporting cannabis must not bear any markings to indicate the vehicle contains cannabis or bear the name or logo of the cannabis business establishment.

(n) Cannabis must be transported in an enclosed, locked storage compartment that is secured or affixed to the vehicle.

(o) The Department of Agriculture may, by rule, impose any other requirements or prohibitions on the transportation of cannabis.

HISTORY:

2019 P.A. 101-27, § 40-25, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021; 2021 P.A. 102-538, § 845, effective August 20, 2021; 2022 P.A. 102-813, § 540, effective May 13, 2022.

410 ILCS 705/40-30 Transporting agent identification card.

(a) The Department of Agriculture shall:

(1) establish by rule the information required in an initial application or renewal application for an agent identification card submitted under this Act and the nonrefundable fee to accompany the initial application or renewal application;

(2) verify the information contained in an initial application or renewal application for an agent identification card submitted under this Act and approve or deny an application within 30 days of receiving a completed initial application or renewal application and all supporting documentation required by rule;

(3) issue an agent identification card to a qualifying agent within 15 business days of approving the initial application or renewal application;

(4) enter the license number of the transporting organization where the agent works; and

(5) allow for an electronic initial application and renewal application process, and provide a confirmation by electronic or other methods that an application has been submitted. The Department of Agriculture may by rule require prospective agents to file their applications by electronic means and provide notices to the agents by electronic means.

(b) An agent must keep his or her identification card visible at all times when on the property of a cannabis business establishment, including the cannabis business establishment for which he or she is an agent.

(c) The agent identification cards shall contain the following:

(1) the name of the cardholder;

(2) the date of issuance and expiration date of the identification card;

(3) a random 10-digit alphanumeric identification number containing at least 4 numbers and at least 4 letters that is unique to the holder;

(4) a photograph of the cardholder; and

(5) the legal name of the transporting organization employing the agent.

(d) An agent identification card shall be immediately returned to the transporting organization of the agent upon termination of his or her employment.

(e) Any agent identification card lost by a transporting agent shall be reported to the Illinois State Police and the Department of Agriculture immediately upon discovery of the loss.

(f) An application for an agent identification card shall be denied if the applicant is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

(g) An agent applicant may begin employment at a transporting organization while the agent applicant's identification card application is pending. Upon approval, the Department shall issue the agent's identification card to the agent. If denied, the transporting organization and the agent applicant shall be notified and the agent applicant must cease all activity at the transporting organization immediately.

HISTORY:

2019 P.A. 101-27, § 40-30, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021; 2021 P.A. 102-538, § 845, effective August 20, 2021; 2022 P.A. 102-813, § 540, effective May 13, 2022.

410 ILCS 705/40-35 Transporting organization background checks.

(a) Through the Illinois State Police, the Department of Agriculture shall conduct a background check of the prospective principal officers, board members, and agents of a transporter applying for a license or identification card under this Act. The Illinois State Police shall charge a fee set by rule for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the record check. In order to carry out this provision, each transporting organization's prospective principal officer, board member, or agent shall submit a full set of fingerprints to the Illinois State Police for the purpose of obtaining a State and federal criminal records check. These fingerprints shall be checked against the fingerprint records now and hereafter, to the extent allowed by law, filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall furnish, following positive identification, all conviction information to the Department of Agriculture.

(b) When applying for the initial license or identification card, the background checks for all prospective principal officers, board members, and agents shall be completed before submitting the application to the Department of Agriculture.

HISTORY:
2019 P.A. 101-27, § 40-35, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/40-40 Renewal of transporting organization licenses and agent identification cards.

(a) Licenses and identification cards issued under this Act shall be renewed annually. A transporting organization shall receive written or electronic notice 90 days before the expiration of its current license that the license will expire. The Department of Agriculture shall grant a renewal within 45 days of submission of a renewal application if:

(1) the transporting organization submits a renewal application and the required nonrefundable renewal fee of $10,000, or after January 1, 2021, another amount set by rule by the Department of Agriculture, to be deposited into the Cannabis Regulation Fund;

(2) the Department of Agriculture has not suspended or revoked the license of the transporting organization for violating this Act or rules adopted under this Act;

(3) the transporting organization has continued to operate in accordance with all plans submitted as part of its application and approved by the Department of Agriculture or any amendments thereto that have been approved by the Department of Agriculture; and

(4) the transporter has submitted an agent, employee, contracting, and subcontracting diversity report as required by the Department.

(b) If a transporting organization fails to renew its license before expiration, it shall cease operations until its license is renewed.

(c) If a transporting organization agent fails to renew his or her identification card before its expiration, he or she shall cease to work as an agent of the transporting organization until his or her identification card is renewed.

(d) Any transporting organization that continues to operate, or any transporting organization agent who continues to work as an agent, after the applicable license or identification card has expired without renewal is subject to the penalties provided under Section 45-5 [410 ILCS 705/45-5].

(e) The Department shall not renew a license or an agent identification card if the applicant is delinquent in filing any required tax returns or paying any amounts owed to the State of Illinois.

HISTORY:
2019 P.A. 101-27, § 40-40, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/40-45 Disclosure of ownership and control.

(a) Each transporting organization applicant and licensee shall file and maintain a Table of Organization, Ownership, and Control with the Department. The Table of Organization, Ownership, and Control shall contain the information required by this Section in sufficient detail to identify all owners, directors, and principal officers, and the title of each principal officer or business entity that, through direct or indirect means, manages, owns, or controls the applicant or licensee.

(b) The Table of Organization, Ownership, and Control shall identify the following information:

(1) The management structure, ownership, and control of the applicant or license holder including the name of each principal officer or business entity, the office or position held, and the percentage ownership interest, if any. If the business entity has a parent company, the name of each owner, board member, and officer of the parent company and his or her percentage ownership interest in the parent company and the transporting organization.

(2) If the applicant or licensee is a business entity with publicly traded stock, the identification of ownership shall be provided as required in subsection (c).

(c) If a business entity identified in subsection (b) is a publicly traded company, the following information shall be provided in the Table of Organization, Ownership, and Control:

(1) The name and percentage of ownership interest of each individual or business entity with ownership of more than 5% of the voting shares of the entity, to the extent such information is known or contained in 13D or 13G Securities and Exchange Commission filings.

(2) To the extent known, the names and percentage of interest of ownership of persons who are relatives of one another and who together exercise control over or own more than 10% of the voting shares of the entity.

(d) A transporting organization with a parent company or companies, or partially owned or controlled by another entity must disclose to the Department the relationship and all owners, board members, officers, or individuals with control or management of those entities. A transporting organization shall not shield its ownership or control from the Department.

(e) All principal officers must submit a complete online application with the Department within 14 days of the transporting organization being licensed by the Department or within 14 days of Department notice of approval as a new principal officer.

(f) A principal officer may not allow his or her registration to expire.

(g) A transporting organization separating with a principal officer must do so under this Act. The principal officer must communicate the separation to the Department within 5 business days.

(h) A principal officer not in compliance with the requirements of this Act shall be removed from his or her position with the transporting organization or shall otherwise terminate his or her affiliation. Fail-

ure to do so may subject the transporting organization to discipline, suspension, or revocation of its license by the Department.

(i) It is the responsibility of the transporting organization and its principal officers to promptly notify the Department of any change of the principal place of business address, hours of operation, change in ownership or control, or a change of the transporting organization's primary or secondary contact information. Any changes must be made to the Department in writing.

HISTORY:
2021 P.A. 102-98, § 10, effective July 15, 2021.

ARTICLE 45.

ENFORCEMENT AND IMMUNITIES

410 ILCS 705/45-5 License suspension; revocation; other penalties.

(a) Notwithstanding any other criminal penalties related to the unlawful possession of cannabis, the Department of Financial and Professional Regulation and the Department of Agriculture may revoke, suspend, place on probation, reprimand, issue cease and desist orders, refuse to issue or renew a license, or take any other disciplinary or nondisciplinary action as each department may deem proper with regard to a cannabis business establishment or cannabis business establishment agent, including fines not to exceed:

(1) $50,000 for each violation of this Act or rules adopted under this Act by a cultivation center or cultivation center agent;

(2) $20,000 for each violation of this Act or rules adopted under this Act by a dispensing organization or dispensing organization agent;

(3) $15,000 for each violation of this Act or rules adopted under this Act by a craft grower or craft grower agent;

(4) $10,000 for each violation of this Act or rules adopted under this Act by an infuser organization or infuser organization agent; and

(5) $10,000 for each violation of this Act or rules adopted under this Act by a transporting organization or transporting organization agent.

(b) The Department of Financial and Professional Regulation and the Department of Agriculture, as the case may be, shall consider licensee cooperation in any agency or other investigation in its determination of penalties imposed under this Section.

(c) The procedures for disciplining a cannabis business establishment or cannabis business establishment agent and for administrative hearings shall be determined by rule, and shall provide for the review of final decisions under the Administrative Review Law.

(d) The Attorney General may also enforce a violation of Section 55-20, Section 55-21, and Section 15-155 [410 ILCS 705/55-20, 410 ILCS 705/55-21 and 410 ILCS 705/15-155] as an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/1 et seq.].

HISTORY:
2019 P.A. 101-27, § 45-5, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/45-10 Immunities and presumptions related to the handling of cannabis by cannabis business establishments and their agents.

(a) A cultivation center, craft grower, infuser organization, or transporting organization is not subject to: (i) prosecution; (ii) search or inspection, except by the Department of Agriculture, the Department of Public Health, or State or local law enforcement under this Act; (iii) seizure; (iv) penalty in any manner, including, but not limited to, civil penalty; (v) denial of any right or privilege; or (vi) disciplinary action by a business licensing board or entity for acting under this Act and rules adopted under this Act to acquire, possess, cultivate, manufacture, process, deliver, transfer, transport, supply, or sell cannabis or cannabis paraphernalia under this Act.

(b) A licensed cultivation center agent, licensed craft grower agent, licensed infuser organization agent, or licensed transporting organization agent is not subject to: (i) prosecution; (ii) search; (iii) penalty in any manner, including, but not limited to, civil penalty; (iv) denial of any right or privilege; or (v) disciplinary action by a business licensing board or entity, for engaging in cannabis-related activities authorized under this Act and rules adopted under this Act.

(c) A dispensing organization is not subject to: (i) prosecution; (ii) search or inspection, except by the Department of Financial and Professional Regulation, or State or local law enforcement under this Act; (iii) seizure; (iv) penalty in any manner, including, but not limited to, civil penalty; (v) denial of any right or privilege; or (vi) disciplinary action by a business licensing board or entity, for acting under this Act and rules adopted under this Act to acquire, possess, or dispense cannabis, cannabis-infused products, cannabis paraphernalia, or related supplies, and educational materials under this Act.

(d) A licensed dispensing organization agent is not subject to: (i) prosecution; (ii) search; or (iii) penalty in any manner, or denial of any right or privilege, including, but not limited to, civil penalty or disciplinary action by a business licensing board or entity, for working for a dispensing organization under this Act and rules adopted under this Act.

(e) Any cannabis, cannabis-infused product, cannabis paraphernalia, legal property, or interest in legal property that is possessed, owned, or used in connection with the use of cannabis as allowed under

this Act, or acts incidental to that use, may not be seized or forfeited. This Act does not prevent the seizure or forfeiture of cannabis exceeding the amounts allowed under this Act, nor does it prevent seizure or forfeiture if the basis for the action is unrelated to the cannabis that is possessed, manufactured, transferred, or used under this Act.

(f) Nothing in this Act shall preclude local or State law enforcement agencies from searching a cultivation center, craft grower, infuser organization, transporting organization, or dispensing organization if there is probable cause to believe that the criminal laws of this State have been violated and the search is conducted in conformity with the Illinois Constitution, the Constitution of the United States, and applicable law.

(g) Nothing in this Act shall preclude the Attorney General or other authorized government agency from investigating or bringing a civil action against a cannabis business establishment, or an agent thereof, for a violation of State law, including, but not limited to, civil rights violations and violations of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/1 et seq.].

HISTORY:
2019 P.A. 101-27, § 45-10, effective June 25, 2019.

410 ILCS 705/45-15 State standards and requirements.

Any standards, requirements, and rules regarding the health and safety, environmental protection, testing, security, food safety, and worker protections established by the State shall be the minimum standards for all licensees under this Act statewide, where applicable. Knowing violations of any State or local law, ordinance, or rule conferring worker protections or legal rights on the employees of a licensee may be grounds for disciplinary action under this Act, in addition to penalties established elsewhere.

HISTORY:
2019 P.A. 101-27, § 45-15, effective June 25, 2019.

410 ILCS 705/45-20 Violation of tax Acts; refusal, revocation, or suspension of license or agent identification card.

(a) In addition to other grounds specified in this Act, the Department of Agriculture and Department of Financial and Professional Regulation, upon notification by the Department of Revenue, shall refuse the issuance or renewal of a license or agent identification card, or suspend or revoke the license or agent identification card, of any person, for any of the following violations of any tax Act administered by the Department of Revenue:

(1) Failure to file a tax return.

(2) The filing of a fraudulent return.

(3) Failure to pay all or part of any tax or penalty finally determined to be due.

(4) Failure to keep books and records.

(5) Failure to secure and display a certificate or sub-certificate of registration, if required.

(6) Willful violation of any rule or regulation of the Department relating to the administration and enforcement of tax liability.

(b) After all violations of any of items (1) through (6) of subsection (a) have been corrected or resolved, the Department shall, upon request of the applicant or, if not requested, may notify the entities listed in subsection (a) that the violations have been corrected or resolved. Upon receiving notice from the Department that a violation of any of items (1) through (6) of subsection (a) have been corrected or otherwise resolved to the Department of Revenue's satisfaction, the Department of Agriculture and the Department of Financial and Professional Regulation may issue or renew the license or agent identification card, or vacate an order of suspension or revocation.

HISTORY:
2019 P.A. 101-27, § 45-20, effective June 25, 2019.

ARTICLE 50.

LABORATORY TESTING

410 ILCS 705/50-5 Laboratory testing.

(a) Notwithstanding any other provision of law, the following acts, when performed by a cannabis testing facility with a current, valid registration, or a person 21 years of age or older who is acting in his or her capacity as an owner, employee, or agent of a cannabis testing facility, are not unlawful and shall not be an offense under Illinois law or be a basis for seizure or forfeiture of assets under Illinois law:

(1) possessing, repackaging, transporting, storing, or displaying cannabis or cannabis-infused products;

(2) receiving or transporting cannabis or cannabis-infused products from a cannabis business establishment, a community college licensed under the Community College Cannabis Vocational Training Pilot Program, or a person 21 years of age or older; and

(3) returning or transporting cannabis or cannabis-infused products to a cannabis business establishment, a community college licensed under the Community College Cannabis Vocational Training Pilot Program, or a person 21 years of age or older.

(b)(1) No laboratory shall handle, test, or analyze cannabis unless approved by the Department of Agriculture in accordance with this Section.

(2) No laboratory shall be approved to handle, test, or analyze cannabis unless the laboratory:

(A) is accredited by a private laboratory accrediting organization;

(B) is independent from all other persons involved in the cannabis industry in Illinois and no person with a direct or indirect interest in the laboratory has a direct or indirect financial,

management, or other interest in an Illinois cultivation center, craft grower, dispensary, infuser, transporter, certifying physician, or any other entity in the State that may benefit from the production, manufacture, dispensing, sale, purchase, or use of cannabis; and

(C) has employed at least one person to oversee and be responsible for the laboratory testing who has earned, from a college or university accredited by a national or regional certifying authority, at least:

(i) a master's level degree in chemical or biological sciences and a minimum of 2 years' post-degree laboratory experience; or

(ii) a bachelor's degree in chemical or biological sciences and a minimum of 4 years' post-degree laboratory experience.

(3) Each independent testing laboratory that claims to be accredited must provide the Department of Agriculture with a copy of the most recent annual inspection report granting accreditation and every annual report thereafter.

(c) Immediately before manufacturing or natural processing of any cannabis or cannabis-infused product or packaging cannabis for sale to a dispensary, each batch shall be made available by the cultivation center, craft grower, or infuser for an employee of an approved laboratory to select a random sample, which shall be tested by the approved laboratory for:

(1) microbiological contaminants;

(2) mycotoxins;

(3) pesticide active ingredients;

(4) residual solvent; and

(5) an active ingredient analysis.

(d) The Department of Agriculture may select a random sample that shall, for the purposes of conducting an active ingredient analysis, be tested by the Department of Agriculture for verification of label information.

(e) A laboratory shall immediately return or dispose of any cannabis upon the completion of any testing, use, or research. If cannabis is disposed of, it shall be done in compliance with Department of Agriculture rule.

(f) If a sample of cannabis does not pass the microbiological, mycotoxin, pesticide chemical residue, or solvent residue test, based on the standards established by the Department of Agriculture, the following shall apply:

(1) If the sample failed the pesticide chemical residue test, the entire batch from which the sample was taken shall, if applicable, be recalled as provided by rule.

(2) If the sample failed any other test, the batch may be used to make a CO_2-based or solvent based extract. After processing, the CO_2-based or solvent based extract must still pass all required tests.

(g) The Department of Agriculture shall establish standards for microbial, mycotoxin, pesticide residue, solvent residue, or other standards for the presence of possible contaminants, in addition to labeling requirements for contents and potency.

(h) The laboratory shall file with the Department of Agriculture an electronic copy of each laboratory test result for any batch that does not pass the microbiological, mycotoxin, or pesticide chemical residue test, at the same time that it transmits those results to the cultivation center. In addition, the laboratory shall maintain the laboratory test results for at least 5 years and make them available at the Department of Agriculture's request.

(i) A cultivation center, craft grower, and infuser shall provide to a dispensing organization the laboratory test results for each batch of cannabis product purchased by the dispensing organization, if sampled. Each dispensing organization must have those laboratory results available upon request to purchasers.

(j) The Department of Agriculture may adopt rules related to testing in furtherance of this Act.

HISTORY:

2019 P.A. 101-27, § 50-5, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

ARTICLE 55.

GENERAL PROVISIONS

410 ILCS 705/55-5 Preparation of cannabis-infused products.

(a) The Department of Agriculture may regulate the production of cannabis-infused products by a cultivation center, a craft grower, an infuser organization, or a dispensing organization and establish rules related to refrigeration, hot-holding, and handling of cannabis-infused products. All cannabis-infused products shall meet the packaging and labeling requirements contained in Section 55-21 [410 ILCS 705/55-21].

(b) Cannabis-infused products for sale or distribution at a dispensing organization must be prepared by an approved agent of a cultivation center or infuser organization.

(c) A cultivation center or infuser organization that prepares cannabis-infused products for sale or distribution by a dispensing organization shall be under the operational supervision of a Department of Public Health certified food service sanitation manager.

(d) Dispensing organizations may not manufacture, process, or produce cannabis-infused products.

(e) The Department of Public Health shall adopt and enforce rules for the manufacture and processing of cannabis-infused products, and for that purpose it may at all times enter every building, room, basement, enclosure, or premises occupied or used, or suspected of being occupied or used, for the production, preparation, manufacture for sale, storage, sale, processing, distribution, or transportation of cannabis-infused products, and to inspect the premises together with all utensils, fixtures, furniture, and

machinery used for the preparation of these products.

(f) The Department of Agriculture shall by rule establish a maximum level of THC that may be contained in each serving of cannabis-infused product, and within the product package.

(g) If a local public health agency has a reasonable belief that a cannabis-infused product poses a public health hazard, it may refer the cultivation center, craft grower, or infuser that manufactured or processed the cannabis-infused product to the Department of Public Health. If the Department of Public Health finds that a cannabis-infused product poses a health hazard, it may bring an action for immediate injunctive relief to require that action be taken as the court may deem necessary to meet the hazard of the cultivation facility or seek other relief as provided by rule.

HISTORY:
2019 P.A. 101-27, § 55-5, effective June 25, 2019.

410 ILCS 705/55-10 Maintenance of inventory.

All dispensing organizations authorized to serve both registered qualifying patients and caregivers and purchasers are required to report which cannabis and cannabis-infused products are purchased for sale under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.], and which cannabis and cannabis-infused products are purchased under this Act. Nothing in this Section prohibits a registered qualifying patient under the Compassionate Use of Medical Cannabis Program Act from purchasing cannabis as a purchaser under this Act.

HISTORY:
2019 P.A. 101-27, § 55-10, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/55-15 Destruction of cannabis.

(a) All cannabis byproduct, scrap, and harvested cannabis not intended for distribution to a dispensing organization must be destroyed and disposed of under rules adopted by the Department of Agriculture under this Act. Documentation of destruction and disposal shall be retained at the cultivation center, craft grower, infuser organization, transporter, or testing facility as applicable for a period of not less than 5 years.

(b) A cultivation center, craft grower, or infuser organization shall, before destruction, notify the Department of Agriculture and the Illinois State Police. A dispensing organization shall, before destruction, notify the Department of Financial and Professional Regulation and the Illinois State Police. The Department of Agriculture may by rule require that an employee of the Department of Agriculture or the Department of Financial and Professional Regulation be present during the destruction of any cannabis byproduct, scrap, and harvested cannabis, as applicable.

(c) The cultivation center, craft grower, infuser organization, or dispensing organization shall keep a record of the date of destruction and how much was destroyed.

(d) A dispensing organization shall destroy all cannabis, including cannabis-infused products, not sold to purchasers. Documentation of destruction and disposal shall be retained at the dispensing organization for a period of not less than 5 years.

HISTORY:
2019 P.A. 101-27, § 55-15, effective June 25, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/55-20 Advertising and promotions.

(a) No cannabis business establishment nor any other person or entity shall engage in advertising that contains any statement or illustration that:

(1) is false or misleading;

(2) promotes overconsumption of cannabis or cannabis products;

(3) depicts the actual consumption of cannabis or cannabis products;

(4) depicts a person under 21 years of age consuming cannabis;

(5) makes any health, medicinal, or therapeutic claims about cannabis or cannabis-infused products;

(6) includes the image of a cannabis leaf or bud; or

(7) includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that is designed in any manner to be appealing to or encourage consumption by persons under 21 years of age.

(b) No cannabis business establishment nor any other person or entity shall place or maintain, or cause to be placed or maintained, an advertisement of cannabis or a cannabis-infused product in any form or through any medium:

(1) within 1,000 feet of the perimeter of school grounds, a playground, a recreation center or facility, a child care center, a public park or public library, or a game arcade to which admission is not restricted to persons 21 years of age or older;

(2) on or in a public transit vehicle or public transit shelter;

(3) on or in publicly owned or publicly operated property; or

(4) that contains information that:

(A) is false or misleading;

(B) promotes excessive consumption;

(C) depicts a person under 21 years of age consuming cannabis;

(D) includes the image of a cannabis leaf; or

(E) includes any image designed or likely to appeal to minors, including cartoons, toys, ani-

mals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children, or any imitation of candy packaging or labeling, or that promotes consumption of cannabis.

(c) Subsections (a) and (b) do not apply to an educational message.

(d) Sales promotions. No cannabis business establishment nor any other person or entity may encourage the sale of cannabis or cannabis products by giving away cannabis or cannabis products, by conducting games or competitions related to the consumption of cannabis or cannabis products, or by providing promotional materials or activities of a manner or type that would be appealing to children.

HISTORY:

2019 P.A. 101-27, § 55-20, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/55-21 Cannabis product packaging and labeling.

(a) Each cannabis product produced for sale shall be registered with the Department of Agriculture on forms provided by the Department of Agriculture. Each product registration shall include a label and the required registration fee at the rate established by the Department of Agriculture for a comparable medical cannabis product, or as established by rule. The registration fee is for the name of the product offered for sale and one fee shall be sufficient for all package sizes.

(b) All harvested cannabis intended for distribution to a cannabis enterprise must be packaged in a sealed, labeled container.

(c) Any product containing cannabis shall be sold in a sealed, odor-proof, and child-resistant cannabis container consistent with current standards, including the Consumer Product Safety Commission standards referenced by the Poison Prevention Act unless the sale is between or among a craft grower, infuser, or cultivation center.

(d) All cannabis-infused products shall be individually wrapped or packaged at the original point of preparation. The packaging of the cannabis-infused product shall conform to the labeling requirements of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/1 et seq.], in addition to the other requirements set forth in this Section.

(e) Each cannabis product shall be labeled before sale and each label shall be securely affixed to the package and shall state in legible English and any languages required by the Department of Agriculture:

(1) the name and post office box of the registered cultivation center or craft grower where the item was manufactured;

(2) the common or usual name of the item and the registered name of the cannabis product that was registered with the Department of Agriculture under subsection (a);

(3) a unique serial number that will match the product with a cultivation center or craft grower batch and lot number to facilitate any warnings or recalls the Department of Agriculture, cultivation center, or craft grower deems appropriate;

(4) the date of final testing and packaging, if sampled, and the identification of the independent testing laboratory;

(5) the date of harvest and "use by" date;

(6) the quantity (in ounces or grams) of cannabis contained in the product;

(7) a pass/fail rating based on the laboratory's microbiological, mycotoxins, and pesticide and solvent residue analyses, if sampled;

(8) content list.

(A) A list of the following, including the minimum and maximum percentage content by weight for subdivisions (e)(8)(A)(i) through (iv):

(i) delta-9-tetrahydrocannabinol (THC);

(ii) tetrahydrocannabinolic acid (THCA);

(iii) cannabidiol (CBD);

(iv) cannabidiolic acid (CBDA); and

(v) all other ingredients of the item, including any colors, artificial flavors, and preservatives, listed in descending order by predominance of weight shown with common or usual names.

(B) The acceptable tolerances for the minimum percentage printed on the label for any of subdivisions (e)(8)(A)(i) through (iv) shall not be below 85% or above 115% of the labeled amount.

(f) Packaging must not contain information that:

(1) is false or misleading;

(2) promotes excessive consumption;

(3) depicts a person under 21 years of age consuming cannabis;

(4) includes the image of a cannabis leaf;

(5) includes any image designed or likely to appeal to minors, including cartoons, toys, animals, or children, or any other likeness to images, characters, or phrases that are popularly used to advertise to children, or any packaging or labeling that bears reasonable resemblance to any product available for consumption as a commercially available candy, or that promotes consumption of cannabis;

(6) contains any seal, flag, crest, coat of arms, or other insignia likely to mislead the purchaser to believe that the product has been endorsed, made, or used by the State of Illinois or any of its representatives except where authorized by this Act.

(g) Cannabis products produced by concentrating or extracting ingredients from the cannabis plant shall contain the following information, where applicable:

(1) If solvents were used to create the concentrate or extract, a statement that discloses the type of extraction method, including any solvents or gases used to create the concentrate or extract; and

(2) Any other chemicals or compounds used to produce or were added to the concentrate or extract.

(h) All cannabis products must contain warning statements established for purchasers, of a size that is legible and readily visible to a consumer inspecting a package, which may not be covered or obscured in any way. The Department of Public Health shall define and update appropriate health warnings for packages including specific labeling or warning requirements for specific cannabis products.

(i) Unless modified by rule to strengthen or respond to new evidence and science, the following warnings shall apply to all cannabis products unless modified by rule: "This product contains cannabis and is intended for use by adults 21 and over. Its use can impair cognition and may be habit forming. This product should not be used by pregnant or breastfeeding women. It is unlawful to sell or provide this item to any individual, and it may not be transported outside the State of Illinois. It is illegal to operate a motor vehicle while under the influence of cannabis. Possession or use of this product may carry significant legal penalties in some jurisdictions and under federal law.".

(j) Warnings for each of the following product types must be present on labels when offered for sale to a purchaser:

(1) Cannabis that may be smoked must contain a statement that "Smoking is hazardous to your health.".

(2) Cannabis-infused products (other than those intended for topical application) must contain a statement "CAUTION: This product contains cannabis, and intoxication following use may be delayed 2 or more hours. This product was produced in a facility that cultivates cannabis, and that may also process common food allergens.".

(3) Cannabis-infused products intended for topical application must contain a statement "DO NOT EAT" in bold, capital letters.

(k) Each cannabis-infused product intended for consumption must be individually packaged, must include the total milligram content of THC and CBD, and may not include more than a total of 100 milligrams of THC per package. A package may contain multiple servings of 10 milligrams of THC, indicated by scoring, wrapping, or by other indicators designating individual serving sizes. The Department of Agriculture may change the total amount of THC allowed for each package, or the total amount of THC allowed for each serving size, by rule.

(*l*) No individual other than the purchaser may alter or destroy any labeling affixed to the primary packaging of cannabis or cannabis-infused products.

(m) For each commercial weighing and measuring device used at a facility, the cultivation center or craft grower must:

(1) Ensure that the commercial device is licensed under the Weights and Measures Act [225 ILCS 470/1 et seq.] and the associated administrative rules (8 Ill. Adm. Code 600);

(2) Maintain documentation of the licensure of the commercial device; and

(3) Provide a copy of the license of the commercial device to the Department of Agriculture for review upon request.

(n) It is the responsibility of the Department to ensure that packaging and labeling requirements, including product warnings, are enforced at all times for products provided to purchasers. Product registration requirements and container requirements may be modified by rule by the Department of Agriculture.

(o) Labeling, including warning labels, may be modified by rule by the Department of Agriculture.

HISTORY:

2019 P.A. 101-27, § 55-21, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021.

410 ILCS 705/55-25 Local ordinances.

Unless otherwise provided under this Act or otherwise in accordance with State law:

(1) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact reasonable zoning ordinances or resolutions, not in conflict with this Act or rules adopted pursuant to this Act, regulating cannabis business establishments. No unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may prohibit home cultivation or unreasonably prohibit use of cannabis authorized by this Act.

(2) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact ordinances or rules not in conflict with this Act or with rules adopted pursuant to this Act governing the time, place, manner, and number of cannabis business establishment operations, including minimum distance limitations between cannabis business establishments and locations it deems sensitive, including colleges and universities, through the use of conditional use permits. A unit of local government, including a home rule unit, may establish civil penalties for violation of an ordinance or rules governing the time, place, and manner of operation of a cannabis business establishment or a conditional use permit in the jurisdiction of the unit of local government. No unit of local government, including a home rule unit or non-home rule county within an unincorporated territory of the county, may unreasonably restrict the time, place, manner, and number of cannabis business establishment operations authorized by this Act.

(3) A unit of local government, including a home rule unit, or any non-home rule county within the unincorporated territory of the county may authorize or permit the on-premises consumption of cannabis at or in a dispensing organization or retail tobacco store (as defined in Section 10 of the

Smoke Free Illinois Act [410 ILCS 82/10]) within its jurisdiction in a manner consistent with this Act. A dispensing organization or retail tobacco store authorized or permitted by a unit of local government to allow on-site consumption shall not be deemed a public place within the meaning of the Smoke Free Illinois Act [410 ILCS 82/1 et seq.].

(4) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may not regulate the activities described in paragraph (1), (2), or (3) in a manner more restrictive than the regulation of those activities by the State under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(5) A unit of local government, including a home rule unit or any non-home rule county within the unincorporated territory of the county, may enact ordinances to prohibit or significantly limit a cannabis business establishment's location.

HISTORY:
2019 P.A. 101-27, § 55-25, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/55-28 Restricted cannabis zones.

(a) As used in this Section:

"Legal voter" means a person:

(1) who is duly registered to vote in a municipality with a population of over 500,000;

(2) whose name appears on a poll list compiled by the city board of election commissioners since the last preceding election, regardless of whether the election was a primary, general, or special election;

(3) who, at the relevant time, is a resident of the address at which he or she is registered to vote; and

(4) whose address, at the relevant time, is located in the precinct where such person seeks to file a notice of intent to initiate a petition process, circulate a petition, or sign a petition under this Section.

As used in the definition of "legal voter", "relevant time" means any time that:

(i) a notice of intent is filed, pursuant to subsection (c) of this Section, to initiate the petition process under this Section;

(ii) the petition is circulated for signature in the applicable precinct; or

(iii) the petition is signed by registered voters in the applicable precinct.

"Petition" means the petition described in this Section.

"Precinct" means the smallest constituent territory within a municipality with a population of over 500,000 in which electors vote as a unit at the same polling place in any election governed by the Election Code [10 ILCS 5/1-1 et seq.].

"Restricted cannabis zone" means a precinct within which home cultivation, one or more types of cannabis business establishments, or both has been prohibited pursuant to an ordinance initiated by a petition under this Section.

(b) The legal voters of any precinct within a municipality with a population of over 500,000 may petition their local alderperson, using a petition form made available online by the city clerk, to introduce an ordinance establishing the precinct as a restricted zone. Such petition shall specify whether it seeks an ordinance to prohibit, within the precinct: (i) home cultivation; (ii) one or more types of cannabis business establishments; or (iii) home cultivation and one or more types of cannabis business establishments.

Upon receiving a petition containing the signatures of at least 25% of the registered voters of the precinct, and concluding that the petition is legally sufficient following the posting and review process in subsection (c) of this Section, the city clerk shall notify the local alderperson of the ward in which the precinct is located. Upon being notified, that alderperson, following an assessment of relevant factors within the precinct, including, but not limited to, its geography, density and character, the prevalence of residentially zoned property, current licensed cannabis business establishments in the precinct, the current amount of home cultivation in the precinct, and the prevailing viewpoint with regard to the issue raised in the petition, may introduce an ordinance to the municipality's governing body creating a restricted cannabis zone in that precinct.

(c) A person seeking to initiate the petition process described in this Section shall first submit to the city clerk notice of intent to do so, on a form made available online by the city clerk. That notice shall include a description of the potentially affected area and the scope of the restriction sought. The city clerk shall publicly post the submitted notice online.

To be legally sufficient, a petition must contain the requisite number of valid signatures and all such signatures must be obtained within 90 days of the date that the city clerk publicly posts the notice of intent. Upon receipt, the city clerk shall post the petition on the municipality's website for a 30-day comment period. The city clerk is authorized to take all necessary and appropriate steps to verify the legal sufficiency of a submitted petition. Following the petition review and comment period, the city clerk shall publicly post online the status of the petition as accepted or rejected, and if rejected, the reasons therefor. If the city clerk rejects a petition as legally insufficient, a minimum of 12 months must elapse from the time the city clerk posts the rejection notice before a new notice of intent for that same precinct may be submitted.

(c-5) Within 3 days after receiving an application for zoning approval to locate a cannabis business establishment within a municipality with a popula-

tion of over 500,000, the municipality shall post a public notice of the filing on its website and notify the alderperson of the ward in which the proposed cannabis business establishment is to be located of the filing. No action shall be taken on the zoning application for 7 business days following the notice of the filing for zoning approval.

If a notice of intent to initiate the petition process to prohibit the type of cannabis business establishment proposed in the precinct of the proposed cannabis business establishment is filed prior to the filing of the application or within the 7-day period after the filing of the application, the municipality shall not approve the application for at least 90 days after the city clerk publicly posts the notice of intent to initiate the petition process. If a petition is filed within the 90-day petition-gathering period described in subsection (c), the municipality shall not approve the application for an additional 90 days after the city clerk's receipt of the petition; provided that if the city clerk rejects a petition as legally insufficient, the municipality may approve the application prior to the end of the 90 days. If a petition is not submitted within the 90-day petition-gathering period described in subsection (c), the municipality may approve the application unless the approval is otherwise stayed pursuant to this subsection by a separate notice of intent to initiate the petition process filed timely within the 7-day period.

If no legally sufficient petition is timely filed, a minimum of 12 months must elapse before a new notice of intent for that same precinct may be submitted.

(d) Notwithstanding any law to the contrary, the municipality may enact an ordinance creating a restricted cannabis zone. The ordinance shall:

(1) identify the applicable precinct boundaries as of the date of the petition;

(2) state whether the ordinance prohibits within the defined boundaries of the precinct, and in what combination: (A) one or more types of cannabis business establishments; or (B) home cultivation;

(3) be in effect for 4 years, unless repealed earlier; and

(4) once in effect, be subject to renewal by ordinance at the expiration of the 4-year period without the need for another supporting petition.

(e) An Early Approval Adult Use Dispensing Organization License permitted to relocate under subsection (b-5) of Section 15-15 [410 ILCS 705/15-15] shall not relocate to a restricted cannabis zone.

HISTORY:

2019 P.A. 101-27, § 55-28, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-15, § 95, effective June 17, 2021; 2021 P.A. 102-98, § 10, effective July 15, 2021; 2021 P.A. 102-687, § 170, effective December 17, 2021.

410 ILCS 705/55-30 Confidentiality.

(a) Information provided by the cannabis business establishment licensees or applicants to the Department of Agriculture, the Department of Public Health, the Department of Financial and Professional Regulation, the Department of Commerce and Economic Opportunity, or other agency shall be limited to information necessary for the purposes of administering this Act. The information is subject to the provisions and limitations contained in the Freedom of Information Act [5 ILCS 140/1 et seq.] and may be disclosed in accordance with Section 55-65 [410 ILCS 705/55-65].

(b) The following information received and records kept by the Department of Agriculture, the Department of Public Health, the Illinois State Police, and the Department of Financial and Professional Regulation for purposes of administering this Article are subject to all applicable federal privacy laws, are confidential and exempt from disclosure under the Freedom of Information Act, except as provided in this Act, and not subject to disclosure to any individual or public or private entity, except to the Department of Financial and Professional Regulation, the Department of Agriculture, the Department of Public Health, and the Illinois State Police as necessary to perform official duties under this Article and to the Attorney General as necessary to enforce the provisions of this Act. The following information received and kept by the Department of Financial and Professional Regulation or the Department of Agriculture may be disclosed to the Department of Public Health, the Department of Agriculture, the Department of Revenue, the Illinois State Police, or the Attorney General upon proper request:

(1) Applications and renewals, their contents, and supporting information submitted by or on behalf of dispensing organizations, cannabis business establishments, or Community College Cannabis Vocational Program licensees, in compliance with this Article, including their physical addresses; however, this does not preclude the release of ownership information about cannabis business establishment licenses, or information submitted with an application required to be disclosed pursuant to subsection (f);

(2) Any plans, procedures, policies, or other records relating to cannabis business establishment security; and

(3) Information otherwise exempt from disclosure by State or federal law.

Illinois or national criminal history record information, or the nonexistence or lack of such information, may not be disclosed by the Department of Financial and Professional Regulation or the Department of Agriculture, except as necessary to the Attorney General to enforce this Act.

(c) The name and address of a dispensing organization licensed under this Act shall be subject to disclosure under the Freedom of Information Act. The name and cannabis business establishment address of the person or entity holding each cannabis business establishment license shall be subject to disclosure.

(d) All information collected by the Department of Financial and Professional Regulation or the Depart-

ment of Agriculture in the course of an examination, inspection, or investigation of a licensee or applicant, including, but not limited to, any complaint against a licensee or applicant filed with the Department of Financial and Professional Regulation or the Department of Agriculture and information collected to investigate any such complaint, shall be maintained for the confidential use of the Department of Financial and Professional Regulation or the Department of Agriculture and shall not be disclosed, except as otherwise provided in this Act. A formal complaint against a licensee by the Department of Financial and Professional Regulation or the Department of Agriculture or any disciplinary order issued by the Department of Financial and Professional Regulation or the Department of Agriculture against a licensee or applicant shall be a public record, except as otherwise provided by law. Complaints from consumers or members of the general public received regarding a specific, named licensee or complaints regarding conduct by unlicensed entities shall be subject to disclosure under the Freedom of Information Act.

(e) The Department of Agriculture, the Illinois State Police, and the Department of Financial and Professional Regulation shall not share or disclose any Illinois or national criminal history record information, or the nonexistence or lack of such information, to any person or entity not expressly authorized by this Act.

(f) Each Department responsible for licensure under this Act shall publish on the Department's website a list of the ownership information of cannabis business establishment licensees under the Department's jurisdiction. The list shall include, but is not limited to: the name of the person or entity holding each cannabis business establishment license; and the address at which the entity is operating under this Act. This list shall be published and updated monthly.

HISTORY:

2019 P.A. 101-27, § 55-30, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-98, § 10, effective July 15, 2021; 2021 P.A. 102-538, § 845, effective August 20, 2021; 2022 P.A. 102-813, § 540, effective May 13, 2022.

410 ILCS 705/55-35 Administrative rulemaking.

(a) No later than 180 days after the effective date of this Act, the Department of Agriculture, the Illinois State Police, the Department of Financial and Professional Regulation, the Department of Revenue, the Department of Commerce and Economic Opportunity, and the Treasurer's Office shall adopt permanent rules in accordance with their responsibilities under this Act. The Department of Agriculture, the Illinois State Police, the Department of Financial and Professional Regulation, the Department of Revenue, and the Department of Commerce and Economic Opportunity may adopt rules necessary to regulate personal cannabis use through the use of emergency rulemaking in accordance with subsection (gg) of Section 5-45 of the Illinois Administrative Procedure Act [5 ILCS 100/5-45]. The General Assembly finds that the adoption of rules to regulate cannabis use is deemed an emergency and necessary for the public interest, safety, and welfare.

(b) The Department of Agriculture rules may address, but are not limited to, the following matters related to cultivation centers, craft growers, infuser organizations, and transporting organizations with the goal of protecting against diversion and theft, without imposing an undue burden on the cultivation centers, craft growers, infuser organizations, or transporting organizations:

(1) oversight requirements for cultivation centers, craft growers, infuser organizations, and transporting organizations;

(2) recordkeeping requirements for cultivation centers, craft growers, infuser organizations, and transporting organizations;

(3) security requirements for cultivation centers, craft growers, infuser organizations, and transporting organizations, which shall include that each cultivation center, craft grower, infuser organization, and transporting organization location must be protected by a fully operational security alarm system;

(4) standards for enclosed, locked facilities under this Act;

(5) procedures for suspending or revoking the identification cards of agents of cultivation centers, craft growers, infuser organizations, and transporting organizations that commit violations of this Act or the rules adopted under this Section;

(6) rules concerning the intrastate transportation of cannabis from a cultivation center, craft grower, infuser organization, and transporting organization to a dispensing organization;

(7) standards concerning the testing, quality, cultivation, and processing of cannabis; and

(8) any other matters under oversight by the Department of Agriculture as are necessary for the fair, impartial, stringent, and comprehensive administration of this Act.

(c) The Department of Financial and Professional Regulation rules may address, but are not limited to, the following matters related to dispensing organizations, with the goal of protecting against diversion and theft, without imposing an undue burden on the dispensing organizations:

(1) oversight requirements for dispensing organizations;

(2) recordkeeping requirements for dispensing organizations;

(3) security requirements for dispensing organizations, which shall include that each dispensing organization location must be protected by a fully operational security alarm system;

(4) procedures for suspending or revoking the licenses of dispensing organization agents that commit violations of this Act or the rules adopted under this Act;

(5) any other matters under oversight by the Department of Financial and Professional Regulation that are necessary for the fair, impartial, stringent, and comprehensive administration of this Act.

(d) The Department of Revenue rules may address, but are not limited to, the following matters related to the payment of taxes by cannabis business establishments:

(1) recording of sales;

(2) documentation of taxable income and expenses;

(3) transfer of funds for the payment of taxes; or

(4) any other matter under the oversight of the Department of Revenue.

(e) The Department of Commerce and Economic Opportunity rules may address, but are not limited to, a loan program or grant program to assist Social Equity Applicants access the capital needed to start a cannabis business establishment. The names of recipients and the amounts of any moneys received through a loan program or grant program shall be a public record.

(f) The Illinois State Police rules may address enforcement of its authority under this Act. The Illinois State Police shall not make rules that infringe on the exclusive authority of the Department of Financial and Professional Regulation or the Department of Agriculture over licensees under this Act.

(g) The Department of Human Services shall develop and disseminate:

(1) educational information about the health risks associated with the use of cannabis; and

(2) one or more public education campaigns in coordination with local health departments and community organizations, including one or more prevention campaigns directed at children, adolescents, parents, and pregnant or breastfeeding women, to inform them of the potential health risks associated with intentional or unintentional cannabis use.

HISTORY:

2019 P.A. 101-27, § 55-35, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/55-40 Enforcement.

(a) If the Department of Agriculture, Illinois State Police, Department of Financial and Professional Regulation, Department of Commerce and Economic Opportunity, or Department of Revenue fails to adopt rules to implement this Act within the times provided in this Act, any citizen may commence a mandamus action in the circuit court to compel the agencies to perform the actions mandated under Section 55-35 [410 ILCS 705/55-35].

(b) If the Department of Agriculture or the Department of Financial and Professional Regulation fails to issue a valid agent identification card in response to a valid initial application or renewal application submitted under this Act or fails to issue a verbal or written notice of denial of the application within 30 days of its submission, the agent identification card is deemed granted and a copy of the agent identification initial application or renewal application shall be deemed a valid agent identification card.

(c) Authorized employees of State or local law enforcement agencies shall immediately notify the Department of Agriculture and the Department of Financial and Professional Regulation when any person in possession of an agent identification card has been convicted of or pled guilty to violating this Act.

HISTORY:

2019 P.A. 101-27, § 55-40, effective June 25, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/55-45 Administrative hearings.

(a) Administrative hearings related to the duties and responsibilities assigned to the Department of Public Health shall be conducted under the Department of Public Health's rules governing administrative hearings.

(b) Administrative hearings related to the duties and responsibilities assigned to the Department of Financial and Professional Regulation and dispensing organization agents shall be conducted under the Department of Financial and Professional Regulation's rules governing administrative hearings.

(c) Administrative hearings related to the duties and responsibilities assigned to the Department of Agriculture, cultivation centers, or cultivation center agents shall be conducted under the Department of Agriculture's rules governing administrative hearings.

HISTORY:

2019 P.A. 101-27, § 55-45, effective June 25, 2019.

410 ILCS 705/55-50 Petition for rehearing.

Within 20 days after the service of any order or decision of the Department of Public Health, the Department of Agriculture, the Department of Financial and Professional Regulation, or the Illinois State Police upon any party to the proceeding, the party may apply for a rehearing in respect to any matters determined by them under this Act, except for decisions made under the Cannabis Cultivation Privilege Tax Law, the Cannabis Purchaser Excise Tax Law, the County Cannabis Retailers' Occupation Tax Law, and the Municipal Cannabis Retailers' Occupation Tax Law [410 ILCS 705/60-1 et seq., 410 ILCS 705/65-1 et seq., 55 ILCS 5/5-1006.8, and 65 ILCS 5/8-11-23], which shall be governed by the provisions of those Laws. If a rehearing is granted, an agency shall hold the rehearing and render a decision within 30 days from the filing of the application for rehearing with the agency. The time for holding such rehearing and rendering a decision may

be extended for a period not to exceed 30 days, for good cause shown, and by notice in writing to all parties of interest. If an agency fails to act on the application for rehearing within 30 days, or the date the time for rendering a decision was extended for good cause shown, the order or decision of the agency is final. No action for the judicial review of any order or decision of an agency shall be allowed unless the party commencing such action has first filed an application for a rehearing and the agency has acted or failed to act upon the application. Only one rehearing may be granted by an agency on application of any one party.

HISTORY:
2019 P.A. 101-27, § 55-50, effective June 25, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/55-55 Review of administrative decisions.

All final administrative decisions of the Department of Public Health, the Department of Agriculture, the Department of Financial and Professional Regulation, and the Illinois State Police are subject to judicial review under the Administrative Review Law and the rules adopted under that Law. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure [735 ILCS 5/3-101].

HISTORY:
2019 P.A. 101-27, § 55-55, effective June 25, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/55-60 Suspension or revocation of a license.

(a) The Department of Financial and Professional Regulation or the Department of Agriculture may suspend or revoke a license for a violation of this Act or a rule adopted in accordance with this Act by the Department of Agriculture and the Department of Financial and Professional Regulation.

(b) The Department of Agriculture and the Department of Financial and Professional Regulation may suspend or revoke an agent identification card for a violation of this Act or a rule adopted in accordance with this Act.

HISTORY:
2019 P.A. 101-27, § 55-60, effective June 25, 2019.

410 ILCS 705/55-65 Financial institutions.

(a) A financial institution that provides financial services customarily provided by financial institutions to a cannabis business establishment authorized under this Act or the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.], or to a person that is affiliated with such cannabis business establishment, is exempt from any criminal law of this State as it relates to cannabis-related conduct authorized under State law.

(b) Upon request of a financial institution, a cannabis business establishment or proposed cannabis business establishment may provide to the financial institution the following information:

(1) Whether a cannabis business establishment with which the financial institution is doing or is considering doing business holds a license under this Act or the Compassionate Use of Medical Cannabis Program Act;

(2) The name of any other business or individual affiliate with the cannabis business establishment;

(3) A copy of the application, and any supporting documentation submitted with the application, for a license or a permit submitted on behalf of the proposed cannabis business establishment;

(4) If applicable, data relating to sales and the volume of product sold by the cannabis business establishment;

(5) Any past or pending violation by the person of this Act, the Compassionate Use of Medical Cannabis Program Act, or the rules adopted under these Acts where applicable; and

(6) Any penalty imposed upon the person for violating this Act, the Compassionate Use of Medical Cannabis Program Act, or the rules adopted under these Acts.

(c) (Blank).

(d) (Blank).

(e) Information received by a financial institution under this Section is confidential. Except as otherwise required or permitted by this Act, State law or rule, or federal law or regulation, a financial institution may not make the information available to any person other than:

(1) the customer to whom the information applies;

(2) a trustee, conservator, guardian, personal representative, or agent of the customer to whom the information applies; a federal or State regulator when requested in connection with an examination of the financial institution or if otherwise necessary for complying with federal or State law;

(3) a federal or State regulator when requested in connection with an examination of the financial institution or if otherwise necessary for complying with federal or State law; and

(4) a third party performing services for the financial institution, provided the third party is performing such services under a written agreement that expressly or by operation of law prohibits the third party's sharing and use of such confidential information for any purpose other than as provided in its agreement to provide services to the financial institution.

HISTORY:
2019 P.A. 101-27, § 55-65, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/55-75 Contracts enforceable.

It is the public policy of this State that contracts related to the operation of a lawful cannabis business

establishment under this Act are enforceable. It is the public policy of this State that no contract entered into by a lawful cannabis business establishment or its agents on behalf of a cannabis business establishment, or by those who allow property to be used by a cannabis business establishment, shall be unenforceable on the basis that cultivating, obtaining, manufacturing, processing, distributing, dispensing, transporting, selling, possessing, or using cannabis or hemp is prohibited by federal law.

HISTORY:
2019 P.A. 101-27, § 55-75, effective June 25, 2019.

410 ILCS 705/55-80 Annual reports.

(a) The Department of Financial and Professional Regulation shall submit to the General Assembly and Governor a report, by September 30 of each year, that does not disclose any information identifying information about cultivation centers, craft growers, infuser organizations, transporting organizations, or dispensing organizations, but does contain, at a minimum, all of the following information for the previous fiscal year:

(1) The number of licenses issued to dispensing organizations by county, or, in counties with greater than 3,000,000 residents, by zip code;

(2) The total number of dispensing organization owners that are Social Equity Applicants or minority persons, women, or persons with disabilities as those terms are defined in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act [30 ILCS 575/1 et seq.];

(3) The total number of revenues received from dispensing organizations, segregated from revenues received from dispensing organizations under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.] by county, separated by source of revenue;

(4) The total amount of revenue received from dispensing organizations that share a premises or majority ownership with a craft grower;

(5) The total amount of revenue received from dispensing organizations that share a premises or majority ownership with an infuser; and

(6) An analysis of revenue generated from taxation, licensing, and other fees for the State, including recommendations to change the tax rate applied.

(b) The Department of Agriculture shall submit to the General Assembly and Governor a report, by September 30 of each year, that does not disclose any information identifying information about cultivation centers, craft growers, infuser organizations, transporting organizations, or dispensing organizations, but does contain, at a minimum, all of the following information for the previous fiscal year:

(1) The number of licenses issued to cultivation centers, craft growers, infusers, and transporters by license type, and, in counties with more than 3,000,000 residents, by zip code;

(2) The total number of cultivation centers, craft growers, infusers, and transporters by license type that are Social Equity Applicants or minority persons, women, or persons with disabilities as those terms are defined in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act;

(3) The total amount of revenue received from cultivation centers, craft growers, infusers, and transporters, separated by license types and source of revenue;

(4) The total amount of revenue received from craft growers and infusers that share a premises or majority ownership with a dispensing organization;

(5) The total amount of revenue received from craft growers that share a premises or majority ownership with an infuser, but do not share a premises or ownership with a dispensary;

(6) The total amount of revenue received from infusers that share a premises or majority ownership with a craft grower, but do not share a premises or ownership with a dispensary;

(7) The total amount of revenue received from craft growers that share a premises or majority ownership with a dispensing organization, but do not share a premises or ownership with an infuser;

(8) The total amount of revenue received from infusers that share a premises or majority ownership with a dispensing organization, but do not share a premises or ownership with a craft grower;

(9) The total amount of revenue received from transporters; and

(10) An analysis of revenue generated from taxation, licensing, and other fees for the State, including recommendations to change the tax rate applied.

(c) The Illinois State Police shall submit to the General Assembly and Governor a report, by September 30 of each year that contains, at a minimum, all of the following information for the previous fiscal year:

(1) The effect of regulation and taxation of cannabis on law enforcement resources;

(2) The impact of regulation and taxation of cannabis on highway and waterway safety and rates of impaired driving or operating, where impairment was determined based on failure of a field sobriety test;

(3) The available and emerging methods for detecting the metabolites for delta-9-tetrahydrocannabinol in bodily fluids, including, without limitation, blood and saliva;

(4) The effectiveness of current DUI laws and recommendations for improvements to policy to better ensure safe highways and fair laws.

(d) The Adult Use Cannabis Health Advisory Committee shall submit to the General Assembly and Governor a report, by September 30 of each year, that does not disclose any identifying information about any individuals, but does contain, at a minimum:

(1) Self-reported youth cannabis use, as published in the most recent Illinois Youth Survey available;

(2) Self-reported adult cannabis use, as published in the most recent Behavioral Risk Factor Surveillance Survey available;

(3) Hospital room admissions and hospital utilization rates caused by cannabis consumption, including the presence or detection of other drugs;

(4) Overdoses of cannabis and poison control data, including the presence of other drugs that may have contributed;

(5) Incidents of impaired driving caused by the consumption of cannabis or cannabis products, including the presence of other drugs or alcohol that may have contributed to the impaired driving;

(6) Prevalence of infants born testing positive for cannabis or delta-9-tetrahydrocannabinol, including demographic and racial information on which infants are tested;

(7) Public perceptions of use and risk of harm;

(8) Revenue collected from cannabis taxation and how that revenue was used;

(9) Cannabis retail licenses granted and locations;

(10) Cannabis-related arrests; and

(11) The number of individuals completing required bud tender training.

(e) Each agency or committee submitting reports under this Section may consult with one another in the preparation of each report.

HISTORY:
2019 P.A. 101-27, § 55-80, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019; 2021 P.A. 102-538, § 845, effective August 20, 2021.

410 ILCS 705/55-85 Medical cannabis.

(a) Nothing in this Act shall be construed to limit any privileges or rights of a medical cannabis patient including minor patients, primary caregiver, medical cannabis cultivation center, or medical cannabis dispensing organization under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.], and where there is conflict between this Act and the Compassionate Use of Medical Cannabis Program Act as they relate to medical cannabis patients, the Compassionate Use of Medical Cannabis Program Act shall prevail.

(b) Dispensary locations that obtain an Early Approval Adult Use Dispensary Organization License or an Adult Use Dispensary Organization License in accordance with this Act at the same location as a medical cannabis dispensing organization registered under the Compassionate Use of Medical Cannabis Program Act shall maintain an inventory of medical cannabis and medical cannabis products on a monthly basis that is substantially similar in variety and quantity to the products offered at the dispensary during the 6-month period immediately before the effective date of this Act.

(c) Beginning June 30, 2020, the Department of Agriculture shall make a quarterly determination whether inventory requirements established for dispensaries in subsection (b) should be adjusted due to changing patient need.

HISTORY:
2019 P.A. 101-27, § 55-85, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/55-90 Home rule preemption.

Except as otherwise provided in this Act, the regulation and licensing of the activities described in this Act are exclusive powers and functions of the State. Except as otherwise provided in this Act, a unit of local government, including a home rule unit, may not regulate or license the activities described in this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

HISTORY:
2019 P.A. 101-27, § 55-90, effective June 25, 2019.

410 ILCS 705/55-95 Conflict of interest.

A person is ineligible to apply for, hold, or own financial or voting interest, other than a passive interest in a publicly traded company, in any cannabis business license under this Act if, within a 2-year period from the effective date of this Act, the person or his or her spouse or immediate family member was a member of the General Assembly or a State employee at an agency that regulates cannabis business establishment license holders who participated personally and substantially in the award of licenses under this Act. A person who violates this Section shall be guilty under subsection (b) of Section 50-5 of the State Officials and Employees Ethics Act [5 ILCS 430/50-5].

HISTORY:
2019 P.A. 101-27, § 55-95, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

ARTICLE 60.

CANNABIS CULTIVATION PRIVILEGE TAX

410 ILCS 705/60-1 Short title.

This Article may be referred to as the Cannabis Cultivation Privilege Tax Law.

HISTORY:
2019 P.A. 101-27, § 60-1, effective June 25, 2019.

410 ILCS 705/60-5 Definitions.

In this Article:

"Cannabis" has the meaning given to that term in Article 1 of this Act [410 ILCS 705/1-10], except that

it does not include cannabis that is subject to tax under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.].

"Craft grower" has the meaning given to that term in Article 1 of this Act.

"Cultivation center" has the meaning given to that term in Article 1 of this Act.

"Cultivator" or "taxpayer" means a cultivation center or craft grower who is subject to tax under this Article.

"Department" means the Department of Revenue.

"Director" means the Director of Revenue.

"Dispensing organization" or "dispensary" has the meaning given to that term in Article 1 of this Act.

"Gross receipts" from the sales of cannabis by a cultivator means the total selling price or the amount of such sales, as defined in this Article. In the case of charges and time sales, the amount thereof shall be included only when payments are received by the cultivator.

"Person" means a natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

"Infuser" means "infuser organization" or "infuser" as defined in Article 1 of this Act.

"Selling price" or "amount of sale" means the consideration for a sale valued in money whether received in money or otherwise, including cash, credits, property, and services, and shall be determined without any deduction on account of the cost of the property sold, the cost of materials used, labor or service cost, or any other expense whatsoever, but does not include separately stated charges identified on the invoice by cultivators to reimburse themselves for their tax liability under this Article.

HISTORY:
2019 P.A. 101-27, § 60-5, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/60-10 Tax imposed.

(a) Beginning September 1, 2019, a tax is imposed upon the privilege of cultivating cannabis at the rate of 7% of the gross receipts from the first sale of cannabis by a cultivator. The sale of any product that contains any amount of cannabis or any derivative thereof is subject to the tax under this Section on the full selling price of the product. The Department may determine the selling price of the cannabis when the seller and purchaser are affiliated persons, when the sale and purchase of cannabis is not an arm's length transaction, or when cannabis is transferred by a craft grower to the craft grower's dispensing organization or infuser or processing organization and a value is not established for the cannabis. The value determined by the Department shall be commensurate with the actual price received for products of like quality, character, and use in the area. If there are no sales of cannabis of like quality, character, and use in the same area, then the Department shall establish a reasonable value based on sales of products of like quality, character, and use in other areas of the State, taking into consideration any other relevant factors.

(b) The Cannabis Cultivation Privilege Tax imposed under this Article is solely the responsibility of the cultivator who makes the first sale and is not the responsibility of a subsequent purchaser, a dispensing organization, or an infuser. Persons subject to the tax imposed under this Article may, however, reimburse themselves for their tax liability hereunder by separately stating reimbursement for their tax liability as an additional charge.

(c) The tax imposed under this Article shall be in addition to all other occupation, privilege, or excise taxes imposed by the State of Illinois or by any unit of local government.

HISTORY:
2019 P.A. 101-27, § 60-10, effective June 25, 2019.

410 ILCS 705/60-15 Registration of cultivators.

Every cultivator and craft grower subject to the tax under this Article shall apply to the Department of Revenue for a certificate of registration under this Article. All applications for registration under this Article shall be made by electronic means in the form and manner required by the Department. For that purpose, the provisions of Section 2a of the Retailers' Occupation Tax Act [35 ILCS 120/2a] are incorporated into this Article to the extent not inconsistent with this Article. In addition, no certificate of registration shall be issued under this Article unless the applicant is licensed under this Act.

HISTORY:
2019 P.A. 101-27, § 60-15, effective June 25, 2019.

410 ILCS 705/60-20 Return and payment of cannabis cultivation privilege tax.

Each person who is required to pay the tax imposed by this Article shall make a return to the Department on or before the 20th day of each month for the preceding calendar month stating the following:

(1) the taxpayer's name;

(2) the address of the taxpayer's principal place of business and the address of the principal place of business (if that is a different address) from which the taxpayer is engaged in the business of cultivating cannabis subject to tax under this Article;

(3) the total amount of receipts received by the taxpayer during the preceding calendar month from sales of cannabis subject to tax under this Article by the taxpayer during the preceding calendar month;

(4) the total amount received by the taxpayer during the preceding calendar month on charge and time sales of cannabis subject to tax imposed

under this Article by the taxpayer before the month for which the return is filed;

(5) deductions allowed by law;

(6) gross receipts that were received by the taxpayer during the preceding calendar month and upon the basis of which the tax is imposed;

(7) the amount of tax due;

(8) the signature of the taxpayer; and

(9) any other information as the Department may reasonably require.

All returns required to be filed and payments required to be made under this Article shall be by electronic means. Taxpayers who demonstrate hardship in paying electronically may petition the Department to waive the electronic payment requirement. The Department may require a separate return for the tax under this Article or combine the return for the tax under this Article with the return for the tax under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.]. If the return for the tax under this Article is combined with the return for tax under the Compassionate Use of Medical Cannabis Program Act, then the vendor's discount allowed under this Section and any cap on that discount shall apply to the combined return. The taxpayer making the return provided for in this Section shall also pay to the Department, in accordance with this Section, the amount of tax imposed by this Article, less a discount of 1.75%, but not to exceed $1,000 per return period, which is allowed to reimburse the taxpayer for the expenses incurred in keeping records, collecting tax, preparing and filing returns, remitting the tax, and supplying data to the Department upon request. No discount may be claimed by a taxpayer on returns not timely filed and for taxes not timely remitted. No discount may be claimed by a taxpayer for any return that is not filed electronically. No discount may be claimed by a taxpayer for any payment that is not made electronically, unless a waiver has been granted under this Section. Any amount that is required to be shown or reported on any return or other document under this Article shall, if the amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount if the fractional part of a dollar is $0.50 or more and decreased to the nearest whole-dollar amount if the fractional part of a dollar is less than $0.50. If a total amount of less than $1 is payable, refundable, or creditable, the amount shall be disregarded if it is less than $0.50 and shall be increased to $1 if it is $0.50 or more. Notwithstanding any other provision of this Article concerning the time within which a taxpayer may file a return, any such taxpayer who ceases to engage in the kind of business that makes the person responsible for filing returns under this Article shall file a final return under this Article with the Department within one month after discontinuing such business.

Each taxpayer under this Article shall make estimated payments to the Department on or before the 7th, 15th, 22nd, and last day of the month during which tax liability to the Department is incurred. The payments shall be in an amount not less than the lower of either 22.5% of the taxpayer's actual tax liability for the month or 25% of the taxpayer's actual tax liability for the same calendar month of the preceding year. The amount of the quarter-monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. If any quarter-monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of the quarter-monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Article, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by the credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, in accordance with reasonable rules to be prescribed by the Department. If no such request is made, the taxpayer may credit the excess payment against tax liability subsequently to be remitted to the Department under this Act, in accordance with reasonable rules prescribed by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's discount shall be reduced, if necessary, to reflect the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on the difference.

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

HISTORY:

2019 P.A. 101-27, § 60-20, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/60-25 Infuser information returns.

If it is deemed necessary for the administration of this Article, the Department may adopt rules that require infusers to file information returns regarding the sale of cannabis by infusers to dispensaries. The Department may require infusers to file all information returns by electronic means.

HISTORY:

2019 P.A. 101-27, § 60-25, effective June 25, 2019.

410 ILCS 705/60-30 Deposit of proceeds.

All moneys received by the Department under this

Article shall be deposited into the Cannabis Regulation Fund.

HISTORY:
2019 P.A. 101-27, § 60-30, effective June 25, 2019.

410 ILCS 705/60-35 Department administration and enforcement.

The Department shall have full power to administer and enforce this Article, to collect all taxes, penalties, and interest due hereunder, to dispose of taxes, penalties and interest so collected in the manner hereinafter provided, and to determine all rights to credit memoranda, arising on account of the erroneous payment of tax, penalty, or interest hereunder. In the administration of, and compliance with, this Article, the Department and persons who are subject to this Article shall have the same rights, remedies, privileges, immunities, powers, and duties, and be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 1, 2-40, 2a, 2b, 2i, 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 6d, 7, 8, 9, 10, 11, 11a, 12, and 13 of the Retailers' Occupation Tax Act [35 ILCS 120/1, 35 ILCS 120/2-40, 35 ILCS 120/2a, 35 ILCS 120/2b, 35 ILCS 120/2i, 35 ILCS 120/4, 35 ILCS 120/5, 35 ILCS 120/5a, 35 ILCS 120/5b, 35 ILCS 120/5c, 35 ILCS 120/5d, 35 ILCS 120/5e, 35 ILCS 120/5f, 35 ILCS 120/5g, 35 ILCS 120/5i, 35 ILCS 120/5j, 35 ILCS 120/6, 35 ILCS 120/6a, 35 ILCS 120/6b, 35 ILCS 120/6c, 35 ILCS 120/6d, 35 ILCS 120/7, 35 ILCS 120/8, 35 ILCS 120/9, 35 ILCS 120/10, 35 ILCS 120/11, 35 ILCS 120/11a, 35 ILCS 120/12, and 35 ILCS 120/13] and all of the provisions of the Uniform Penalty and Interest Act [35 ILCS 735/3-1 et seq.], which are not inconsistent with this Article, as fully as if those provisions were set forth herein. For purposes of this Section, references in the Retailers' Occupation Tax Act to a "sale of tangible personal property at retail" mean the "sale of cannabis by a cultivator".

HISTORY:
2019 P.A. 101-27, § 60-35, effective June 25, 2019.

410 ILCS 705/60-40 Invoices.

Every sales invoice for cannabis issued by a cultivator to a cannabis business establishment shall contain the cultivator's certificate of registration number assigned under this Article, date, invoice number, purchaser's name and address, selling price, amount of cannabis, concentrate, or cannabis-infused product, and any other reasonable information as the Department may provide by rule is necessary for the administration of this Article. Cultivators shall retain the invoices for inspection by the Department.

HISTORY:
2019 P.A. 101-27, § 60-40, effective June 25, 2019.

410 ILCS 705/60-45 Rules.

The Department may adopt rules related to the enforcement of this Article.

HISTORY:
2019 P.A. 101-27, § 60-45, effective June 25, 2019.

ARTICLE 65.

CANNABIS PURCHASER EXCISE TAX

410 ILCS 705/65-1 Short title.

This Article may be referred to as the Cannabis Purchaser Excise Tax Law.

HISTORY:
2019 P.A. 101-27, § 65-1, effective June 25, 2019.

410 ILCS 705/65-5 Definitions.

In this Article:

"Adjusted delta-9-tetrahydrocannabinol level" means, for a delta-9-tetrahydrocannabinol dominant product, the sum of the percentage of delta-9-tetrahydrocannabinol plus .877 multiplied by the percentage of tetrahydrocannabinolic acid.

"Cannabis" has the meaning given to that term in Article 1 of this Act [410 ILCS 705/1-10 et seq], except that it does not include cannabis that is subject to tax under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.].

"Cannabis-infused product" means beverage food, oils, ointments, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked.

"Cannabis retailer" means a dispensing organization that sells cannabis for use and not for resale.

"Craft grower" has the meaning given to that term in Article 1 of this Act.

"Department" means the Department of Revenue.

"Director" means the Director of Revenue.

"Dispensing organization" or "dispensary" has the meaning given to that term in Article 1 of this Act.

"Person" means a natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian, or other representative appointed by order of any court.

"Infuser organization" or "infuser" means a facility operated by an organization or business that is licensed by the Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

"Purchase price" means the consideration paid for a purchase of cannabis, valued in money, whether received in money or otherwise, including cash, gift cards, credits, and property and shall be determined

without any deduction on account of the cost of materials used, labor or service costs, or any other expense whatsoever. However, "purchase price" does not include consideration paid for:

(1) any charge for a payment that is not honored by a financial institution;

(2) any finance or credit charge, penalty or charge for delayed payment, or discount for prompt payment; and

(3) any amounts added to a purchaser's bill because of charges made under the tax imposed by this Article, the Municipal Cannabis Retailers' Occupation Tax Law, the County Cannabis Retailers' Occupation Tax Law, the Retailers' Occupation Tax Act [35 ILCS 120/1 et seq.], the Use Tax Act [35 ILCS 105/1 et seq.], the Service Occupation Tax Act [35 ILCS 115/1 et seq.], the Service Use Tax Act [35 ILCS 110/1 et seq.], or any locally imposed occupation or use tax.

"Purchaser" means a person who acquires cannabis for a valuable consideration.

"Taxpayer" means a cannabis retailer who is required to collect the tax imposed under this Article.

HISTORY:
2019 P.A. 101-27, § 65-5, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/65-10 Tax imposed.

(a) Beginning January 1, 2020, a tax is imposed upon purchasers for the privilege of using cannabis at the following rates:

(1) Any cannabis, other than a cannabis-infused product, with an adjusted delta-9-tetrahydrocannabinol level at or below 35% shall be taxed at a rate of 10% of the purchase price;

(2) Any cannabis, other than a cannabis-infused product, with an adjusted delta-9-tetrahydrocannabinol level above 35% shall be taxed at a rate of 25% of the purchase price; and

(3) A cannabis-infused product shall be taxed at a rate of 20% of the purchase price.

(b) The purchase of any product that contains any amount of cannabis or any derivative thereof is subject to the tax under subsection (a) of this Section on the full purchase price of the product.

(c) The tax imposed under this Section is not imposed on cannabis that is subject to tax under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.]. The tax imposed by this Section is not imposed with respect to any transaction in interstate commerce, to the extent the transaction may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State.

(d) The tax imposed under this Article shall be in addition to all other occupation, privilege, or excise taxes imposed by the State of Illinois or by any municipal corporation or political subdivision thereof.

(e) The tax imposed under this Article shall not be imposed on any purchase by a purchaser if the cannabis retailer is prohibited by federal or State Constitution, treaty, convention, statute, or court decision from collecting the tax from the purchaser.

HISTORY:
2019 P.A. 101-27, § 65-10, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/65-11 Bundling of taxable and nontaxable items; prohibition; taxation.

If a cannabis retailer sells cannabis, concentrate, or cannabis-infused products in combination or bundled with items that are not subject to tax under this Act for one price in violation of the prohibition on this activity under Section 15-70 [410 ILCS 705/15-70], then the tax under this Act is imposed on the purchase price of the entire bundled product.

HISTORY:
2019 P.A. 101-27, § 65-11, effective June 25, 2019.

410 ILCS 705/65-15 Collection of tax.

(a) The tax imposed by this Article shall be collected from the purchaser by the cannabis retailer at the rate stated in Section 65-10 [410 ILCS 705/65-10] with respect to cannabis sold by the cannabis retailer to the purchaser, and shall be remitted to the Department as provided in Section 65-30 [410 ILCS 705/65-30]. All sales to a purchaser who is not a cardholder under the Compassionate Use of Medical Cannabis Program Act [410 ILCS 130/1 et seq.] are presumed subject to tax collection. Cannabis retailers shall collect the tax from purchasers by adding the tax to the amount of the purchase price received from the purchaser for selling cannabis to the purchaser. The tax imposed by this Article shall, when collected, be stated as a distinct item separate and apart from the purchase price of the cannabis.

(b) If a cannabis retailer collects Cannabis Purchaser Excise Tax measured by a purchase price that is not subject to Cannabis Purchaser Excise Tax, or if a cannabis retailer, in collecting Cannabis Purchaser Excise Tax measured by a purchase price that is subject to tax under this Act, collects more from the purchaser than the required amount of the Cannabis Purchaser Excise Tax on the transaction, the purchaser shall have a legal right to claim a refund of that amount from the cannabis retailer. If, however, that amount is not refunded to the purchaser for any reason, the cannabis retailer is liable to pay that amount to the Department.

(c) Any person purchasing cannabis subject to tax under this Article as to which there has been no charge made to him or her of the tax imposed by Section 65-10 shall make payment of the tax imposed by Section 65-10 in the form and manner provided by the Department not later than the 20th day of the

month following the month of purchase of the cannabis.

HISTORY:
2019 P.A. 101-27, § 65-15, effective June 25, 2019; 2019 P.A. 101-593, § 25, effective December 4, 2019.

410 ILCS 705/65-20 Registration of cannabis retailers.

Every cannabis retailer required to collect the tax under this Article shall apply to the Department for a certificate of registration under this Article. All applications for registration under this Article shall be made by electronic means in the form and manner required by the Department. For that purpose, the provisions of Section 2a of the Retailers' Occupation Tax Act [35 ILCS 120/2a] are incorporated into this Article to the extent not inconsistent with this Article. In addition, no certificate of registration shall be issued under this Article unless the applicant is licensed under this Act.

HISTORY:
2019 P.A. 101-27, § 65-20, effective June 25, 2019.

410 ILCS 705/65-25 Tax collected as debt owed to State.

Any cannabis retailer required to collect the tax imposed by this Article shall be liable to the Department for the tax, whether or not the tax has been collected by the cannabis retailer, and any such tax shall constitute a debt owed by the cannabis retailer to this State. To the extent that a cannabis retailer required to collect the tax imposed by this Act has actually collected that tax, the tax is held in trust for the benefit of the Department.

HISTORY:
2019 P.A. 101-27, § 65-25, effective June 25, 2019.

410 ILCS 705/65-30 Return and payment of tax by cannabis retailer.

Each cannabis retailer that is required or authorized to collect the tax imposed by this Article shall make a return to the Department, by electronic means, on or before the 20th day of each month for the preceding calendar month stating the following:

(1) the cannabis retailer's name;

(2) the address of the cannabis retailer's principal place of business and the address of the principal place of business (if that is a different address) from which the cannabis retailer engaged in the business of selling cannabis subject to tax under this Article;

(3) the total purchase price received by the cannabis retailer for cannabis subject to tax under this Article;

(4) the amount of tax due at each rate;

(5) the signature of the cannabis retailer; and

(6) any other information as the Department may reasonably require.

All returns required to be filed and payments required to be made under this Article shall be by electronic means. Cannabis retailers who demonstrate hardship in paying electronically may petition the Department to waive the electronic payment requirement.

Any amount that is required to be shown or reported on any return or other document under this Article shall, if the amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount if the fractional part of a dollar is $0.50 or more and decreased to the nearest whole-dollar amount if the fractional part of a dollar is less than $0.50. If a total amount of less than $1 is payable, refundable, or creditable, the amount shall be disregarded if it is less than $0.50 and shall be increased to $1 if it is $0.50 or more.

The cannabis retailer making the return provided for in this Section shall also pay to the Department, in accordance with this Section, the amount of tax imposed by this Article, less a discount of 1.75%, but not to exceed $1,000 per return period, which is allowed to reimburse the cannabis retailer for the expenses incurred in keeping records, collecting tax, preparing and filing returns, remitting the tax, and supplying data to the Department upon request. No discount may be claimed by a cannabis retailer on returns not timely filed and for taxes not timely remitted. No discount may be claimed by a taxpayer for any return that is not filed electronically. No discount may be claimed by a taxpayer for any payment that is not made electronically, unless a waiver has been granted under this Section.

Notwithstanding any other provision of this Article concerning the time within which a cannabis retailer may file a return, any such cannabis retailer who ceases to engage in the kind of business that makes the person responsible for filing returns under this Article shall file a final return under this Article with the Department within one month after discontinuing the business.

Each cannabis retailer shall make estimated payments to the Department on or before the 7th, 15th, 22nd, and last day of the month during which tax liability to the Department is incurred. The payments shall be in an amount not less than the lower of either 22.5% of the cannabis retailer's actual tax liability for the month or 25% of the cannabis retailer's actual tax liability for the same calendar month of the preceding year. The amount of the quarter-monthly payments shall be credited against the final tax liability of the cannabis retailer's return for that month. If any such quarter-monthly payment is not paid at the time or in the amount required by this Section, then the cannabis retailer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of the quarter-monthly payment actually and timely paid, except insofar as the cannabis retailer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Article, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by the credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Article, in accordance with reasonable rules to be prescribed by the Department. If no such request is made, the taxpayer may credit the excess payment against tax liability subsequently to be remitted to the Department under this Article, in accordance with reasonable rules prescribed by the Department. If the Department subsequently determines that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's discount shall be reduced, if necessary, to reflect the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on the difference. If a cannabis retailer fails to sign a return within 30 days after the proper notice and demand for signature by the Department is received by the cannabis retailer, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

HISTORY:
2019 P.A. 101-27, § 65-30, effective June 25, 2019.

410 ILCS 705/65-35 Deposit of proceeds.

All moneys received by the Department under this Article shall be paid into the Cannabis Regulation Fund.

HISTORY:
2019 P.A. 101-27, § 65-35, effective June 25, 2019.

410 ILCS 705/65-36 Recordkeeping; books and records.

(a) Every retailer of cannabis, whether or not the retailer has obtained a certificate of registration under Section 65-20 [410 ILCS 705/65-20], shall keep complete and accurate records of cannabis held, purchased, sold, or otherwise disposed of, and shall preserve and keep all invoices, bills of lading, sales records, and copies of bills of sale, returns, and other pertinent papers and documents relating to the purchase, sale, or disposition of cannabis. Such records need not be maintained on the licensed premises but must be maintained in the State of Illinois. However, all original invoices or copies thereof covering purchases of cannabis must be retained on the licensed premises for a period of 90 days after such purchase, unless the Department has granted a waiver in response to a written request in cases where records are kept at a central business location within the State of Illinois. The Department shall adopt rules regarding the eligibility for a waiver, revocation of a waiver, and requirements and standards for maintenance and accessibility of records located at a central location under a waiver provided under this Section.

(b) Books, records, papers, and documents that are required by this Article to be kept shall, at all times during the usual business hours of the day, be subject to inspection by the Department or its duly authorized agents and employees. The books, records, papers, and documents for any period with respect to which the Department is authorized to issue a notice of tax liability shall be preserved until the expiration of that period.

HISTORY:
2019 P.A. 101-27, § 65-36, effective June 25, 2019.

410 ILCS 705/65-38 Violations and penalties.

(a) When the amount due is under $300, any retailer of cannabis who fails to file a return, willfully fails or refuses to make any payment to the Department of the tax imposed by this Article, or files a fraudulent return, or any officer or agent of a corporation engaged in the business of selling cannabis to purchasers located in this State who signs a fraudulent return filed on behalf of the corporation, or any accountant or other agent who knowingly enters false information on the return of any taxpayer under this Article is guilty of a Class 4 felony.

(b) When the amount due is $300 or more, any retailer of cannabis who files, or causes to be filed, a fraudulent return, or any officer or agent of a corporation engaged in the business of selling cannabis to purchasers located in this State who files or causes to be filed or signs or causes to be signed a fraudulent return filed on behalf of the corporation, or any accountant or other agent who knowingly enters false information on the return of any taxpayer under this Article is guilty of a Class 3 felony.

(c) Any person who violates any provision of Section 65-20 [410 ILCS 705/65-20], fails to keep books and records as required under this Article, or willfully violates a rule of the Department for the administration and enforcement of this Article is guilty of a Class 4 felony. A person commits a separate offense on each day that he or she engages in business in violation of Section 65-20 or a rule of the Department for the administration and enforcement of this Article. If a person fails to produce the books and records for inspection by the Department upon request, a prima facie presumption shall arise that the person has failed to keep books and records as required under this Article. A person who is unable to rebut this presumption is in violation of this Article and is subject to the penalties provided in this Section.

(d) Any person who violates any provision of Sections 65-20, fails to keep books and records as required under this Article, or willfully violates a rule of the Department for the administration and enforcement of this Article, is guilty of a business offense and may be fined up to $5,000. If a person fails to produce books and records for inspection by

the Department upon request, a prima facie presumption shall arise that the person has failed to keep books and records as required under this Article. A person who is unable to rebut this presumption is in violation of this Article and is subject to the penalties provided in this Section. A person commits a separate offense on each day that he or she engages in business in violation of Section 65-20.

(e) Any taxpayer or agent of a taxpayer who with the intent to defraud purports to make a payment due to the Department by issuing or delivering a check or other order upon a real or fictitious depository for the payment of money, knowing that it will not be paid by the depository, is guilty of a deceptive practice in violation of Section 17-1 of the Criminal Code of 2012 [720 ILCS 5/17-1].

(f) Any person who fails to keep books and records or fails to produce books and records for inspection, as required by Section 65-36, is liable to pay to the Department, for deposit in the Tax Compliance and Administration Fund, a penalty of $1,000 for the first failure to keep books and records or failure to produce books and records for inspection, as required by Section 65-36 [410 ILCS 705/65-36], and $3,000 for each subsequent failure to keep books and records or failure to produce books and records for inspection, as required by Section 65-36.

(g) Any person who knowingly acts as a retailer of cannabis in this State without first having obtained a certificate of registration to do so in compliance with Section 65-20 of this Article shall be guilty of a Class 4 felony.

(h) A person commits the offense of tax evasion under this Article when he or she knowingly attempts in any manner to evade or defeat the tax imposed on him or her or on any other person, or the payment thereof, and he or she commits an affirmative act in furtherance of the evasion. As used in this Section, "affirmative act in furtherance of the evasion" means an act designed in whole or in part to (i) conceal, misrepresent, falsify, or manipulate any material fact or (ii) tamper with or destroy documents or materials related to a person's tax liability under this Article. Two or more acts of sales tax evasion may be charged as a single count in any indictment, information, or complaint and the amount of tax deficiency may be aggregated for purposes of determining the amount of tax that is attempted to be or is evaded and the period between the first and last acts may be alleged as the date of the offense.

(1) When the amount of tax, the assessment or payment of which is attempted to be or is evaded is less than $500, a person is guilty of a Class 4 felony.

(2) When the amount of tax, the assessment or payment of which is attempted to be or is evaded is $500 or more but less than $10,000, a person is guilty of a Class 3 felony.

(3) When the amount of tax, the assessment or payment of which is attempted to be or is evaded is $10,000 or more but less than $100,000, a person is guilty of a Class 2 felony.

(4) When the amount of tax, the assessment or payment of which is attempted to be or is evaded is $100,000 or more, a person is guilty of a Class 1 felony.

Any person who knowingly sells, purchases, installs, transfers, possesses, uses, or accesses any automated sales suppression device, zapper, or phantom-ware in this State is guilty of a Class 3 felony.

As used in this Section:

"Automated sales suppression device" or "zapper" means a software program that falsifies the electronic records of an electronic cash register or other point-of-sale system, including, but not limited to, transaction data and transaction reports. The term includes the software program, any device that carries the software program, or an Internet link to the software program.

"Phantom-ware" means a hidden programming option embedded in the operating system of an electronic cash register or hardwired into an electronic cash register that can be used to create a second set of records or that can eliminate or manipulate transaction records in an electronic cash register.

"Electronic cash register" means a device that keeps a register or supporting documents through the use of an electronic device or computer system designed to record transaction data for the purpose of computing, compiling, or processing retail sales transaction data in any manner.

"Transaction data" includes: items purchased by a purchaser; the price of each item; a taxability determination for each item; a segregated tax amount for each taxed item; the amount of cash or credit tendered; the net amount returned to the customer in change; the date and time of the purchase; the name, address, and identification number of the vendor; and the receipt or invoice number of the transaction.

"Transaction report" means a report that documents, without limitation, the sales, taxes, or fees collected, media totals, and discount voids at an electronic cash register and that is printed on a cash register tape at the end of a day or shift, or a report that documents every action at an electronic cash register and is stored electronically.

A prosecution for any act in violation of this Section may be commenced at any time within 5 years of the commission of that act.

(i) The Department may adopt rules to administer the penalties under this Section.

(j) Any person whose principal place of business is in this State and who is charged with a violation under this Section shall be tried in the county where his or her principal place of business is located unless he or she asserts a right to be tried in another venue.

(k) Except as otherwise provided in subsection (h), a prosecution for a violation described in this Section may be commenced within 3 years after the commission of the act constituting the violation.

HISTORY:

2019 P.A. 101-27, § 65-38, effective June 25, 2019.

410 ILCS 705/65-40 Department administration and enforcement.

The Department shall have full power to administer and enforce this Article, to collect all taxes and penalties due hereunder, to dispose of taxes and penalties so collected in the manner hereinafter provided, and to determine all rights to credit memoranda, arising on account of the erroneous payment of tax or penalty hereunder.

In the administration of, and compliance with, this Article, the Department and persons who are subject to this Article shall have the same rights, remedies, privileges, immunities, powers, and duties, and be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 2, 3-55, 3a, 4, 5, 7, 10a, 11, 12a, 12b, 14, 15, 19, 20, 21, and 22 of the Use Tax Act [35 ILCS 105/2,35 ILCS 105/3-55, 35 ILCS 105/3a, 35 ILCS 105/4, 35 ILCS 105/5, 35 ILCS 105/7, 35 ILCS 105/10a, 35 ILCS 105/11, 35 ILCS 105/12a, 35 ILCS 105/12b, 35 ILCS 105/14, 35 ILCS 105/15, 35 ILCS 105/19, 35 ILCS 105/20, 35 ILCS 105/21, and 35 ILCS 105/22] and Sections 1, 2-12, 2b, 4 [35 ILCS 105/1, 35 ILCS 105/2-12, 35 ILCS 105/2b, 35 ILCS 105/4] (except that the time limitation provisions shall run from the date when the tax is due rather than from the date when gross receipts are received), 5 [35 ILCS 105/5] (except that the time limitation provisions on the issuance of notices of tax liability shall run from the date when the tax is due rather than from the date when gross receipts are received and except that in the case of a failure to file a return required by this Act, no notice of tax liability shall be issued on and after each July 1 and January 1 covering tax due with that return during any month or period more than 6 years before that July 1 or January 1, respectively), 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h, 5j, 6d, 7, 8, 9, 10, 11, and 12 of the Retailers' Occupation Tax Act [35 ILCS 120/5a, 35 ILCS 120/5b, 35 ILCS 120/5c, 35 ILCS 120/5d, 35 ILCS 120/5e, 35 ILCS 120/5f, 35 ILCS 120/5g, 35 ILCS 120/5h, 35 ILCS 120/5j, 35 ILCS 120/6d, 35 ILCS 120/7, 35 ILCS 120/8, 35 ILCS 120/9, 35 ILCS 120/10, 35 ILCS 120/11, and 35 ILCS 120/12] and all of the provisions of the Uniform Penalty and Interest Act [35 ILCS 735/3-1 et seq.], which are not inconsistent with this Article, as fully as if those provisions were set forth herein. References in the incorporated Sections of the Retailers' Occupation Tax Act and the Use Tax Act [35 ILCS 120/1 et seq. and 35 ILCS 105/1 et seq.] to retailers, to sellers, or to persons engaged in the business of selling tangible personal property mean cannabis retailers when used in this Article. References in the incorporated Sections to sales of tangible personal property mean sales of cannabis subject to tax under this Article when used in this Article.

HISTORY:
2019 P.A. 101-27, § 65-40, effective June 25, 2019.

410 ILCS 705/65-41 Arrest; search and seizure without warrant.

Any duly authorized employee of the Department: (i) may arrest without warrant any person committing in his or her presence a violation of any of the provisions of this Article; (ii) may without a search warrant inspect all cannabis located in any place of business; (iii) may seize any cannabis in the possession of the retailer in violation of this Act; and (iv) may seize any cannabis on which the tax imposed by Article 60 of this Act [410 ILCS 705/60-1] has not been paid. The cannabis so seized is subject to confiscation and forfeiture as provided in Sections 65-42 and 65-43 [410 ILCS 705/65-42 and 410 ILCS 705/65-43].

HISTORY:
2019 P.A. 101-27, § 65-41, effective June 25, 2019.

410 ILCS 705/65-42 Seizure and forfeiture.

After seizing any cannabis as provided in Section 65-41 [410 ILCS 705/65-41], the Department must hold a hearing and determine whether the retailer was properly registered to sell the cannabis at the time of its seizure by the Department. The Department shall give not less than 20 days' notice of the time and place of the hearing to the owner of the cannabis, if the owner is known, and also to the person in whose possession the cannabis was found, if that person is known and if the person in possession is not the owner of the cannabis. If neither the owner nor the person in possession of the cannabis is known, the Department must cause publication of the time and place of the hearing to be made at least once in each week for 3 weeks successively in a newspaper of general circulation in the county where the hearing is to be held.

If, as the result of the hearing, the Department determines that the retailer was not properly registered at the time the cannabis was seized, the Department must enter an order declaring the cannabis confiscated and forfeited to the State, to be held by the Department for disposal by it as provided in Section 65-43 [410 ILCS 705/65-43]. The Department must give notice of the order to the owner of the cannabis, if the owner is known, and also to the person in whose possession the cannabis was found, if that person is known and if the person in possession is not the owner of the cannabis. If neither the owner nor the person in possession of the cannabis is known, the Department must cause publication of the order to be made at least once in each week for 3 weeks successively in a newspaper of general circulation in the county where the hearing was held.

HISTORY:
2019 P.A. 101-27, § 65-42, effective June 25, 2019.

410 ILCS 705/65-43 Search warrant; issuance and return; process; confiscation of cannabis; forfeitures.

(a) If a peace officer of this State or any duly

authorized officer or employee of the Department has reason to believe that any violation of this Article or a rule of the Department for the administration and enforcement of this Article has occurred and that the person violating this Article or rule has in that person's possession any cannabis in violation of this Article or a rule of the Department for the administration and enforcement of this Article, that peace officer or officer or employee of the Department may file or cause to be filed his or her complaint in writing, verified by affidavit, with any court within whose jurisdiction the premises to be searched are situated, stating the facts upon which the belief is founded, the premises to be searched, and the property to be seized, and procure a search warrant and execute that warrant. Upon the execution of the search warrant, the peace officer, or officer or employee of the Department, executing the search warrant shall make due return of the warrant to the court issuing the warrant, together with an inventory of the property taken under the warrant. The court must then issue process against the owner of the property if the owner is known; otherwise, process must be issued against the person in whose possession the property is found, if that person is known. In case of inability to serve process upon the owner or the person in possession of the property at the time of its seizure, notice of the proceedings before the court must be given in the same manner as required by the law governing cases of attachment. Upon the return of the process duly served or upon the posting or publishing of notice made, as appropriate, the court or jury, if a jury is demanded, shall proceed to determine whether the property so seized was held or possessed in violation of this Article or a rule of the Department for the administration and enforcement of this Article. If a violation is found, judgment shall be entered confiscating the property and forfeiting it to the State and ordering its delivery to the Department. In addition, the court may tax and assess the costs of the proceedings.

(b) When any cannabis has been declared forfeited to the State by the Department, as provided in Section 65-42 [410 ILCS 705/65-42] and this Section, and when all proceedings for the judicial review of the Department's decision have terminated, the Department shall, to the extent that its decision is sustained on review, destroy or maintain and use such cannabis in an undercover capacity.

(c) The Department may, before any destruction of cannabis, permit the true holder of trademark rights in the cannabis to inspect such cannabis in order to assist the Department in any investigation regarding such cannabis.

HISTORY:
2019 P.A. 101-27, § 65-43, effective June 25, 2019.

410 ILCS 705/65-45 Cannabis retailers; purchase and possession of cannabis.

Cannabis retailers shall purchase cannabis for resale only from cannabis business establishments as authorized by this Act.

HISTORY:
2019 P.A. 101-27, § 65-45, effective June 25, 2019.

410 ILCS 705/65-50 Rulemaking.

The Department may adopt rules in accordance with the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.] and prescribe forms relating to the administration and enforcement of this Article as it deems appropriate.

HISTORY:
2019 P.A. 101-27, § 65-50, effective June 25, 2019.

ARTICLE 900.

AMENDATORY PROVISIONS [NOT SET OUT]

410 ILCS 705/900-5 through 410 ILCS 705/900-50 [Not Set Out]

HISTORY:
2019 P.A. 101-27, § 900-5, effective June 25, 2019.

ARTICLE 999.

MISCELLANEOUS PROVISIONS

410 ILCS 705/999-95 No acceleration or delay.

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

HISTORY:
2019 P.A. 101-27, § 999-95, effective June 25, 2019.

410 ILCS 705/999-99 Effective date.

This Act takes effect upon becoming law.

HISTORY:
2019 P.A. 101-27, § 999-99, effective June 25, 2019.

CHAPTER 415

ENVIRONMENTAL SAFETY

ENVIRONMENTAL PROTECTION ACT

Title I. General Provisions

Title II. Air Pollution

Title III. Water Pollution

Title V. Land Pollution and Refuse Disposal

Title XIII. Miscellaneous Provisions

Title XVI. Petroleum Underground Storage Tanks

Title XVII. Site Remediation Program

TITLE I.

GENERAL PROVISIONS

415 ILCS 5/3.160 Construction or demolition debris.

(a) "General construction or demolition debris" means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed or other asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and corrugated cardboard, piping or metals incidental to any of those materials.

General construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any general construction or demolition debris or other waste.

To the extent allowed by federal law, uncontaminated concrete with protruding rebar shall be considered clean construction or demolition debris and shall not be considered "waste" if it is separated or processed and returned to the economic mainstream in the form of raw materials or products within 4 years of its generation, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) in subsection (b) of this Section.

(a-1) "General construction or demolition debris recovery facility" means a site or facility used to store or treat exclusively general construction or demolition debris, including, but not limited to, sorting, separating, or transferring, for recycling, reclamation, or reuse. For purposes of this definition, treatment includes altering the physical nature of the general construction or demolition debris, such as by size reduction, crushing, grinding, or homogenization, but does not include treatment designed to change the chemical nature of the general construction or demolition debris.

(b) "Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed or other asphalt pavement, or soil generated from construction or demolition activities.

Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris or other waste.

To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is (i) used as fill material outside of a setback zone if the fill is placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, and, if used as fill material in a current or former quarry, mine, or other excavation, is used in accordance with the requirements of Section 22.51 of this Act [415 ILCS 5/22.51] and the rules adopted thereunder or (ii) separated or processed and returned to the economic mainstream in the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i), or (iii) solely broken concrete without protruding metal bars used for erosion control, or (iv) generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, a manmade functional structure not to exceed 20 feet above the highest point of elevation of the property immediately adjacent to the new manmade functional structure as that elevation existed prior to the creation of that new structure, provided that the structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such structure shall be constructed within a home rule municipality with a population over 500,000 without the consent of the municipality.

For purposes of this subsection (b), reclaimed or other asphalt pavement shall not be considered speculatively accumulated if: (i) it is not commingled with any other clean construction or demolition debris or any waste; (ii) it is returned to the economic mainstream in the form of raw materials or products within 4 years after its generation; (iii) at least 25% of the total amount present at a site during a calendar year is transported off of the site during the next calendar year; and (iv) if used as a fill material, it is used in accordance with item (i) of the second paragraph of this subsection (b).

(c) For purposes of this Section, the term "uncontaminated soil" means soil that does not contain contaminants in concentrations that pose a threat to human health and safety and the environment.

(1) No later than one year after the effective date of this amendatory Act of the 96th General Assembly [P.A. 96-1416], the Agency shall propose, and, no later than one year after receipt of the Agency's proposal, the Board shall adopt, rules specifying the maximum concentrations of contaminants that may be present in uncontaminated soil for purposes of this Section. For carcinogens,

the maximum concentrations shall not allow exposure to exceed an excess upper-bound lifetime risk of 1 in 1,000,000; provided that if the most stringent remediation objective or applicable background concentration for a contaminant set forth in 35 Ill. Adm. Code 742 is greater than the concentration that would allow exposure at an excess upper-bound lifetime risk of 1 in 1,000,000, the Board may consider allowing that contaminant in concentrations up to its most stringent remediation objective or applicable background concentration set forth in 35 Ill. Adm. Code 742 in soil used as fill material in a current or former quarry, mine, or other excavation in accordance with Section 22.51 or 22.51a of this Act [415 ILCS 5/22.51 or 415 ILCS 5/22.51a] and rules adopted under those Sections. Any background concentration set forth in 35 Ill. Adm. Code 742 that is adopted as a maximum concentration must be based upon the location of the quarry, mine, or other excavation where the soil is used as fill material.

(2) To the extent allowed under federal law and regulations, uncontaminated soil shall not be considered a waste.

HISTORY:
P.A. 86-633; 86-1028; 87-1171, § 1; 90-475, § 5; 90-761, § 10; 91-909, § 5; 92-574, § 5; 93-179, § 5; 94-272, § 10; 95-121, § 5; 96-235, § 5; 96-1416, § 5; 97-137, § 5; 2021 P.A. 102-310, § 5, effective August 6, 2021.

TITLE II.
AIR POLLUTION

415 ILCS 5/8 [Legislative findings; purpose]

The General Assembly finds that pollution of the air of this State constitutes a menace to public health and welfare, creates public nuisances, adds to cleaning costs, accelerates the deterioration of materials, adversely affects agriculture, business, industry, recreation, climate, and visibility, depresses property values, and offends the senses.

It is the purpose of this Title to restore, maintain, and enhance the purity of the air of this State in order to protect health, welfare, property, and the quality of life and to assure that no air contaminants are discharged into the atmosphere without being given the degree of treatment or control necessary to prevent pollution.

HISTORY:
P.A. 76-2429.

415 ILCS 5/9 Acts prohibited

No person shall:

(a) Cause or threaten or allow the discharge or emission of any contaminant into the environment in any State so as to cause or tend to cause air pollution in Illinois, either alone or in combination with contaminants from other sources, or so as to violate regulations or standards adopted by the Board under this Act.

(b) Construct, install, or operate any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution, of any type designated by Board regulations, (1) without a permit granted by the Agency unless otherwise exempt by this Act or Board regulations or (2) in violation of any conditions imposed by such permit.

(c) Cause or allow the open burning of refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse in any chamber not specifically designed for the purpose and approved by the Agency pursuant to regulations adopted by the Board under this Act; except that the Board may adopt regulations permitting open burning of refuse in certain cases upon a finding that no harm will result from such burning, or that any alternative method of disposing of such refuse would create a safety hazard so extreme as to justify the pollution that would result from such burning.

(d) Sell, offer, or use any fuel or other article in any areas in which the Board may by regulation forbid its sale, offer, or use for reasons of air-pollution control.

(e) Use, cause or allow the spraying of loose asbestos for the purpose of fireproofing or insulating any building or building material or other constructions, or otherwise use asbestos in such unconfined manner as to permit asbestos fibers or particles to pollute the air.

(f) Commencing July 1, 1985, sell any used oil for burning or incineration in any incinerator, boiler, furnace, burner or other equipment unless such oil meets standards based on virgin fuel oil or re-refined oil, as defined in ASTM D-396 or specifications under VV-F-815C promulgated pursuant to the federal Energy Policy and Conservation Act [42 U.S.C. § 6201 et seq.], and meets the manufacturer's and current NFDA code standards for which such incinerator, boiler, furnace, burner or other equipment was approved, except that this prohibition does not apply to a sale to a permitted used oil re-refining or reprocessing facility or sale to a facility permitted by the Agency to burn or incinerate such oil.

Nothing herein shall limit the effect of any section of this Title with respect to any form of asbestos, or the spraying of any form of asbestos, or limit the power of the Board under this Title to adopt additional and further regulations with respect to any form of asbestos, or the spraying of any form of asbestos.

This Section shall not limit the burning of landscape waste upon the premises where it is produced or at sites provided and supervised by any unit of local government, except within any county having a population of more than 400,000. Nothing in this Section shall prohibit the burning of landscape waste for agricultural purposes, habitat management (including but not limited to forest and prairie reclamation), or firefighter training. For the purposes of this

Act, the burning of landscape waste by production nurseries shall be considered to be burning for agricultural purposes.

Any grain elevator located outside of a major population area, as defined in Section 211.3610 of Title 35 of the Illinois Administrative Code, shall be exempt from the requirements of Section 212.462 of Title 35 of the Illinois Administrative Code provided that the elevator: (1) does not violate the prohibitions of subsection (a) of this Section or have a certified investigation, as defined in Section 211.970 of Title 35 of the Illinois Administrative Code, on file with the Agency and (2) is not required to obtain a Clean Air Act Permit Program permit pursuant to Section 39.5 [415 ILCS 5/39.5]. Notwithstanding the above exemption, new stationary source performance standards for grain elevators, established pursuant to Section 9.1 of this Act [415 ILCS 5/9.1] and Section 111 of the federal Clean Air Act [42 U.S.C. § 7411], shall continue to apply to grain elevators.

HISTORY:

P.A. 84-705; 88-488, § 10; 89-328, § 5; 89-491, § 5; 97-95, § 20.

415 ILCS 5/9.1 [Federal Clean Air Act; enforcement; regulations; violations; exemptions; permit renewal]

(a) The General Assembly finds that the federal Clean Air Act, as amended, and regulations adopted pursuant thereto establish complex and detailed provisions for State-federal cooperation in the field of air pollution control, provide for a Prevention of Significant Deterioration program to regulate the issuance of preconstruction permits to insure that economic growth will occur in a manner consistent with the preservation of existing clean air resources, and also provide for plan requirements for nonattainment areas to regulate the construction, modification and operation of sources of air pollution to insure that economic growth will occur in a manner consistent with the goal of achieving the national ambient air quality standards, and that the General Assembly cannot conveniently or advantageously set forth in this Act all the requirements of such federal Act or all regulations which may be established thereunder.

It is the purpose of this Section to avoid the existence of duplicative, overlapping or conflicting State and federal regulatory systems.

(b) The provisions of Section 111 of the federal Clean Air Act (42 USC 7411), as amended, relating to standards of performance for new stationary sources, and Section 112 of the federal Clean Air Act (42 USC 7412), as amended, relating to the establishment of national emission standards for hazardous air pollutants are applicable in this State and are enforceable under this Act. Any such enforcement shall be stayed consistent with any stay granted in any federal judicial action to review such standards. Enforcement shall be consistent with the results of any such judicial review.

(c) The Board shall adopt regulations establishing permit programs for PSD and NA NSR permits meeting the respective requirements of Sections 165 and 173 of the Clean Air Act (42 USC 7475 and 42 USC 7503) as amended. The Agency may adopt procedures for the administration of such programs.

The regulations adopted by the Board to establish a PSD permit program shall incorporate by reference, pursuant to subsection (a) of Section 5-75 of the Illinois Administrative Procedure Act [5 ILCS 100/5-75], the provisions of 40 CFR 52.21, except for the following subparts: (a)(1) Plan disapproval, (q) Public participation, (s) Environmental impact statements, (t) Disputed permits or redesignations and (u) Delegation of authority; the Board may adopt more stringent or additional provisions to the extent it deems appropriate. To the extent that the provisions of 40 CFR 52.21 provide for the Administrator to make various determinations and to take certain actions, these provisions shall be modified to indicate the Agency if appropriate. Nothing in this subsection shall be construed to limit the right of any person to submit a proposal to the Board or the authority of the Board to adopt elements of a PSD permit program that are more stringent than those contained in 40 CFR 52.21, pursuant to the rulemaking requirements of Title VII of this Act and Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35].

(d) No person shall:

(1) violate any provisions of Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, or federal regulations adopted pursuant thereto; or

(2) construct, install, modify or operate any equipment, building, facility, source or installation which is subject to regulation under Sections 111, 112, 165 or 173 of the Clean Air Act, as now or hereafter amended, except in compliance with the requirements of such Sections and federal regulations adopted pursuant thereto, and no such action shall be undertaken (A) without a permit granted by the Agency whenever a permit is required pursuant to (i) this Act or Board regulations or (ii) Section 111, 112, 165, or 173 of the Clean Air Act or federal regulations adopted pursuant thereto or (B) in violation of any conditions imposed by such permit. The issuance or any denial of such a PSD permit or any conditions imposed therein shall be reviewable by the Board in accordance with Section 40.3 of this Act [415 ILCS 5/40.3]. Other permits addressed in this subsection (d) shall be reviewable by the Board in accordance with Section 40 of this Act [415 ILCS 5/40].

(e) The Board shall exempt from regulation under the State Implementation Plan for ozone the volatile organic compounds which have been determined by the U.S. Environmental Protection Agency to be exempt from regulation under state implementation plans for ozone due to negligible photochemical reactivity. In accordance with subsection (b) of Section 7.2

[415 ILCS 5/7.2], the Board shall adopt regulations identical in substance to the U.S. Environmental Protection Agency exemptions or deletion of exemptions published in policy statements on the control of volatile organic compounds in the Federal Register by amending the list of exemptions to the Board's definition of volatile organic material found at 35 Ill. Adm. Code Part 211. The provisions and requirements of Title VII of this Act shall not apply to regulations adopted under this subsection. Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35], relating to procedures for rulemaking, does not apply to regulations adopted under this subsection. However, the Board shall provide for notice, a hearing if required by the U.S. Environmental Protection Agency, and public comment before adopted rules are filed with the Secretary of State. The Board may consolidate into a single rulemaking under this subsection all such federal policy statements published in the Federal Register within a period of time not to exceed 6 months.

(f) (Blank).

HISTORY:

P.A. 86-366; 87-555; 87-1213, § 50; 88-45, § 3-108; 97-95, § 20; 98-284, § 5; 99-463, § 5.

415 ILCS 5/9.2 Sulfur dioxide emission standards

(a) (Blank.)

(b) In granting any alternative emission standard or variance relating to sulfur dioxide emissions from a coal-burning stationary source, the Board may require the use of Illinois coal as a condition of such alternative standard or variance, provided that the Board determines that Illinois coal of the proper quality is available and competitive in price; such determination shall include consideration of the cost of pollution control equipment and the economic impact on the Illinois coal mining industry.

HISTORY:

P.A. 84-585; 92-574, § 5.

415 ILCS 5/9.3 Alternative control strategies

(a) The General Assembly finds that control strategies, including emission limitations, alternative but environmentally equivalent to those required by Board regulations or the terms of this Act, can assure equivalent protection of the environment and that the use of such alternative control strategies can encourage technological innovation, reduce the likelihood of shutdown of older sources, and can result in decreased costs of compliance and increased availability of resources for use in productive capital investments.

(b) (Blank.)

(c) On or before December 31, 1982, the Board shall adopt regulations establishing a permit program pursuant to Section 39.1 [415 ILCS 5/39.1] in accordance with Title VII of this Act [415 ILCS 5/26 et seq.].

(d) Board rules pursuant to this Section 9.3 [415 ILCS 5/9.3] shall set forth reasonable requirements for issuance of an alternative control strategy permit, provided that the Board may not impose any condition or requirement more stringent than required by the Clean Air Act [42 U.S.C. § 7401 et seq.] or for compliance with this Act or other Board regulations thereunder. The Agency shall promptly adopt any necessary procedures for the administration of such permit programs. The burden of establishing that any procedure, condition or requirement imposed by the Agency in or for the issuance of a permit is more stringent than required by applicable law shall be upon the permit applicant.

HISTORY:

P.A. 82-540; 88-45, § 3-108; 92-574, § 5.

415 ILCS 5/9.4 Municipal waste incineration emission standards.

(a) The General Assembly finds:

(1) That air pollution from municipal waste incineration may constitute a threat to public health, welfare and the environment. The amounts and kinds of pollutants depend on the nature of the waste stream, operating conditions of the incinerator, and the effectiveness of emission controls. Under normal operating conditions, municipal waste incinerators produce pollutants such as organic compounds, metallic compounds and acid gases which may be a threat to public health, welfare and the environment.

(2) That a combustion and flue-gas control system, which is properly designed, operated and maintained, can substantially reduce the emissions of organic materials, metallic compounds and acid gases from municipal waste incineration.

(b) It is the purpose of this Section to insure that emissions from new municipal waste incineration facilities which burn a total of 25 tons or more of municipal waste per day are adequately controlled.

Such facilities shall be subject to emissions limits and operating standards based upon the application of Best Available Control Technology, as determined by the Agency, for emissions of the following categories of pollutants:

(1) particulate matter, sulfur dioxide and nitrogen oxides;

(2) acid gases;

(3) heavy metals; and

(4) organic materials.

(c) The Agency shall issue permits, pursuant to Section 39 [415 ILCS 5/39], to new municipal waste incineration facilities only if the Agency finds that such facilities are designed, constructed and operated so as to comply with the requirements prescribed by this Section.

Prior to adoption of Board regulations under subsection (d) of this Section the Agency may issue

permits for the construction of new municipal waste incineration facilities. The Agency determination of Best Available Control Technology shall be based upon consideration of the specific pollutants named in subsection (d), and emissions of particulate matter, sulfur dioxide and nitrogen oxides.

Nothing in this Section shall limit the applicability of any other Sections of this Act, or of other standards or regulations adopted by the Board, to municipal waste incineration facilities. In issuing such permits, the Agency may prescribe those conditions necessary to assure continuing compliance with the emission limits and operating standards determined pursuant to subsection (b); such conditions may include the monitoring and reporting of emissions.

(d) Within one year after July 1, 1986, the Board shall adopt regulations pursuant to Title VII of this Act [415 ILCS 5/26 et seq.], which define the terms in items (2), (3) and (4) of subsection (b) of this Section which are to be used by the Agency in making its determination pursuant to this Section. The provisions of Section 27(b) of this Act [415 ILCS 5/27] shall not apply to this rulemaking.

Such regulations shall be written so that the categories of pollutants include, but need not be limited to, the following specific pollutants:

(1) hydrogen chloride in the definition of acid gases;

(2) arsenic, cadmium, mercury, chromium, nickel and lead in the definition of heavy metals; and

(3) polychlorinated dibenzo-p-dioxins, polychlorinated dibenzofurans and polynuclear aromatic hydrocarbons in the definition of organic materials.

(e) For the purposes of this Section, the term "Best Available Control Technology" means an emission limitation (including a visible emission standard) based on the maximum degree of pollutant reduction which the Agency, on a case-by-case basis, taking into account energy, environmental and economic impacts, determines is achievable through the application of production processes or available methods, systems and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques. If the Agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard not feasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to require the application of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results.

(f) "Municipal waste incineration" means the burning of municipal waste or fuel derived therefrom in a combustion apparatus designed to burn municipal waste that may produce electricity or steam as a by-product. A "new municipal waste incinerator" is an incinerator initially permitted for development or construction after January 1, 1986.

(g) The provisions of this Section shall not apply to the following:

(1) industrial incineration facilities that burn waste generated at the same site; or

(2) industrial incineration facilities that burn material or fuel derived therefrom for which the United States Environmental Protection Agency has issued a non-waste determination finding the material is not a solid waste under the Resource Conservation and Recovery Act (42 U.S.C. 6901 et. seq.) Non-Hazardous Secondary Materials Rule at 40 CFR 241.3(c).

HISTORY:

P.A. 84-957; 91-357, § 199; 92-574, § 5; 2019 P.A. 101-125, § 5, effective July 26, 2019.

415 ILCS 5/9.5 [Toxic air contaminants]

(a) The General Assembly finds that:

(1) The public health and welfare may be endangered by the release of toxic contaminants into the air which are carcinogenic, teratogenic, mutagenic or otherwise injurious to humans or the environment.

(2) Existing federal programs may not be adequate to protect the public and the environment from low-level, chronic exposure to toxic air contaminants.

(b) It is the purpose of this Section to establish a State program to identify and adopt regulations for toxic air contaminants in Illinois.

(c) The Board, pursuant to Title VII, shall promulgate a list of toxic air contaminants. The list published under this subsection shall include any air contaminant which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or may pose a significant threat to human health or the environment. The Agency shall propose to the Board for adoption a list which meets the requirement of this subsection.

The provisions of subsection (b) of Section 27 of this Act [415 ILCS 5/27] shall not apply to rulemakings under this subsection (c).

(d) The Board, pursuant to Title VII, shall adopt regulations establishing a program to control toxic contaminants released into the air in a manner that protects the public health and the environment. The Agency shall propose regulations to the Board for adoption which meet the requirements of this subsection.

(e) The requirements of this Section shall not apply to the following:

(1) retail dry cleaning operations;

(2) retail and noncommercial storage and handling of motor fuels;

(3) combustion processes using only commercial fuel, including internal combustion engines;

(4) incidental or minor sources including laboratory-scale operations, and such other sources or categories of sources which are determined by the Board to be of minor significance.

HISTORY:
P.A. 85-752.

415 ILCS 5/9.6 Air pollution operating permit fee

(a) For any site for which an air pollution operating permit is required, other than a site permitted solely as a retail liquid dispensing facility that has air pollution control equipment or an agrichemical facility with an endorsed permit pursuant to Section 39.4 [415 ILCS 5/39.4], the owner or operator of that site shall pay an initial annual fee to the Agency within 30 days of receipt of the permit and an annual fee each year thereafter for as long as a permit is in effect. The owner or operator of a portable emission unit, as defined in 35 Ill. Adm. Code 201.170, may change the site of any unit previously permitted without paying an additional fee under this Section for each site change, provided that no further change to the permit is otherwise necessary or requested.

(b) The following fee amounts shall apply:

(1) The fee for a site permitted to emit less than 25 tons per year of any combination of regulated air pollutants, as defined in Section 39.5 [415 ILCS 5/39.5] of this Act, except greenhouse gases, is $200 per year beginning July 1, 2003, and increases, beginning January 1, 2012, to $235 per year for lifetime operating permits and $235 per year for federally enforceable state operating permits, except as provided in subsection (c) of this Section.

(2) The fee for a site permitted to emit at least 25 tons per year but less than 100 tons per year of any combination of regulated air pollutants, as defined in Section 39.5 of this Act except greenhouse gases, is $1,800 per year beginning July 1, 2003, and increases, beginning January 1, 2012, to $2,150 per year, except as provided in subsection (c) of this Section.

(3) The fee for a site permitted to emit at least 100 tons per year of any combination of regulated air pollutants, as defined in Section 39.5 of this Act, except greenhouse gases, is $18 per ton, per year, beginning July 1, 2003, and increases, beginning January 1, 2012 to $21.50 per ton, per year, except as provided in subsection (c) of this Section. However, the maximum fee under this paragraph (3) is $3,500 before January 1, 2012, and is $4,112 beginning January 1, 2012.

(c) The owner or operator of any site subject to subsection (b) of this Section that becomes subject to Section 39.5 of this Act shall continue to pay the fee set forth in this Section until the site becomes subject to the CAAPP fee set forth within subsection 18 of Section 39.5 of this Act. If an owner or operator has paid a fee under this Section during the 12-month period following the effective date of the CAAPP for that site, the amount of that fee shall be deducted from the amount due under subsection 18 of Section 39.5 of this Act.

(d) Only one air pollution site fee may be collected from any site, even if such site receives more than one air pollution control permit.

(e) The Agency shall establish procedures for the collection of air pollution site fees. Air pollution site fees may be paid annually, or in advance for the number of years for which the permit is issued, at the option of the owner or operator. Payment in advance does not exempt the owner or operator from paying any increase in the fee that may occur during the term of the permit; the owner or operator must pay the amount of the increase upon and from the effective date of the increase.

(f) The Agency may deny an application for the issuance, transfer, or renewal of an air pollution operating permit if any air pollution site fee owed by the applicant has not been paid within 60 days of the due date, unless the applicant, at the time of application, pays to the Agency in advance the air pollution site fee for the site that is the subject of the operating permit, plus any other air pollution site fees then owed by the applicant. The denial of an air pollution operating permit for failure to pay an air pollution site fee shall be subject to review by the Board pursuant to the provisions of subsection (a) of Section 40 of this Act [415 ILCS 5/40].

(g) If the Agency determines that an owner or operator of a site was required, but failed, to timely obtain an air pollution operating permit, and as a result avoided the payment of permit fees, the Agency may collect the avoided permit fees with or without pursuing enforcement under Section 31 of this Act [415 ILCS 5/31]. The avoided permit fees shall be calculated as double the amount that would have been owed had a permit been timely obtained. Fees collected pursuant to this subsection (g) shall be deposited into the Environmental Protection Permit and Inspection Fund.

(h) If the Agency determines that an owner or operator of a site was required, but failed, to timely obtain an air pollution operating permit and as a result avoided the payment of permit fees, an enforcement action may be brought under Section 31 of this Act. In addition to any other relief that may be obtained as part of this action, the Agency may seek to recover the avoided permit fees. The avoided permit fees shall be calculated as double the amount that would have been owed had a permit been timely obtained. Fees collected pursuant to this subsection (h) shall be deposited into the Environmental Protection Permit and Inspection Fund.

(i) If a permittee subject to a fee under this Section fails to pay the fee within 90 days of its due date, or makes the fee payment from an account with insufficient funds to cover the amount of the fee payment, the Agency shall notify the permittee of the failure to

pay the fee. If the permittee fails to pay the fee within 60 days after such notification, the Agency may, by written notice, immediately revoke the air pollution operating permit. Failure of the Agency to notify the permittee of failure to pay a fee due under this Section, or the payment of the fee from an account with insufficient funds to cover the amount of the fee payment, does not excuse or alter the duty of the permittee to comply with the provisions of this Section.

HISTORY:
P.A. 86-671; 86-1409; 88-496, § 15; 88-690, § 10; 90-367, § 5; 93-32, § 75-52; 97-95, § 20.

415 ILCS 5/9.7 CFC's

The General Assembly hereby finds that the manufacture and use of chlorofluorocarbons (CFCs) present a serious threat to the environment, and declares it to be the public policy of this State to discourage the unnecessary use of CFCs, to encourage producers of CFCs to replace them with alternative substances that have a less deleterious impact on the environment, and to promote the use of equipment to recover and recycle existing CFCs.

HISTORY:
P.A. 86-756; 90-372, § 5-373.

415 ILCS 5/9.8 Emissions reductions market system

(a) The General Assembly finds:

(1) That achieving compliance with the ozone attainment provisions of federal Clean Air Act Amendments (CAAA) of 1990 [42 U.S.C. § 7401 et seq.] calls for innovative and cost-effective implementation strategies.

(2) That economic incentives and market-based approaches can be used to achieve clean air compliance in an innovative and cost-effective manner.

(3) That development and operation of an emissions market system should significantly lessen the economic impacts associated with implementation of the federal Clean Air Act Amendments of 1990 [42 U.S.C. § 7401 et seq.] and still achieve the desired air quality for the area.

(b) The Agency shall design an emissions market system that will assist the State in meeting applicable post-1996 provisions under the CAAA of 1990 [42 U.S.C. § 7401 et seq.], provide maximum flexibility for designated sources that reduce emissions, and that takes into account the findings of the national ozone transport assessment, existing air quality conditions, and resultant emissions levels necessary to achieve or maintain attainment.

(c) The Agency may develop proposed rules for a market-based emissions reduction, banking, and trading system that will enable stationary sources to implement cost-effective, compliance options. In developing such a market system, the Agency may take into consideration a suitable ozone control season and related reconciliation period, seasonal allotments of actual emissions and adjustments thereto, phased participation by size of source, suitable emissions and compliance monitoring provisions, an annual allotment set-aside for market assurance, and suitable means for the market system to be provided for in an appropriate State implementation plan. The proposal shall be filed with the Board and shall be subject to the rulemaking provisions of Sections 27 and 28 [415 ILCS 5/27 and 415 ILCS 5/28] of this Act. The rules adopted by the Board shall include provisions that:

(1) Assure that compliance with the required emissions reductions under the market system shall be, at a minimum, as cost-effective as the traditional regulatory control requirements in the State of Illinois.

(2) Assure that emissions reductions under the market system will not be mandated unless it is necessary for the attainment and maintenance of the National Ambient Air Quality Standard for ozone in the Chicago nonattainment area, as required of this State by applicable federal law or regulation.

(3) Assure that sources subject to the program will not be required to reduce emissions to an extent that exceeds their proportionate share of the total emission reductions required of all emission sources, including mobile and area sources, to attain and maintain the National Ambient Air Quality Standard for ozone in the Chicago nonattainment area.

(4) Assure that credit is given or exclusion is granted for those emission units which have reduced emissions, either voluntarily or through the application of maximum available control technology or national emissions standards for hazardous air pollutants, such that those reductions would be counted as if they had occurred after the initiation of the program.

(5) Assure that unusual or abnormal operational patterns can be accounted for in the determination of any source's baseline from which reductions would be made.

(6) Assure that relative economic impact and technical feasibility of emissions reductions under the banking and trading program, as compared to other alternatives, is considered.

(7) Assure that the feasibility of measuring and quantifying emissions is considered in developing and adopting the banking and trading program.

(d) Notwithstanding the other provisions of this Act, any source or other authorized person that participates in an emissions market system shall be eligible to exchange allotment trading units with other sources provided that established rules are followed.

(e) There is hereby created within the State Treasury an interest-bearing special fund to be known as the Alternative Compliance Market Account Fund, which shall be used and administered by the Agency for the following public purposes:

(1) To accept and retain funds from persons who purchase allotment trading units from the Agency pursuant to regulatory provisions and payments of interest and principal.

(2) To purchase services, equipment, or commodities that help generate emissions reductions in or around the ozone nonattainment area in Northeastern Illinois.

HISTORY:
P.A. 89-173, § 5; 89-465, § 10.

415 ILCS 5/9.9 Nitrogen oxides trading system.

(a) The General Assembly finds:

(1) That USEPA has issued a Final Rule published in the Federal Register on October 27, 1998, entitled "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone", hereinafter referred to as the "NOx SIP Call", compliance with which will require reducing emissions of nitrogen oxides ("NOx");

(2) That reducing emissions of NOx in the State helps the State to meet the national ambient air quality standard for ozone;

(3) That emissions trading is a cost-effective means of obtaining reductions of NOx emissions.

(b) The Agency shall propose and the Board shall adopt regulations to implement an interstate NOx trading program (hereinafter referred to as the "NOx Trading Program") as provided for in 40 CFR Part 96, including incorporation by reference of appropriate provisions of 40 CFR Part 96 and regulations to address 40 CFR Section 96.4(b), Section 96.55(c), Subpart E, and Subpart I. In addition, the Agency shall propose and the Board shall adopt regulations to implement NOx emission reduction programs for cement kilns and stationary internal combustion engines.

(c) Allocations of NOx allowances to large electric generating units ("EGUs") and large non-electric generating units ("non-EGUs"), as defined by 40 CFR Part 96.4(a), shall not exceed the State's trading budget for those source categories to be included in the State Implementation Plan for NOx.

(d) In adopting regulations to implement the NOx Trading Program, the Board shall:

(1) assure that the economic impact and technical feasibility of NOx emissions reductions under the NOx Trading Program are considered relative to the traditional regulatory control requirements in the State for EGUs and non-EGUs;

(2) provide that emission units, as defined in Section 39.5(1) of this Act, may opt into the NOx Trading Program;

(3) provide for voluntary reductions of NOx emissions from emission units, as defined in Section 39.5(1) of this Act, not otherwise included under paragraph (c) or (d)(2) of this Section to provide additional allowances to EGUs and non-EGUs to be allocated by the Agency. The regulations shall further provide that such voluntary reductions are verifiable, quantifiable, permanent, and federally enforceable;

(4) provide that the Agency allocate to non-EGUs allowances that are designated in the rule, unless the Agency has been directed to transfer the allocations to another unit subject to the requirements of the NOx Trading Program, and that upon shutdown of a non-EGU, the unit may transfer or sell the NOx allowances that are allocated to such unit;

(5) provide that the Agency shall set aside annually a number of allowances, not to exceed 5% of the total EGU trading budget, to be made available to new EGUs; and

(6) provide that those EGUs that commence commercial operation, as defined in 40 CFR Section 96.2, at a time that is more than half way through the control period in 2003 shall return to the Agency any allowances that were issued to it by the Agency and were not used for compliance in 2004.

(d-5) The Agency may sell NOx allowances to sources in Illinois that are subject to 35 Ill. Adm. Code 217, either Subpart U or W, as follows:

(1) any unearned Early Reduction Credits set aside for non-EGUs under 35 Ill. Adm. Code 217, Subpart U, but only to those sources that make qualifying early reductions of NOx in 2003 pursuant to 35 Ill. Adm. Code 217 for which the source did not receive an allocation thereunder. If the Agency receives requests to purchase more ERCs than are available for sale, allowances shall be offered for sale to qualifying sources on a pro-rata basis;

(2) any remaining Early Reduction Credits allocated under 35 Ill. Adm. Code 217, Subpart U or W, that could not be allocated on a pro-rata, whole allowance basis, but only to those sources that made qualifying early reductions of NOx in 2003 pursuant to 35 Ill. Adm. Code 217 for which the source did not receive an allocation;

(3) any allowances under 35 Ill. Adm. Code 217, Subpart W, that remain after each 3-year allocation period that could not be allocated on a pro-rata, whole allowance basis pursuant to the provisions of Subpart W; and

(4) any allowances requested from the New Source Set Aside for those sources that commenced operation, as defined in 40 CFR Section 96.2, on or after January 1, 2004.

(d-10) The selling price for ERC allowances shall be 70% of the market price index for 2005 NOx allowances, determined by the Agency as follows:

(1) using the mean of 2 or more published market price indexes for the 2005 NOx allowances as of October 6, 2003; or

(2) if there are not 2 published market price indexes for 2005 NOx allowances as of October 6, 2003, the Agency may use any reasonable indication of market price.

(e) The Agency may adopt procedural rules, as necessary, to implement the regulations promulgated by the Board pursuant to subsections (b) and (d) and to implement subsections (d-5), (d-10), (i), and (j) of this Section.

(f) Notwithstanding any provisions in subparts T, U, and W of Section 217 of Title 35 of the Illinois Administrative Code to the contrary, compliance with the regulations promulgated by the Board pursuant to subsections (b) and (d) of this Section is required by May 31, 2004.

(g) To the extent that a court of competent jurisdiction finds a provision of 40 CFR Part 96 invalid, the corresponding Illinois provision shall be stayed until such provision of 40 CFR Part 96 is found to be valid or is re-promulgated. To the extent that USEPA or any court of competent jurisdiction stays the applicability of any provision of the NOx SIP Call to any person or circumstance relating to Illinois, during the period of that stay, the effectiveness of the corresponding Illinois provision shall be stayed. To the extent that the invalidity of the particular requirement or application does not affect other provisions or applications of the NOx SIP Call pursuant to 40 CFR 51.121 or the NOx trading program pursuant to 40 CFR Part 96 or 40 CFR Part 97, this Section, and rules or regulations promulgated hereunder, will be given effect without the invalid provisions or applications.

(h) Notwithstanding any other provision of this Act, any source or other authorized person that participates in the NOx Trading Program shall be eligible to exchange NOx allowances with other sources in accordance with this Section and with regulations promulgated by the Board or the Agency.

(i) (Blank).

(j) Moneys generated from the sale of early reduction credits shall be deposited into the Clean Air Act Permit Fund created pursuant to Section 39.5(18)(d) of this Act, and the proceeds shall be used and administered by the Agency to finance the costs associated with the Clean Air Act Permit Program.

HISTORY:

P.A. 91-631, § 5; 92-12, § 950; 92-279, § 5; 93-669, § 5; 2022 P.A. 102-1071, article 20, § 20-70, effective June 10, 2022.

415 ILCS 5/9.10 Fossil fuel-fired electric generating plants

(a) The General Assembly finds and declares that:

(1) fossil fuel-fired electric generating plants are a significant source of air emissions in this State and have become the subject of a number of important new studies of their effects on the public health;

(2) existing state and federal policies, that allow older plants that meet federal standards to operate without meeting the more stringent requirements applicable to new plants, are being questioned on the basis of their environmental impacts and the economic distortions such policies cause in a deregulated energy market;

(3) fossil fuel-fired electric generating plants are, or may be, affected by a number of regulatory programs, some of which are under review or development on the state and national levels, and to a certain extent the international level, including the federal acid rain program, tropospheric ozone, mercury and other hazardous pollutant control requirements, regional haze, and global warming;

(4) scientific uncertainty regarding the formation of certain components of regional haze and the air quality modeling that predict impacts of control measures requires careful consideration of the timing of the control of some of the pollutants from these facilities, particularly sulfur dioxides and nitrogen oxides that each interact with ammonia and other substances in the atmosphere;

(5) the development of energy policies to promote a safe, sufficient, reliable, and affordable energy supply on the state and national levels is being affected by the on-going deregulation of the power generation industry and the evolving energy markets;

(6) the Governor's formation of an Energy Cabinet and the development of a State energy policy calls for actions by the Agency and the Board that are in harmony with the energy needs and policy of the State, while protecting the public health and the environment;

(7) Illinois coal is an abundant resource and an important component of Illinois' economy whose use should be encouraged to the greatest extent possible consistent with protecting the public health and the environment;

(8) renewable forms of energy should be promoted as an important element of the energy and environmental policies of the State and that it is a goal of the State that at least 5% of the State's energy production and use be derived from renewable forms of energy by 2010 and at least 15% from renewable forms of energy by 2020;

(9) efforts on the state and federal levels are underway to consider the multiple environmental regulations affecting electric generating plants in order to improve the ability of government and the affected industry to engage in effective planning through the use of multi-pollutant strategies; and

(10) these issues, taken together, call for a comprehensive review of the impact of these facilities on the public health, considering also the energy supply, reliability, and costs, the role of renewable forms of energy, and the developments in federal law and regulations that may affect any state actions, prior to making final decisions in Illinois.

(b) Taking into account the findings and declarations of the General Assembly contained in subsection (a) of this Section, the Agency shall, before September 30, 2004, but not before September 30, 2003, issue to the House and Senate Committees on

Environment and Energy findings that address the potential need for the control or reduction of emissions from fossil fuel-fired electric generating plants, including the following provisions:

(1) reduction of nitrogen oxide emissions, as appropriate, with consideration of maximum annual emissions rate limits or establishment of an emissions trading program and with consideration of the developments in federal law and regulations that may affect any State action, prior to making final decisions in Illinois;

(2) reduction of sulfur dioxide emissions, as appropriate, with consideration of maximum annual emissions rate limits or establishment of an emissions trading program and with consideration of the developments in federal law and regulations that may affect any State action, prior to making final decisions in Illinois;

(3) incentives to promote renewable sources of energy consistent with item (8) of subsection (a) of this Section;

(4) reduction of mercury as appropriate, consideration of the availability of control technology, industry practice requirements, or incentive programs, or some combination of these approaches that are sufficient to prevent unacceptable local impacts from individual facilities and with consideration of the developments in federal law and regulations that may affect any state action, prior to making final decisions in Illinois; and

(5) establishment of a banking system, consistent with the United States Department of Energy's voluntary reporting system, for certifying credits for voluntary offsets of emissions of greenhouse gases, as identified by the United States Environmental Protection Agency, or other voluntary reductions of greenhouse gases. Such reduction efforts may include, but are not limited to, carbon sequestration, technology-based control measures, energy efficiency measures, and the use of renewable energy sources.

The Agency shall consider the impact on the public health, considering also energy supply, reliability and costs, the role of renewable forms of energy, and developments in federal law and regulations that may affect any state actions, prior to making final decisions in Illinois.

(c) Nothing in this Section is intended to or should be interpreted in a manner to limit or restrict the authority of the Illinois Environmental Protection Agency to propose, or the Illinois Pollution Control Board to adopt, any regulations applicable or that may become applicable to the facilities covered by this Section that are required by federal law.

(d) The Agency may file proposed rules with the Board to effectuate its findings provided to the Senate Committee on Environment and Energy and the House Committee on Environment and Energy in accordance with subsection (b) of this Section. Any such proposal shall not be submitted sooner than 90 days after the issuance of the findings provided for in subsection (b) of this Section. The Board shall take action on any such proposal within one year of the Agency's filing of the proposed rules.

(e) This Section shall apply only to those electrical generating units that are subject to the provisions of Subpart W of Part 217 of Title 35 of the Illinois Administrative Code, as promulgated by the Illinois Pollution Control Board on December 21, 2000.

HISTORY:

P.A. 92-12, § 950; 92-279, § 5.

415 ILCS 5/9.11 Great Lakes Areas of Concern; mercury

(a) The General Assembly finds that:

(1) The government of the United States of America and the government of Canada have entered into agreements on Great Lakes water quality by signature of the Great Lakes Water Quality Agreement of 1978, which was amended by Protocol signed on November 18, 1987.

(2) The government of the United States of America and the government of Canada, in cooperation with the state and provincial governments, were required to designate geographic areas, called Areas of Concern, that fail to meet the general or specific objectives of the Great Lakes Water Quality Agreement, and where such failure has caused or is likely to cause impairment of beneficial use or failure of the ability of the area to support aquatic life.

(3) The government of the United States of America and the government of Canada have identified 43 Areas of Concern, 26 of which are in waters of the United States of America and 17 of which are in the waters of Canada.

(4) Waukegan Harbor in Illinois was designated an Area of Concern in 1981 by the International Joint Commission, the United States Environmental Protection Agency, and the Illinois Environmental Protection Agency as a result of the discovery of 5 beneficial use impairments, as defined in Annex 2 of the Great Lakes Water Quality Agreement. Beneficial use impairments at the Waukegan Harbor Area of Concern were identified as the restrictions on fish consumption, degradation of benthos, restrictions on dredging activities, degradation of phytoplankton and zooplankton populations, and loss of fish and wildlife habitat.

(5) The government of the United States of America and the government of Canada cooperate with the state and provincial governments to ensure that remedial action plans are developed to restore all impaired uses to the Areas of Concern.

(6) Mercury has been identified as a persistent bioaccumulative contaminant of concern throughout the Great Lakes, including Lake Michigan, resulting in health advisories and restrictions on fish consumption.

(7) The thermal treatment of sludge creates mercury emissions.

(b) The Agency shall not issue any permit to develop, construct, or operate, within one mile of any portion of Lake Michigan that has been designated an Area of Concern under the Great Lakes Water Quality Agreement as of the effective date of this Section, any site or facility for the thermal treatment of sludge, unless the applicant submits to the Agency proof that the site or facility has received local siting approval from the governing body of the municipality in which the site or facility is proposed to be located (or from the county board if located in an unincorporated area), in accordance with Section 39.2 of this Act [415 ILCS 5/39.2]. For the purposes of this Section, "thermal treatment" includes, without limitation, drying, incinerating, and any other processing that subjects the sludge to an elevated temperature.

HISTORY:
P.A. 93-202, § 5.

415 ILCS 5/9.12 Construction permit fees for air pollution sources

(a) An applicant for a new or revised air pollution construction permit shall pay a fee, as established in this Section, to the Agency at the time that he or she submits the application for a construction permit. Except as set forth below, the fee for each activity or category listed in this Section is separate and is cumulative with any other applicable fee listed in this Section.

(b) The fee amounts in this subsection (b) apply to construction permit applications relating to (i) a source subject to Section 39.5 of this Act [415 ILCS 5/39.5] (the Clean Air Act Permit Program); (ii) a source that, upon issuance of the requested construction permit, will become a major source subject to Section 39.5; or (iii) a source that has or will require a federally enforceable State operating permit limiting its potential to emit.

(1) Base fees for each construction permit application shall be assessed as follows:

(A) If the construction permit application relates to one or more new emission units or to a combination of new and modified emission units, a fee of $4,000 for the first new emission unit and a fee of $1,000 for each additional new or modified emission unit; provided that the total base fee under this subdivision (A) shall not exceed $10,000.

(B) If the construction permit application relates to one or more modified emission units but not to any new emission unit, a fee of $2,000 for the first modified emission unit and a fee of $1,000 for each additional modified emission unit; provided that the total base fee under this subdivision (B) shall not exceed $5,000.

(2) Supplemental fees for each construction permit application shall be assessed as follows:

(A) If, based on the construction permit application, the source will be, but is not currently, subject to Section 39.5 of this Act, a CAAPP entry fee of $5,000.

(B) If the construction permit application involves (i) a new source or emission unit subject to Section 39.2 of this Act [415 ILCS 5/39.2], (ii) a commercial incinerator or other municipal waste, hazardous waste, or waste tire incinerator, (iii) a commercial power generator, or (iv) one or more other emission units designated as a complex source by Agency rulemaking, a fee of $25,000.

(C) If the construction permit application involves an emissions netting exercise or reliance on a contemporaneous emissions decrease for a pollutant to avoid application of the PSD permit program or nonattainment new source review, a fee of $3,000 for each such pollutant.

(D) If the construction permit application is for a new major source subject to the PSD permit program, a fee of $12,000.

(E) If the construction permit application is for a new major source subject to nonattainment new source review, a fee of $20,000.

(F) If the construction permit application is for a major modification subject to the PSD permit program, a fee of $6,000.

(G) If the construction permit application is for a major modification subject to nonattainment new source review, a fee of $12,000.

(H) (Blank).

(I) If the construction permit application review involves a determination of the Maximum Achievable Control Technology standard for a pollutant and the project is not otherwise subject to BACT or LAER for a related pollutant under the PSD permit program or nonattainment new source review, a fee of $5,000 per unit for which a determination is requested or otherwise required.

(J) (Blank).

(3) If a public hearing is held regarding the construction permit application, an administrative fee of $10,000. This fee shall be submitted at the time the applicant requests a public hearing or, if a public hearing is not requested by the applicant, then within 30 days after the applicant is informed by the Agency that a public hearing will be held.

(c) The fee amounts in this subsection (c) apply to construction permit applications relating to a source that, upon issuance of the construction permit, will not (i) be or become subject to Section 39.5 of this Act (the Clean Air Act Permit Program) or (ii) have or require a federally enforceable state operating permit limiting its potential to emit.

(1) Base fees for each construction permit application shall be assessed as follows:

(A) For a construction permit application involving a single new emission unit, a fee of $500.

(B) For a construction permit application involving more than one new emission unit, a fee of $1,000.

(C) For a construction permit application involving no more than 2 modified emission units, a fee of $500.

(D) For a construction permit application involving more than 2 modified emission units, a fee of $1,000.

(2) Supplemental fees for each construction permit application shall be assessed as follows:

(A) If the source is a new source, i.e., does not currently have an operating permit, an entry fee of $500;

(B) If the construction permit application involves (i) a new source or emission unit subject to Section 39.2 of this Act, (ii) a commercial incinerator or a municipal waste, hazardous waste, or waste tire incinerator, (iii) a commercial power generator, or (iv) an emission unit designated as a complex source by Agency rulemaking, a fee of $15,000.

(3) If a public hearing is held regarding the construction permit application, an administrative fee of $10,000. This fee shall be submitted at the time the applicant requests a public hearing or, if a public hearing is not requested by the applicant, then within 30 days after the applicant is informed by the Agency that a public hearing will be held.

(d) If no other fee is applicable under this Section, a construction permit application addressing one or more of the following shall be subject to a filing fee of $500:

(1) A construction permit application to add or replace a control device on a permitted emission unit.

(2) A construction permit application to conduct a pilot project or trial burn for a permitted emission unit.

(3) A construction permit application for a land remediation project.

(4) (Blank).

(5) A construction permit application to revise an emissions testing methodology or the timing of required emissions testing.

(6) A construction permit application that provides for a change in the name, address, or phone number of any person identified in the permit, or for a change in the stated ownership or control, or for a similar minor administrative permit change at the source.

(e) No fee shall be assessed for a request to correct an issued permit that involves only an Agency error, if the request is received within the deadline for a permit appeal to the Pollution Control Board.

(f) The applicant for a new or revised air pollution construction permit shall submit to the Agency, with the construction permit application, both a certification of the fee that he or she estimates to be due under this Section and the fee itself.

(g) Notwithstanding the requirements of subsection (a) of Section 39 of this Act [415 ILCS 5/39], the application for an air pollution construction permit shall not be deemed to be filed with the Agency until the Agency receives the initial air pollution construction permit application fee and the certified estimate of the fee required by this Section. Unless the Agency has received the initial air pollution construction permit application fee and the certified estimate of the fee required by this Section, the Agency is not required to review or process the application.

(h) If the Agency determines at any time that a construction permit application is subject to an additional fee under this Section that the applicant has not submitted, the Agency shall notify the applicant in writing of the amount due under this Section. The applicant shall have 60 days to remit the assessed fee to the Agency.

If the proper fee established under this Section is not submitted within 60 days after the request for further remittance:

(1) If the construction permit has not yet been issued, the Agency is not required to further review or process, and the provisions of subsection (a) of Section 39 of this Act do not apply to, the application for a construction permit until such time as the proper fee is remitted.

(2) If the construction permit has been issued, the Agency may, upon written notice, immediately revoke the construction permit.

The denial or revocation of a construction permit does not excuse the applicant from the duty of paying the fees required under this Section.

(i) The Agency may deny the issuance of a pending air pollution construction permit or the subsequent operating permit if the applicant has not paid the required fees by the date required for issuance of the permit. The denial or revocation of a permit for failure to pay a construction permit fee is subject to review by the Board pursuant to the provisions of subsection (a) of Section 40 of this Act [415 ILCS 5/40].

(j) If the owner or operator undertakes construction without obtaining an air pollution construction permit, the fee under this Section is still required. Payment of the required fee does not preclude the Agency or the Attorney General or other authorized persons from pursuing enforcement against the applicant for failure to have an air pollution construction permit prior to commencing construction.

(k) If an air pollution construction permittee makes a fee payment under this Section from an account with insufficient funds to cover the amount of the fee payment, the Agency shall notify the permittee of the failure to pay the fee. If the permittee fails to pay the fee within 60 days after such notification, the Agency may, by written notice, immediately revoke the air pollution construction permit. Failure of the Agency to notify the permittee of the permittee's failure to make payment does not excuse or alter the duty of the permittee to comply with the provisions of this Section.

(*l*) The Agency may establish procedures for the collection of air pollution construction permit fees.

(m) Fees collected pursuant to this Section shall be deposited into the Environmental Protection Permit and Inspection Fund.

HISTORY:
P.A. 93-32, § 75-52; 97-95, § 20; 99-463, § 5.

415 ILCS 5/9.12a Notice.

When a permit for a new facility is required by this Title II, the Agency shall provide notice: (i) by certified or registered mail or, upon request, electronically, to the State Senator and State Representative of the district where the facility will be located; and (ii) to the public via a posting on its website in a format that is searchable by zip code. Within 6 months after the effective date of this amendatory Act of the 101st General Assembly, the Agency shall adopt rules to implement this Section.

HISTORY:
2019 P.A. 101-422, § 5, effective January 1, 2020.

415 ILCS 5/9.13 Asbestos fees

(a) For any site for which the owner or operator must file an original 10-day notice of intent to renovate or demolish pursuant to 40 CFR 61.145(b) (part of the federal asbestos National Emission Standard for Hazardous Air Pollutants or NESHAP), the owner or operator shall pay to the Agency with the filing of each 10-day Notice a fee of $150.

(b) If demolition or renovation of a site has commenced without proper filing of the 10-day Notice, the fee is double the amount otherwise due. This doubling of the fee is in addition to any other penalties under this Act, the federal NESHAP, or otherwise, and does not preclude the Agency, the Attorney General, or other authorized persons from pursuing an enforcement action against the owner or operator for failure to file a 10-day Notice prior to commencing demolition or renovation activities.

(c) In the event that an owner or operator makes a fee payment under this Section from an account with insufficient funds to cover the amount of the fee payment, the 10-day Notice shall be deemed improperly filed. The Agency shall so notify the owner or operator within 60 days of receiving the notice of insufficient funds. Failure of the Agency to so notify the owner or operator does not excuse or alter the duty of the owner or operator to comply with the requirements of this Section.

(d) Where asbestos remediation or demolition activities have not been conducted in accordance with the asbestos NESHAP, in addition to the fees imposed by this Section, the Agency may also collect its actual costs incurred for asbestos-related activities at the site, including without limitation costs of sampling, sample analysis, remediation plan review, and activity oversight for demolition or renovation.

(e) Fees and cost recovery amounts collected under this Section shall be deposited into the Environmental Protection Permit and Inspection Fund.

HISTORY:
P.A. 93-32, § 75-52.

415 ILCS 5/9.14 Registration of smaller sources

(a) After the effective date of rules implementing this Section, the owner or operator of an eligible source shall annually register with the Agency instead of complying with the requirement to obtain an air pollution construction or operating permit under this Act. The criteria for determining an eligible source shall include the following:

(1) the source must not be required to obtain a permit pursuant to the Illinois Clean Air Act Permit Program [415 ILCS 5/39.5] or Federally Enforceable State Operating Permit program, or under regulations promulgated pursuant to Section 111 or 112 of the Clean Air Act [42 U.S.C. 7411 or 42 U.S.C. 7412];

(2) the USEPA has not otherwise determined that a permit is required;

(3) the source emits less than an actual 5 tons per year of combined particulate matter, carbon monoxide, nitrogen oxides, sulfur dioxide, and volatile organic material air pollutant emissions;

(4) the source emits less than an actual 0.5 tons per year of combined hazardous air pollutant emissions;

(5) the source emits less than an actual 0.05 tons per year of lead air emissions;

(6) the source emits less than an actual 0.05 tons per year of mercury air emissions; and

(7) the source does not have an emission unit subject to a standard pursuant to 40 CFR Part 61 Maximum Achievable Control Technology, or 40 CFR Part 63 National Emissions Standards for Hazardous Air Pollutants other than those regulations that the USEPA has categorized as "area source".

(b) Complete registration of an eligible source, including payment of the required fee as specified in subsection (c) of this Section, shall provide the owner or operator of the eligible source with an exemption from the requirement to obtain an air pollution construction or operating permit under this Act. The registration of smaller sources program does not relieve an owner or operator from the obligation to comply with any other applicable rules or regulations.

(c) The owner or operator of an eligible source shall pay an annual registration fee of $235 to the Agency at the time of registration submittal and each year thereafter. Fees collected under this Section shall be deposited into the Environmental Protection Permit and Inspection Fund.

(d) The Agency shall propose rules to implement the registration of smaller sources program. Within 120 days after the Agency proposes those rules, the Board shall adopt rules to implement the registration of smaller sources program. These rules may be subsequently amended from time to time pursuant to a proposal filed with the Board by any person, and any necessary amendments shall be adopted by the Board within 120 days after proposal. Such amendments may provide for the alteration or revision of

the initial criteria included in subsection (a) of this Section.

HISTORY:
P.A. 97-95, § 20; 97-1081, § 20.

415 ILCS 5/9.15 Greenhouse gases.

(a) An air pollution construction permit shall not be required due to emissions of greenhouse gases if the equipment, site, or source is not subject to regulation, as defined by 40 CFR 52.21, as now or hereafter amended, for greenhouse gases or is otherwise not addressed in this Section or by the Board in regulations for greenhouse gases. These exemptions do not relieve an owner or operator from the obligation to comply with other applicable rules or regulations.

(b) An air pollution operating permit shall not be required due to emissions of greenhouse gases if the equipment, site, or source is not subject to regulation, as defined by Section 39.5 of this Act, for greenhouse gases or is otherwise not addressed in this Section or by the Board in regulations for greenhouse gases. These exemptions do not relieve an owner or operator from the obligation to comply with other applicable rules or regulations.

(c) (Blank).

(d) (Blank).

(e) (Blank).

(f) As used in this Section:

"Carbon dioxide emission" means the plant annual CO_2 total output emission as measured by the United States Environmental Protection Agency in its Emissions & Generation Resource Integrated Database (eGrid), or its successor.

"Carbon dioxide equivalent emissions" or "CO_2 e " means the sum total of the mass amount of emissions in tons per year, calculated by multiplying the mass amount of each of the 6 greenhouse gases specified in Section 3.207, in tons per year, by its associated global warming potential as set forth in 40 CFR 98, subpart A, table A-1 or its successor, and then adding them all together.

"Cogeneration" or "combined heat and power" refers to any system that, either simultaneously or sequentially, produces electricity and useful thermal energy from a single fuel source.

"Copollutants" refers to the 6 criteria pollutants that have been identified by the United States Environmental Protection Agency pursuant to the Clean Air Act.

"Electric generating unit" or "EGU" means a fossil fuel-fired stationary boiler, combustion turbine, or combined cycle system that serves a generator that has a nameplate capacity greater than 25 MWe and produces electricity for sale.

"Environmental justice community" means the definition of that term based on existing methodologies and findings, used and as may be updated by the Illinois Power Agency and its program administrator in the Illinois Solar for All Program.

"Equity investment eligible community" or "eligible community" means the geographic areas throughout Illinois that would most benefit from equitable investments by the State designed to combat discrimination and foster sustainable economic growth. Specifically, eligible community means the following areas:

(1) areas where residents have been historically excluded from economic opportunities, including opportunities in the energy sector, as defined as R3 areas pursuant to Section 10-40 of the Cannabis Regulation and Tax Act; and

(2) areas where residents have been historically subject to disproportionate burdens of pollution, including pollution from the energy sector, as established by environmental justice communities as defined by the Illinois Power Agency pursuant to the Illinois Power Agency Act, excluding any racial or ethnic indicators.

"Equity investment eligible person" or "eligible person" means the persons who would most benefit from equitable investments by the State designed to combat discrimination and foster sustainable economic growth. Specifically, eligible person means the following people:

(1) persons whose primary residence is in an equity investment eligible community;

(2) persons whose primary residence is in a municipality, or a county with a population under 100,000, where the closure of an electric generating unit or mine has been publicly announced or the electric generating unit or mine is in the process of closing or closed within the last 5 years;

(3) persons who are graduates of or currently enrolled in the foster care system; or

(4) persons who were formerly incarcerated.

"Existing emissions" means:

(1) for CO_2 e, the total average tons-per-year of CO_2 e emitted by the EGU or large GHG-emitting unit either in the years 2018 through 2020 or, if the unit was not yet in operation by January 1, 2018, in the first 3 full years of that unit's operation; and

(2) for any copollutant, the total average tons-per-year of that copollutant emitted by the EGU or large GHG-emitting unit either in the years 2018 through 2020 or, if the unit was not yet in operation by January 1, 2018, in the first 3 full years of that unit's operation.

"Green hydrogen" means a power plant technology in which an EGU creates electric power exclusively from electrolytic hydrogen, in a manner that produces zero carbon and copollutant emissions, using hydrogen fuel that is electrolyzed using a 100% renewable zero carbon emission energy source.

"Large greenhouse gas-emitting unit" or "large GHG-emitting unit" means a unit that is an electric generating unit or other fossil fuel-fired unit that itself has a nameplate capacity or serves a generator that has a nameplate capacity greater than 25 MWe and that produces electricity, including, but not limited to, coal-fired, coal-derived, oil-fired, natural gas-fired, and cogeneration units.

"No_x emission rate" means the plant annual NO_x total output emission rate as measured by the United States Environmental Protection Agency in its Emissions & Generation Resource Integrated Database (eGrid), or its successor, in the most recent year for which data is available.

"Public greenhouse gas-emitting units" or "public GHG-emitting unit" means large greenhouse gas-emitting units, including EGUs, that are wholly owned, directly or indirectly, by one or more municipalities, municipal corporations, joint municipal electric power agencies, electric cooperatives, or other governmental or nonprofit entities, whether organized and created under the laws of Illinois or another state.

"So_2 emission rate" means the "plant annual SO_2 total output emission rate" as measured by the United States Environmental Protection Agency in its Emissions & Generation Resource Integrated Database (eGrid), or its successor, in the most recent year for which data is available.

(g) All EGUs and large greenhouse gas-emitting units that use coal or oil as a fuel and are not public GHG-emitting units shall permanently reduce all CO_2 e and copollutant emissions to zero no later than January 1, 2030.

(h) All EGUs and large greenhouse gas-emitting units that use coal as a fuel and are public GHG-emitting units shall permanently reduce CO_2 e emissions to zero no later than December 31, 2045. Any source or plant with such units must also reduce their CO_2 e emissions by 45% from existing emissions by no later than January 1, 2035. If the emissions reduction requirement is not achieved by December 31, 2035, the plant shall retire one or more units or otherwise reduce its CO_2 e emissions by 45% from existing emissions by June 30, 2038.

(i) All EGUs and large greenhouse gas-emitting units that use gas as a fuel and are not public GHG-emitting units shall permanently reduce all CO_2 e and copollutant emissions to zero, including through unit retirement or the use of 100% green hydrogen or other similar technology that is commercially proven to achieve zero carbon emissions, according to the following:

(1) No later than January 1, 2030: all EGUs and large greenhouse gas-emitting units that have a NO_x emissions rate of greater than 0.12 lbs/MWh or a SO_2 emission rate of greater than 0.006 lb/MWh, and are located in or within 3 miles of an environmental justice community designated as of January 1, 2021 or an equity investment eligible community.

(2) No later than January 1, 2040: all EGUs and large greenhouse gas-emitting units that have a NO_x emission rate of greater than 0.12 lbs/MWh or a SO_2 emission rate greater than 0.006 lb/MWh, and are not located in or within 3 miles of an environmental justice community designated as of January 1, 2021 or an equity investment eligible community. After January 1, 2035, each such EGU and large greenhouse gas-emitting unit shall reduce its CO_2 e emissions by at least 50% from its existing emissions for CO_2 e, and shall be limited in operation to, on average, 6 hours or less per day, measured over a calendar year, and shall not run for more than 24 consecutive hours except in emergency conditions, as designated by a Regional Transmission Organization or Independent System Operator.

(3) No later than January 1, 2035: all EGUs and large greenhouse gas-emitting units that began operation prior to the effective date of this amendatory Act of the 102nd General Assembly and have a NO_x emission rate of less than or equal to 0.12 lb/MWh and a SO_2 emission rate less than or equal to 0.006 lb/MWh, and are located in or within 3 miles of an environmental justice community designated as of January 1, 2021 or an equity investment eligible community. Each such EGU and large greenhouse gas-emitting unit shall reduce its CO_2 e emissions by at least 50% from its existing emissions for CO_2 e no later than January 1, 2030.

(4) No later than January 1, 2040: All remaining EGUs and large greenhouse gas-emitting units that have a heat rate greater than or equal to 7000 BTU/kWh. Each such EGU and Large greenhouse gas-emitting unit shall reduce its CO_2 e emissions by at least 50% from its existing emissions for CO_2 e no later than January 1, 2035.

(5) No later than January 1, 2045: all remaining EGUs and large greenhouse gas-emitting units.

(j) All EGUs and large greenhouse gas-emitting units that use gas as a fuel and are public GHG-emitting units shall permanently reduce all CO_2 e and copollutant emissions to zero, including through unit retirement or the use of 100% green hydrogen or other similar technology that is commercially proven to achieve zero carbon emissions by January 1, 2045.

(k) All EGUs and large greenhouse gas-emitting units that utilize combined heat and power or cogeneration technology shall permanently reduce all CO_2 e and copollutant emissions to zero, including through unit retirement or the use of 100% green hydrogen or other similar technology that is commercially proven to achieve zero carbon emissions by January 1, 2045.

(k-5) No EGU or large greenhouse gas-emitting unit that uses gas as a fuel and is not a public GHG-emitting unit may emit, in any 12-month period, CO_2 e or copollutants in excess of that unit's existing emissions for those pollutants.

(*l*) Notwithstanding subsections (g) through (k-5), large GHG-emitting units including EGUs may temporarily continue emitting Co_2 e and copollutants after any applicable deadline specified in any of subsections (g) through (k-5) if it has been determined, as described in paragraphs (1) and (2) of this subsection, that ongoing operation of the EGU is necessary to maintain power grid supply and reliability or ongoing operation of large GHG-emitting unit

that is not an EGU is necessary to serve as an emergency backup to operations. Up to and including the occurrence of an emission reduction deadline under subsection (i), all EGUs and large GHG-emitting units must comply with the following terms:

(1) if an EGU or large GHG-emitting unit that is a participant in a regional transmission organization intends to retire, it must submit documentation to the appropriate regional transmission organization by the appropriate deadline that meets all applicable regulatory requirements necessary to obtain approval to permanently cease operating the large GHG-emitting unit;

(2) if any EGU or large GHG-emitting unit that is a participant in a regional transmission organization receives notice that the regional transmission organization has determined that continued operation of the unit is required, the unit may continue operating until the issue identified by the regional transmission organization is resolved. The owner or operator of the unit must cooperate with the regional transmission organization in resolving the issue and must reduce its emissions to zero, consistent with the requirements under subsection (g), (h), (i), (j), (k), or (k-5), as applicable, as soon as practicable when the issue identified by the regional transmission organization is resolved; and

(3) any large GHG-emitting unit that is not a participant in a regional transmission organization shall be allowed to continue emitting Co_2 e and copollutants after the zero-emission date specified in subsection (g), (h), (i), (j), (k), or (k-5), as applicable, in the capacity of an emergency backup unit if approved by the Illinois Commerce Commission.

(m) No variance, adjusted standard, or other regulatory relief otherwise available in this Act may be granted to the emissions reduction and elimination obligations in this Section.

(n) By June 30 of each year, beginning in 2025, the Agency shall prepare and publish on its website a report setting forth the actual greenhouse gas emissions from individual units and the aggregate statewide emissions from all units for the prior year.

(o) Every 5 years beginning in 2025, the Environmental Protection Agency, Illinois Power Agency, and Illinois Commerce Commission shall jointly prepare, and release publicly, a report to the General Assembly that examines the State's current progress toward its renewable energy resource development goals, the status of CO_2 e and copollutant emissions reductions, the current status and progress toward developing and implementing green hydrogen technologies, the current and projected status of electric resource adequacy and reliability throughout the State for the period beginning 5 years ahead, and proposed solutions for any findings. The Environmental Protection Agency, Illinois Power Agency, and Illinois Commerce Commission shall consult PJM Interconnection, LLC and Midcontinent Independent System Operator, Inc., or their respective successor organizations regarding forecasted resource adequacy and reliability needs, anticipated new generation interconnection, new transmission development or upgrades, and any announced large GHG-emitting unit closure dates and include this information in the report. The report shall be released publicly by no later than December 15 of the year it is prepared. If the Environmental Protection Agency, Illinois Power Agency, and Illinois Commerce Commission jointly conclude in the report that the data from the regional grid operators, the pace of renewable energy development, the pace of development of energy storage and demand response utilization, transmission capacity, and the CO_2 e and copollutant emissions reductions required by subsection (i) or (k-5) reasonably demonstrate that a resource adequacy shortfall will occur, including whether there will be sufficient in-state capacity to meet the zonal requirements of MISO Zone 4 or the PJM ComEd Zone, per the requirements of the regional transmission organizations, or that the regional transmission operators determine that a reliability violation will occur during the time frame the study is evaluating, then the Illinois Power Agency, in conjunction with the Environmental Protection Agency shall develop a plan to reduce or delay CO_2 e and copollutant emissions reductions requirements only to the extent and for the duration necessary to meet the resource adequacy and reliability needs of the State, including allowing any plants whose emission reduction deadline has been identified in the plan as creating a reliability concern to continue operating, including operating with reduced emissions or as emergency backup where appropriate. The plan shall also consider the use of renewable energy, energy storage, demand response, transmission development, or other strategies to resolve the identified resource adequacy shortfall or reliability violation.

(1) In developing the plan, the Environmental Protection Agency and the Illinois Power Agency shall hold at least one workshop open to, and accessible at a time and place convenient to, the public and shall consider any comments made by stakeholders or the public. Upon development of the plan, copies of the plan shall be posted and made publicly available on the Environmental Protection Agency's, the Illinois Power Agency's, and the Illinois Commerce Commission's websites. All interested parties shall have 60 days following the date of posting to provide comment to the Environmental Protection Agency and the Illinois Power Agency on the plan. All comments submitted to the Environmental Protection Agency and the Illinois Power Agency shall be encouraged to be specific, supported by data or other detailed analyses, and, if objecting to all or a portion of the plan, accompanied by specific alternative wording or proposals. All comments shall be posted on the Environmental Protection Agency's, the Illinois Power Agency's, and the Illinois Commerce Commission's

websites. Within 30 days following the end of the 60-day review period, the Environmental Protection Agency and the Illinois Power Agency shall revise the plan as necessary based on the comments received and file its revised plan with the Illinois Commerce Commission for approval.

(2) Within 60 days after the filing of the revised plan at the Illinois Commerce Commission, any person objecting to the plan shall file an objection with the Illinois Commerce Commission. Within 30 days after the expiration of the comment period, the Illinois Commerce Commission shall determine whether an evidentiary hearing is necessary. The Illinois Commerce Commission shall also host 3 public hearings within 90 days after the plan is filed. Following the evidentiary and public hearings, the Illinois Commerce Commission shall enter its order approving or approving with modifications the reliability mitigation plan within 180 days.

(3) The Illinois Commerce Commission shall only approve the plan if the Illinois Commerce Commission determines that it will resolve the resource adequacy or reliability deficiency identified in the reliability mitigation plan at the least amount of CO_2 e and copollutant emissions, taking into consideration the emissions impacts on environmental justice communities, and that it will ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, taking into account the impact of increases in emissions.

(4) If the resource adequacy or reliability deficiency identified in the reliability mitigation plan is resolved or reduced, the Environmental Protection Agency and the Illinois Power Agency may file an amended plan adjusting the reduction or delay in CO_2 e and copollutant emission reduction requirements identified in the plan.

HISTORY:

P.A. 97-95, § 20; 2021 P.A. 102-662, § 90-55, effective September 16, 2021; 2022 P.A. 102-1031, article 1, § 1-15, effective May 27, 2022.

415 ILCS 5/9.16 Control of ethylene oxide sterilization sources.

(a) As used in this Section:

"Ethylene oxide sterilization operations" means the process of using ethylene oxide at an ethylene oxide sterilization source to make one or more items free from microorganisms, pathogens, or both microorganisms and pathogens.

"Ethylene oxide sterilization source" means any stationary source with ethylene oxide usage that would subject it to the emissions standards in 40 CFR 63.362. "Ethylene oxide sterilization source" does not include beehive fumigators, research or laboratory facilities, hospitals, doctors' offices, clinics, or other stationary sources for which the primary purpose is to provide medical services to humans or animals.

"Exhaust point" means any point through which ethylene oxide-laden air exits an ethylene oxide sterilization source.

"Stationary source" has the meaning set forth in subsection 1 of Section 39.5 [415 ILCS 5/39.5].

(b) Beginning 180 days after June 21, 2019 (the effective date of Public Act 101-22), no person shall conduct ethylene oxide sterilization operations, unless the ethylene oxide sterilization source captures, and demonstrates that it captures, 100% of all ethylene oxide emissions and reduces ethylene oxide emissions to the atmosphere from each exhaust point at the ethylene oxide sterilization source by at least 99.9% or to 0.2 parts per million.

(1) Within 180 days after June 21, 2019 (the effective date of Public Act 101-22) for any existing ethylene oxide sterilization source, or prior to any ethylene oxide sterilization operation for any source that first becomes subject to regulation after June 21, 2019 (the effective date of Public Act 101-22) as an ethylene oxide sterilization source under this Section, the owner or operator of the ethylene oxide sterilization source shall conduct an initial emissions test in accordance with all of the requirements set forth in this paragraph (1) to verify that ethylene oxide emissions to the atmosphere from each exhaust point at the ethylene oxide sterilization source have been reduced by at least 99.9% or to 0.2 parts per million:

(A) At least 30 days prior to the scheduled emissions test date, the owner or operator of the ethylene oxide sterilization source shall submit a notification of the scheduled emissions test date and a copy of the proposed emissions test protocol to the Agency for review and written approval. Emissions test protocols submitted to the Agency shall address the manner in which testing will be conducted, including, but not limited to:

(i) the name of the independent third party company that will be performing sampling and analysis and the company's experience with similar emissions tests;

(ii) the methodologies to be used;

(iii) the conditions under which emissions tests will be performed, including a discussion of why these conditions will be representative of maximum emissions from each of the 3 cycles of operation (chamber evacuation, back vent, and aeration) and the means by which the operating parameters for the emission unit and any control equipment will be determined;

(iv) the specific determinations of emissions and operations that are intended to be made, including sampling and monitoring locations; and

(v) any changes to the test method or methods proposed to accommodate the specific circumstances of testing, with justification.

(B) The owner or operator of the ethylene oxide sterilization source shall perform emis-

sions testing in accordance with an Agency-approved test protocol and at representative conditions to verify that ethylene oxide emissions to the atmosphere from each exhaust point at the ethylene oxide sterilization source have been reduced by at least 99.9% or to 0.2 parts per million. The duration of the test must incorporate all 3 cycles of operation for determination of the emission reduction efficiency.

(C) Upon Agency approval of the test protocol, any source that first becomes subject to regulation after June 21, 2019 (the effective date of Public Act 101-22) as an ethylene oxide sterilization source under this Section may undertake ethylene oxide sterilization operations in accordance with the Agency-approved test protocol for the sole purpose of demonstrating compliance with this subsection (b).

(D) The owner or operator of the ethylene oxide sterilization source shall submit to the Agency the results of any and all emissions testing conducted after June 21, 2019 (the effective date of Public Act 101-22), until the Agency accepts testing results under subparagraph (E) of paragraph (1) of this subsection (b), for any existing source or prior to any ethylene oxide sterilization operation for any source that first becomes subject to regulation after June 21, 2019 (the effective date of Public Act 101-22) as an ethylene oxide sterilization source under this Section. The results documentation shall include at a minimum:

(i) a summary of results;

(ii) a description of test method or methods, including description of sample points, sampling train, analysis equipment, and test schedule;

(iii) a detailed description of test conditions, including process information and control equipment information; and

(iv) data and calculations, including copies of all raw data sheets, opacity observation records and records of laboratory analyses, sample calculations, and equipment calibration.

(E) Within 30 days of receipt, the Agency shall accept, accept with conditions, or decline to accept a stack testing protocol and the testing results submitted to demonstrate compliance with paragraph (1) of this subsection (b). If the Agency accepts with conditions or declines to accept the results submitted, the owner or operator of the ethylene oxide sterilization source shall submit revised results of the emissions testing or conduct emissions testing again. If the owner or operator revises the results, the revised results shall be submitted within 15 days after the owner or operator of the ethylene oxide sterilization source receives written notice of the Agency's conditional acceptance or rejection of the emissions testing results. If the owner or operator conducts emissions testing again, such new emissions testing shall conform to the requirements of this subsection (b).

(2) The owner or operator of the ethylene oxide sterilization source shall conduct emissions testing on all exhaust points at the ethylene oxide sterilization source at least once each calendar year to demonstrate compliance with the requirements of this Section and any applicable requirements concerning ethylene oxide that are set forth in either United States Environmental Protection Agency rules or Board rules. Annual emissions tests required under this paragraph (2) shall take place at least 6 months apart. An initial emissions test conducted under paragraph (1) of this subsection (b) satisfies the testing requirement of this paragraph (2) for the calendar year in which the initial emissions test is conducted.

(3) At least 30 days before conducting the annual emissions test required under paragraph (2) of this subsection (b), the owner or operator shall submit a notification of the scheduled emissions test date and a copy of the proposed emissions test protocol to the Agency for review and written approval. Emissions test protocols submitted to the Agency under this paragraph (3) must address each item listed in subparagraph (A) of paragraph (1) of this subsection (b). Emissions testing shall be performed in accordance with an Agency-approved test protocol and at representative conditions. In addition, as soon as practicable, but no later than 30 days after the emissions test date, the owner or operator shall submit to the Agency the results of the emissions testing required under paragraph (2) of this subsection (b). Such results must include each item listed in subparagraph (D) of paragraph (1) of this subsection (b).

(4) If the owner or operator of an ethylene oxide sterilization source conducts any emissions testing in addition to tests required by Public Act 101-22, the owner or operator shall submit to the Agency the results of such emissions testing within 30 days after the emissions test date.

(5) The Agency shall accept, accept with conditions, or decline to accept testing results submitted to demonstrate compliance with paragraph (2) of this subsection (b). If the Agency accepts with conditions or declines to accept the results submitted, the owner or operator of the ethylene oxide sterilization source shall submit revised results of the emissions testing or conduct emissions testing again. If the owner or operator revises the results, the revised results shall be submitted within 15 days after the owner or operator of the ethylene oxide sterilization source receives written notice of the Agency's conditional acceptance or rejection of the emissions testing results. If the owner or operator conducts emissions testing again, such new emissions testing shall conform to the requirements of this subsection (b).

(c) If any emissions test conducted more than 180 days after June 21, 2019 (the effective date of Public

Act 101-22) fails to demonstrate that ethylene oxide emissions to the atmosphere from each exhaust point at the ethylene oxide sterilization source have been reduced by at least 99.9% or to 0.2 parts per million, the owner or operator of the ethylene oxide sterilization source shall immediately cease ethylene oxide sterilization operations and notify the Agency within 24 hours of becoming aware of the failed emissions test. Within 60 days after the date of the test, the owner or operator of the ethylene oxide sterilization source shall:

(1) complete an analysis to determine the root cause of the failed emissions test;

(2) take any actions necessary to address that root cause;

(3) submit a report to the Agency describing the findings of the root cause analysis, any work undertaken to address findings of the root cause analysis, and identifying any feasible best management practices to enhance capture and further reduce ethylene oxide levels within the ethylene oxide sterilization source, including a schedule for implementing such practices; and

(4) upon approval by the Agency of the report required by paragraph (3) of this subsection, restart ethylene oxide sterilization operations only to the extent necessary to conduct additional emissions test or tests. The ethylene oxide sterilization source shall conduct such emissions test or tests under the same requirements as the annual test described in paragraphs (2) and (3) of subsection (b). The ethylene oxide sterilization source may restart operations once an emissions test successfully demonstrates that ethylene oxide emissions to the atmosphere from each exhaust point at the ethylene oxide sterilization source have been reduced by at least 99.9% or to 0.2 parts per million, the source has submitted the results of all emissions testing conducted under this subsection to the Agency, and the Agency has approved the results demonstrating compliance.

(d) Beginning 180 days after June 21, 2019 (the effective date of Public Act 101-22) this amendatory Act of the 101st General Assembly for any existing source or prior to any ethylene oxide sterilization operation for any source that first becomes subject to regulation after June 21, 2019 (the effective date of Public Act 101-22) as an ethylene oxide sterilization source under this Section, no person shall conduct ethylene oxide sterilization operations unless the owner or operator of the ethylene oxide sterilization source submits for review and approval by the Agency a plan describing how the owner or operator will continuously collect emissions information at the ethylene oxide sterilization source. This plan must also specify locations at the ethylene oxide sterilization source from which emissions will be collected and identify equipment used for collection and analysis, including the individual system components.

(1) The owner or operator of the ethylene oxide sterilization source must provide a notice of acceptance of any conditions added by the Agency to the plan, or correct any deficiencies identified by the Agency in the plan, within 3 business days after receiving the Agency's conditional acceptance or denial of the plan.

(2) Upon the Agency's approval of the plan, the owner or operator of the ethylene oxide sterilization source shall implement the plan in accordance with its approved terms.

(e) Beginning 180 days after June 21, 2019 (the effective date of Public Act 101-22) for any existing source or prior to any ethylene oxide sterilization operation for any source that first becomes subject to regulation after June 21, 2019 (the effective date of Public Act 101-22) as an ethylene oxide sterilization source under this Section, no person shall conduct ethylene oxide sterilization operations unless the owner or operator of the ethylene oxide sterilization source submits for review and approval by the Agency an Ambient Air Monitoring Plan.

(1) The Ambient Air Monitoring Plan shall include, at a minimum, the following:

(A) Detailed plans to collect and analyze air samples for ethylene oxide on at least a quarterly basis near the property boundaries of the ethylene oxide sterilization source and at community locations with the highest modeled impact pursuant to the modeling conducted under subsection (f). Each quarterly sampling under this subsection shall be conducted over a multiple-day sampling period.

(B) A schedule for implementation.

(C) The name of the independent third party company that will be performing sampling and analysis and the company's experience with similar testing.

(2) The owner or operator of the ethylene oxide sterilization source must provide a notice of acceptance of any conditions added by the Agency to the Ambient Air Monitoring Plan, or correct any deficiencies identified by the Agency in the Ambient Air Monitoring Plan, within 3 business days after receiving the Agency's conditional acceptance or denial of the plan.

(3) Upon the Agency's approval of the plan, the owner or operator of the ethylene oxide sterilization source shall implement the Ambient Air Monitoring Plan in accordance with its approved terms.

(f) Beginning 180 days after June 21, 2019 (the effective date of Public Act 101-22) for any existing source or prior to any ethylene oxide sterilization operation for any source that first becomes subject to regulation after June 21, 2019 (the effective date of Public Act 101-22) as an ethylene oxide sterilization source under this Section, no person shall conduct ethylene oxide sterilization operations unless the owner or operator of the ethylene oxide sterilization source has performed dispersion modeling and the Agency approves such modeling.

(1) Dispersion modeling must:

(A) be conducted using accepted United States Environmental Protection Agency methodolo-

gies, including 40 CFR Part 51, Appendix W, except that no background ambient levels of ethylene oxide shall be used;

(B) use emissions and stack parameter data from the emissions test conducted in accordance with paragraph (1) of subsection (b), and use 5 years of hourly meteorological data that is representative of the source's location; and

(C) use a receptor grid that extends to at least one kilometer around the source and ensure the modeling domain includes the area of maximum impact, with receptor spacing no greater than every 50 meters starting from the building walls of the source extending out to a distance of at least one-half kilometer, then every 100 meters extending out to a distance of at least one kilometer.

(2) The owner or operator of the ethylene oxide sterilization source shall submit revised results of all modeling if the Agency accepts with conditions or declines to accept the results submitted.

(g) A facility permitted to emit ethylene oxide that has been subject to a seal order under Section 34 is prohibited from using ethylene oxide for sterilization or fumigation purposes, unless (i) the facility can provide a certification to the Agency by the supplier of a product to be sterilized or fumigated that ethylene oxide sterilization or fumigation is the only available method to completely sterilize or fumigate the product and (ii) the Agency has certified that the facility's emission control system uses technology that produces the greatest reduction in ethylene oxide emissions currently available. The certification shall be made by a company representative with knowledge of the sterilization requirements of the product. The certification requirements of this Section shall apply to any group of products packaged together and sterilized as a single product if sterilization or fumigation is the only available method to completely sterilize or fumigate more than half of the individual products contained in the package.

A facility is not subject to the requirements of this subsection if the supporting findings of the seal order under Section 34 are found to be without merit by a court of competent jurisdiction.

(h) If an entity, or any parent or subsidiary of an entity, that owns or operates a facility permitted by the Agency to emit ethylene oxide acquires by purchase, license, or any other method of acquisition any intellectual property right in a sterilization technology that does not involve the use of ethylene oxide, or by purchase, merger, or any other method of acquisition of any entity that holds an intellectual property right in a sterilization technology that does not involve the use of ethylene oxide, that entity, parent, or subsidiary shall notify the Agency of the acquisition within 30 days of acquiring it. If that entity, parent, or subsidiary has not used the sterilization technology within 3 years of its acquisition, the entity shall notify the Agency within 30 days of the 3-year period elapsing.

An entity, or any parent or subsidiary of an entity, that owns or operates a facility permitted by the Agency to emit ethylene oxide that has any intellectual property right in any sterilization technology that does not involve the use of ethylene oxide shall notify the Agency of any offers that it makes to license or otherwise allow the technology to be used by third parties within 30 days of making the offer.

An entity, or any parent or subsidiary of an entity, that owns or operates a facility permitted by the Agency to emit ethylene oxide shall provide the Agency with a list of all U.S. patent registrations for sterilization technology that the entity, parent, or subsidiary has any property right in. The list shall include the following:

(1) The patent number assigned by the United States Patent and Trademark Office for each patent.

(2) The date each patent was filed.

(3) The names and addresses of all owners or assignees of each patent.

(4) The names and addresses of all inventors of each patent.

(i) If a CAAPP permit applicant applies to use ethylene oxide as a sterilant or fumigant at a facility not in existence prior to January 1, 2020, the Agency shall issue a CAAPP permit for emission of ethylene oxide only if:

(1) the nearest school or park is at least 10 miles from the permit applicant in counties with populations greater than 50,000;

(2) the nearest school or park is at least 15 miles from the permit applicant in counties with populations less than or equal to 50,000; and

(3) within 7 days after the application for a CAAPP permit, the permit applicant has published its permit request on its website, published notice in a local newspaper of general circulation, and provided notice to:

(A) the State Representative for the representative district in which the facility is located;

(B) the State Senator for the legislative district in which the facility is located;

(C) the members of the county board for the county in which the facility is located; and

(D) the local municipal board members and executives.

(j) The owner or operator of an ethylene oxide sterilization source must apply for and obtain a construction permit from the Agency for any modifications made to the source to comply with the requirements of Public Act 101-22, including, but not limited to, installation of a permanent total enclosure, modification of airflow to create negative pressure within the source, and addition of one or more control devices. Additionally, the owner or operator of the ethylene oxide sterilization source must apply for and obtain from the Agency a modification of the source's operating permit to incorporate such modifications made to the source. Both the construction permit and operating permit must include a limit on ethylene oxide usage at the source.

(k) Nothing in this Section shall be interpreted to excuse the ethylene oxide sterilization source from complying with any applicable local requirements.

(*l*) The owner or operator of an ethylene oxide sterilization source must notify the Agency within 5 days after discovering any deviation from any of the requirements in this Section or deviations from any applicable requirements concerning ethylene oxide that are set forth in this Act, United States Environmental Protection Agency rules, or Board rules. As soon as practicable, but no later than 5 business days, after the Agency receives such notification, the Agency must post a notice on its website and notify the members of the General Assembly from the Legislative and Representative Districts in which the source in question is located, the county board members of the county in which the source in question is located, the corporate authorities of the municipality in which the source in question is located, and the Illinois Department of Public Health.

(m) The Agency must conduct at least one unannounced inspection of all ethylene oxide sterilization sources subject to this Section per year. Nothing in this Section shall limit the Agency's authority under other provisions of this Act to conduct inspections of ethylene oxide sterilization sources.

(n) The Agency shall conduct air testing to determine the ambient levels of ethylene oxide throughout the State. The Agency shall, within 180 days after June 21, 2019 (the effective date of Public Act 101-22), submit rules for ambient air testing of ethylene oxide to the Board.

HISTORY:

2019 P.A. 101-22, § 5, effective June 21, 2019; 2021 P.A. 102-558, § 645, effective August 20, 2021.

415 ILCS 5/9.16 Nonnegligible ethylene oxide emissions sources. [Renumbered]

HISTORY:

2019 P.A. 101-23, § 5, effective June 21, 2019; renumbered to § 415 ILCS 5/9.17 by 2021 P.A. 102-558, § 645, effective August 20, 2021.

415 ILCS 5/9.17 Nonnegligible ethylene oxide emissions sources.

(a) In this Section, "nonnegligible ethylene oxide emissions source" means an ethylene oxide emissions source permitted by the Agency that currently emits more than 150 pounds of ethylene oxide as reported on the source's 2017 Toxic Release Inventory and is located in a county with a population of at least 700,000 based on 2010 census data. "Nonnegligible ethylene oxide emissions source" does not include facilities that are ethylene oxide sterilization sources or hospitals that are licensed under the Hospital Licensing Act or operated under the University of Illinois Hospital Act.

(b) Beginning 180 days after June 21, 2019 (the effective date of Public Act 101-23), no nonnegligible ethylene oxide emissions source shall conduct activities that cause ethylene oxide emissions unless the owner or operator of the nonnegligible ethylene oxide emissions source submits for review and approval of the Agency a plan describing how the owner or operator will continuously collect emissions information. The plan must specify locations at the nonnegligible ethylene oxide emissions source from which emissions will be collected and identify equipment used for collection and analysis, including the individual system components.

(1) The owner or operator of the nonnegligible ethylene oxide emissions source must provide a notice of acceptance of any conditions added by the Agency to the plan or correct any deficiencies identified by the Agency in the plan within 3 business days after receiving the Agency's conditional acceptance or denial of the plan.

(2) Upon the Agency's approval of the plan the owner or operator of the nonnegligible ethylene oxide emissions source shall implement the plan in accordance with its approved terms.

(c) Beginning 180 days after June 21, 2019 (the effective date of Public Act 101-23), no nonnegligible ethylene oxide emissions source shall conduct activities that cause ethylene oxide emissions unless the owner or operator of the nonnegligible ethylene oxide emissions source has performed dispersion modeling and the Agency approves the dispersion modeling.

(1) Dispersion modeling must:

(A) be conducted using accepted United States Environmental Protection Agency methodologies, including Appendix W to 40 CFR 51, except that no background ambient levels of ethylene oxide shall be used;

(B) use emissions and stack parameter data from any emissions test conducted and 5 years of hourly meteorological data that is representative of the nonnegligible ethylene oxide emissions source's location; and

(C) use a receptor grid that extends to at least one kilometer around the nonnegligible ethylene oxide emissions source and ensures the modeling domain includes the area of maximum impact, with receptor spacing no greater than every 50 meters starting from the building walls of the nonnegligible ethylene oxide emissions source extending out to a distance of at least 1/2 kilometer, then every 100 meters extending out to a distance of at least one kilometer.

(2) The owner or operator of the nonnegligible ethylene oxide emissions source shall submit revised results of all modeling if the Agency accepts with conditions or declines to accept the results submitted.

(d) Beginning 180 days after June 21, 2019 (the effective date of Public Act 101-23), no nonnegligible ethylene oxide emissions source shall conduct activities that cause ethylene oxide emissions unless the owner or operator of the nonnegligible ethylene oxide emissions source obtains a permit consistent with the requirements in this Section from the Agency to conduct activities that may result in the emission of ethylene oxide.

(e) The Agency in issuing the applicable permits to a nonnegligible ethylene oxide emissions source shall:

(1) impose a site-specific annual cap on ethylene oxide emissions set to protect the public health; and

(2) include permit conditions granting the Agency the authority to reopen the permit if the Agency determines that the emissions of ethylene oxide from the permitted nonnegligible ethylene oxide emissions source pose a risk to the public health as defined by the Agency.

HISTORY:

2019 P.A. 101-23, § 5, effective June 21, 2019; renumbered from § 415 ILCS 5/9.16 by 2021 P.A. 102-558, § 645, effective August 20, 2021.

415 ILCS 5/9.18 Commission on market-based carbon pricing solutions. [Effective until January 1, 2024]

(a) In the United States, state-based market policies to reduce greenhouse gases have been in operation since 2009. More than a quarter of the US population lives in a state with carbon pricing and these states represent one-third of the United States' gross domestic product. Market-based policies have proved effective at reducing emissions in states across the United States, and around the world. Additionally, well-designed carbon pricing incentivizes energy efficiency and drives investments in low-carbon solutions and technologies, such as renewables, hydrogen, biofuels, and carbon capture, use, and storage. Illinois must assess available suites of programs and policies to support a rapid, economy-wide decarbonization and spur the development of a clean energy economy in the State, while maintaining Illinois' competitive advantage.

(b) The Governor is hereby authorized to create a carbon pricing commission to study the short-term and long-term impacts of joining, implementing, or designing a sector-based, statewide, or regional carbon pricing program. The commission shall analyze and compare the relative cost of, and greenhouse gas reductions from, various carbon pricing programs available to Illinois and the Midwest, including, but not limited to: the Regional Greenhouse Gas Initiative (RGGI), the Transportation and Climate Initiative (TCI), California's cap-and-trade program, California's low carbon fuel standard, Washington State's cap-and-invest program, the Oregon Clean Fuels Program, and other relevant market-based programs. At the conclusion of the study, no later than December 31, 2022, the commission shall issue a public report containing its findings.

(c) This Section is repealed on January 1, 2024.

HISTORY:

2021 P.A. 102-662, § 90-55, effective September 16, 2021.

415 ILCS 5/10 Regulations

(A) The Board, pursuant to procedures prescribed in Title VII of this Act [415 ILCS 5/26 et seq.], may adopt regulations to promote the purposes of this Title. Without limiting the generality of this authority, such regulations may among other things prescribe:

(a) (Blank);

(b) Emission standards specifying the maximum amounts or concentrations of various contaminants that may be discharged into the atmosphere;

(c) Standards for the issuance of permits for construction, installation, or operation of any equipment, facility, vehicle, vessel, or aircraft capable of causing or contributing to air pollution or designed to prevent air pollution;

(d) Standards and conditions regarding the sale, offer, or use of any fuel, vehicle, or other article determined by the Board to constitute an air-pollution hazard;

(e) Alert and abatement standards relative to air-pollution episodes or emergencies constituting an acute danger to health or to the environment;

(f) Requirements and procedures for the inspection of any equipment, facility, vehicle, vessel, or aircraft that may cause or contribute to air pollution;

(g) Requirements and standards for equipment and procedures for monitoring contaminant discharges at their sources, the collection of samples and the collection, reporting and retention of data resulting from such monitoring.

(B) The Board may adopt regulations and emission standards that are applicable or that may become applicable to stationary emission sources located in all areas of the State in accordance with any of the following:

(1) that are required by federal law;

(2) that are otherwise part of the State's attainment plan and are necessary to attain the national ambient air quality standards; or

(3) that are necessary to comply with the requirements of the federal Clean Air Act [42 U.S.C. § 7401 et seq.].

(C) The Board may not adopt any regulation banning the burning of landscape waste throughout the State generally. The Board may, by regulation, restrict or prohibit the burning of landscape waste within any geographical area of the State if it determines based on medical and biological evidence generally accepted by the scientific community that such burning will produce in the atmosphere of that geographical area contaminants in sufficient quantities and of such characteristics and duration as to be injurious to humans, plant, or animal life, or health.

(D) The Board shall adopt regulations requiring the owner or operator of a gasoline dispensing system that dispenses more than 10,000 gallons of gasoline per month to install and operate a system for the recovery of gasoline vapor emissions arising from the fueling of motor vehicles that meets the requirements of Section 182 of the federal Clean Air Act (42 USC 7511a). These regulations shall apply only in areas of the State that are classified as moderate,

serious, severe or extreme nonattainment areas for ozone pursuant to Section 181 of the federal Clean Air Act (42 USC 7511), but shall not apply in such areas classified as moderate nonattainment areas for ozone if the Administrator of the U.S. Environmental Protection Agency promulgates standards for vehicle-based (onboard) systems for the control of vehicle refueling emissions pursuant to Section 202(a)(6) of the federal Clean Air Act (42 USC 7521(a)(6)) by November 15, 1992.

(E) The Board shall not adopt or enforce any regulation requiring the use of a tarpaulin or other covering on a truck, trailer, or other vehicle that is stricter than the requirements of Section 15-109.1 of the Illinois Vehicle Code [625 ILCS 5/15-109.1]. To the extent that it is in conflict with this subsection, the Board's rule codified as 35 Ill. Admin. Code, Section 212.315 is hereby superseded.

(F) Any person who prior to June 8, 1988, has filed a timely Notice of Intent to Petition for an Adjusted RACT Emissions Limitation and who subsequently timely files a completed petition for an adjusted RACT emissions limitation pursuant to 35 Ill. Adm. Code, Part 215, Subpart I, shall be subject to the procedures contained in Subpart I but shall be excluded by operation of law from 35 Ill. Adm. Code, Part 215, Subparts PP, QQ and RR, including the applicable definitions in 35 Ill. Adm. Code, Part 211. Such persons shall instead be subject to a separate regulation which the Board is hereby authorized to adopt pursuant to the adjusted RACT emissions limitation procedure in 35 Ill. Adm. Code, Part 215, Subpart I. In its final action on the petition, the Board shall create a separate rule which establishes Reasonably Available Control Technology (RACT) for such person. The purpose of this procedure is to create separate and independent regulations for purposes of SIP submittal, review, and approval by USEPA.

(G) Subpart FF of Subtitle B, Title 35 Ill. Adm. Code, Sections 218.720 through 218.730 and Sections 219.720 through 219.730, are hereby repealed by operation of law and are rendered null and void and of no force and effect.

(H) In accordance with subsection (b) of Section 7.2, the Board shall adopt ambient air quality standards specifying the maximum permissible short-term and long-term concentrations of various contaminants in the atmosphere; those standards shall be identical in substance to the national ambient air quality standards promulgated by the Administrator of the United States Environmental Protection Agency in accordance with Section 109 of the Clean Air Act. The Board may consolidate into a single rulemaking under this subsection all such federal regulations adopted within a period of time not to exceed 6 months. The provisions and requirements of Title VII of this Act and Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35], relating to procedures for rulemaking, shall not apply to identical in substance regulations adopted pursuant to this subsection. However, the Board shall provide for notice and public comment before adopted rules are filed with the Secretary of State. Nothing in this subsection shall be construed to limit the right of any person to submit a proposal to the Board, or the authority of the Board to adopt, air quality standards more stringent than the standards promulgated by the Administrator, pursuant to the rulemaking requirements of Title VII of this Act and Section 5-35 of the Illinois Administrative Procedure Act.

HISTORY:

P.A. 87-133; 88-381, § 5; 89-79, § 5; 95-460, § 5; 97-945, § 10.

TITLE III.

WATER POLLUTION

415 ILCS 5/11 [Legislative findings]

(a) The General Assembly finds:

(1) that pollution of the waters of this State constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish, and aquatic life, impairs domestic, agricultural, industrial, recreational, and other legitimate beneficial uses of water, depresses property values, and offends the senses;

(2) that the Federal Water Pollution Control Act, as now or hereafter amended [33 U.S.C. § 1251 et seq.], provides for a National Pollutant Discharge Elimination System (NPDES) to regulate the discharge of contaminants to the waters of the United States;

(3) that the Safe Drinking Water Act (P.L. 93-523), as amended [42 U.S.C. § 300f et seq.], provides for an Underground Injection Control (UIC) program to regulate the underground injection of contaminants;

(4) that it would be inappropriate and misleading for the State of Illinois to issue permits to contaminant sources subject to such federal law, as well as State law, which do not contain such terms and conditions as are required by federal law, or the issuance of which is contrary to federal law;

(5) that the Federal Water Pollution Control Act, as now or hereafter amended [33 U.S.C. § 1251 et seq.], provides that NPDES permits shall be issued by the United States Environmental Protection Agency unless (a) the State is authorized by and under its law to establish and administer its own permit program for discharges into waters within its jurisdiction, and (b) pursuant to such federal Act, the Administrator of the United States Environmental Protection Agency approves such State program to issue permits which will implement the provisions of such federal Act;

(6) that Part C of the Safe Drinking Water Act (P.L. 93-523), as amended [42 U.S.C. § 300h et seq.], provides that the United States Environmen-

tal Protection Agency shall implement the UIC program authorized therein unless (a) the State is authorized by and under its law to establish and administer its own UIC program, and (b) pursuant to such federal Act, the Administrator of the United States Environmental Protection Agency approves such State program which will implement the provisions of such federal Act;

(7) that it is in the interest of the People of the State of Illinois for the State to authorize such NPDES and UIC programs and secure federal approval thereof, and thereby to avoid the existence of duplicative, overlapping or conflicting state and federal statutory permit systems;

(8) that the federal requirements for the securing of such NPDES and UIC permit program approval, as set forth in the Federal Water Pollution Control Act, as now or hereafter amended [33 U.S.C. § 1251 et seq.], and in the Safe Drinking Water Act (P.L. 93-523), as amended [42 U.S.C. § 300f et seq.], respectively, and in regulations promulgated by the Administrator of the United States Environmental Protection Agency pursuant thereto are complex and detailed, and the General Assembly cannot conveniently or advantageously set forth in this Act all the requirements of such federal Act or all regulations which may be established thereunder.

(b) It is the purpose of this Title to restore, maintain and enhance the purity of the waters of this State in order to protect health, welfare, property, and the quality of life, and to assure that no contaminants are discharged into the waters of the State, as defined herein, including, but not limited to, waters to any sewage works, or into any well, or from any source within the State of Illinois, without being given the degree of treatment or control necessary to prevent pollution, or without being made subject to such conditions as are required to achieve and maintain compliance with State and federal law; and to authorize, empower, and direct the Board to adopt such regulations and the Agency to adopt such procedures as will enable the State to secure federal approval to issue NPDES permits pursuant to the provisions of the Federal Water Pollution Control Act, as now or hereafter amended [33 U.S.C. § 1251 et seq.], and federal regulations pursuant thereto and to authorize, empower, and direct the Board to adopt such regulations and the Agency to adopt such procedures as will enable the State to secure federal approval of the State UIC program pursuant to the provisions of Part C of the Safe Drinking Water Act (P.L. 93-523), as amended [42 U.S.C. § 300h et seq.], and federal regulations pursuant thereto.

(c) The provisions of this Act authorizing implementation of the regulations pursuant to an NPDES program shall not be construed to limit, affect, impair, or diminish the authority, duties and responsibilities of the Board, Agency, Department or any other governmental agency or officer, or of any unit of local government, to regulate and control pollution of any kind, to restore, to protect or to enhance the quality of the environment, or to achieve all other purposes, or to enforce provisions, set forth in this Act or other State law or regulation.

HISTORY:
P.A. 86-671.

415 ILCS 5/12 Actions prohibited

No person shall:

(a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act.

(b) Construct, install, or operate any equipment, facility, vessel, or aircraft capable of causing or contributing to water pollution, or designed to prevent water pollution, of any type designated by Board regulations, without a permit granted by the Agency, or in violation of any conditions imposed by such permit.

(c) Increase the quantity or strength of any discharge of contaminants into the waters, or construct or install any sewer or sewage treatment facility or any new outlet for contaminants into the waters of this State, without a permit granted by the Agency.

(d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

(e) Sell, offer, or use any article in any area in which the Board has by regulation forbidden its sale, offer, or use for reasons of water pollution control.

(f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act [415 ILCS 5/39], or in violation of any term or condition imposed by such permit, or in violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

No permit shall be required under this subsection and under Section 39(b) of this Act for any discharge for which a permit is not required under the Federal Water Pollution Control Act, as now or hereafter amended [33 U.S.C. § 1251 et seq.], and regulations pursuant thereto.

For all purposes of this Act, a permit issued by the Administrator of the United States Environmental Protection Agency under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended [33 U.S.C. § 1342], shall be deemed to be a

permit issued by the Agency pursuant to Section 39(b) of this Act. However, this shall not apply to the exclusion from the requirement of an operating permit provided under Section 13(b)(i) [415 ILCS 5/13].

Compliance with the terms and conditions of any permit issued under Section 39(b) of this Act shall be deemed compliance with this subsection except that it shall not be deemed compliance with any standard or effluent limitation imposed for a toxic pollutant injurious to human health.

In any case where a permit has been timely applied for pursuant to Section 39(b) of this Act but final administrative disposition of such application has not been made, it shall not be a violation of this subsection to discharge without such permit unless the complainant proves that final administrative disposition has not been made because of the failure of the applicant to furnish information reasonably required or requested in order to process the application.

(g) Cause, threaten or allow the underground injection of contaminants without a UIC permit issued by the Agency under Section 39(d) of this Act or in violation of any term or condition imposed by such permit, or in violation of any regulations or standards adopted by the Board or of any order adopted by the Board with respect to the UIC program.

No permit shall be required under this subsection and under Section 39(d) of this Act for any underground injection of contaminants for which a permit is not required under Part C of the Safe Drinking Water Act (P.L. 93-523), as amended [42 U.S.C. § 300h et seq.], unless a permit is authorized or required under regulations adopted by the Board pursuant to Section 13 of this Act.

(h) Introduce contaminants into a sewage works from any nondomestic source except in compliance with the regulations and standards adopted by the Board under this Act.

(i) Beginning January 1, 2013, or 6 months after the date of issuance of a general NPDES permit for surface discharging private sewage disposal systems by the Illinois Environmental Protection Agency or by the United States Environmental Protection Agency, whichever is later, construct or install a surface discharging private sewage disposal system that discharges into the waters of the United States, as that term is used in the Federal Water Pollution Control Act, unless he or she has a coverage letter under a NPDES permit issued by the Illinois Environmental Protection Agency or by the United States Environmental Protection Agency or he or she is constructing or installing the surface discharging private sewage disposal system in a jurisdiction in which the local public health department has a general NPDES permit issued by the Illinois Environmental Protection Agency or by the United States Environmental Protection Agency and the surface discharging private sewage disposal system is covered under the general NPDES permit.

HISTORY:

P.A. 86-671; 92-574, § 5; 96-801, § 10; 97-1081, § 20.

415 ILCS 5/12.1 Underground injection of hazardous waste [Repealed.]

HISTORY:

P.A. 83-1358; Repealed by P.A. 92-574, § 10, effective June 26, 2002.

415 ILCS 5/12.2 Water pollution construction permit fees

(a) Beginning July 1, 2003, the Agency shall collect a fee in the amount set forth in this Section:

(1) for any sewer which requires a construction permit under paragraph (b) of Section 12 [415 ILCS 5/12], from each applicant for a sewer construction permit under paragraph (b) of Section 12 [415 ILCS 5/12] or regulations adopted hereunder; and

(2) for any treatment works, industrial pretreatment works, or industrial wastewater source that requires a construction permit under paragraph (b) of Section 12 [415 ILCS 5/12], from the applicant for the construction permit. However, no fee shall be required for a treatment works or wastewater source directly covered and authorized under an NPDES permit issued by the Agency, nor for any treatment works, industrial pretreatment works, or industrial wastewater source (i) that is under or pending construction authorized by a valid construction permit issued by the Agency prior to July 1, 2003, during the term of that construction permit, or (ii) for which a completed construction permit application has been received by the Agency prior to July 1, 2003, with respect to the permit issued under that application.

(b) Each applicant or person required to pay a fee under this Section shall submit the fee to the Agency along with the permit application. The Agency shall deny any construction permit application for which a fee is required under this Section that does not contain the appropriate fee.

(c) The amount of the fee is as follows:

(1) A $100 fee shall be required for any sewer constructed with a design population of 1.

(2) A $400 fee shall be required for any sewer constructed with a design population of 2 to 20.

(3) A $800 fee shall be required for any sewer constructed with a design population greater than 20 but less than 101.

(4) A $1200 fee shall be required for any sewer constructed with a design population greater than 100 but less than 500.

(5) A $2400 fee shall be required for any sewer constructed with a design population of 500 or more.

(6) A $1,000 fee shall be required for any industrial wastewater source that does not require pretreatment of the wastewater prior to discharge to the publicly owned treatment works or publicly regulated treatment works.

(7) A $3,000 fee shall be required for any industrial wastewater source that requires pretreat-

ment of the wastewater for non-toxic pollutants prior to discharge to the publicly owned treatment works or publicly regulated treatment works.

(8) A $6,000 fee shall be required for any industrial wastewater source that requires pretreatment of the wastewater for toxic pollutants prior to discharge to the publicly owned treatment works or publicly regulated treatment works.

(9) A $2,500 fee shall be required for construction relating to land application of industrial sludge or spray irrigation of industrial wastewater.

All fees collected by the Agency under this Section shall be deposited into the Environmental Protection Permit and Inspection Fund in accordance with Section 22.8 [415 ILCS 5/22.8].

(d) Prior to a final Agency decision on a permit application for which a fee has been paid under this Section, the applicant may propose modification to the application in accordance with this Act and regulations adopted hereunder without any additional fee becoming due, unless the proposed modifications cause an increase in the design population served by the sewer specified in the permit application before the modifications or the modifications cause a change in the applicable fee category stated in subsection (c). If the modifications cause such an increase or change the fee category and the increase results in additional fees being due under subsection (c), the applicant shall submit the additional fee to the Agency with the proposed modifications.

(e) No fee shall be due under this Section from:

(1) any department, agency or unit of State government for installing or extending a sewer;

(2) any unit of local government with which the Agency has entered into a written delegation agreement under Section 4 [415 ILCS 5/4] which allows such unit to issue construction permits under this Title, or regulations adopted hereunder, for installing or extending a sewer; or

(3) any unit of local government or school district for installing or extending a sewer where both of the following conditions are met:

(i) the cost of the installation or extension is paid wholly from monies of the unit of local government or school district, State grants or loans, federal grants or loans, or any combination thereof; and

(ii) the unit of local government or school district is not given monies, reimbursed or paid, either in whole or in part, by another person (except for State grants or loans or federal grants or loans) for the installation or extension.

(f) The Agency may establish procedures relating to the collection of fees under this Section. The Agency shall not refund any fee paid to it under this Section. Notwithstanding the provisions of any rule adopted before July 1, 2003 concerning fees under this Section, the Agency shall assess and collect the fees imposed under subdivision (a)(2) of this Section and the increases in the fees imposed under subdivision (a)(1) of this Section beginning on July 1, 2003, for all completed applications received on or after that date.

(g) Notwithstanding any other provision of this Act, the Agency shall, not later than 45 days following the receipt of both an application for a construction permit and the fee required by this Section, either approve that application and issue a permit or tender to the applicant a written statement setting forth with specificity the reasons for the disapproval of the application and denial of a permit. If the Agency takes no final action within 45 days after the filing of the application for a permit, the applicant may deem the permit issued.

(h) For purposes of this Section:

"Toxic pollutants" means those pollutants defined in Section 502(13) of the federal Clean Water Act [42 U.S.C. § 7401 et seq.] and regulations adopted pursuant to that Act.

"Industrial" refers to those industrial users referenced in Section 502(13) of the federal Clean Water Act [42 U.S.C. § 7401 et seq.] and regulations adopted pursuant to that Act.

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing those pollutants into a publicly owned treatment works or publicly regulated treatment works.

HISTORY:

P.A. 86-1362; 87-843; 88-488, § 10; 93-32, § 75-52.

415 ILCS 5/12.3 Septic system sludge

Beginning January 1, 1993, any wastewater treatment facility or other appropriate waste disposal facility owned or operated by a unit of local government located in a county with a population of less than 3,000,000 may accept, for appropriate treatment or disposal, any septic system sludge generated by any private residence within that unit of local government or within any other unit of local government that is located within the same county and not served by its own wastewater treatment facility. The unit of local government may establish and charge reasonable fees for the acceptance, handling, treatment, and disposal of the sludge to defray any additional capital costs incurred specifically to comply with this Section.

This Section does not limit any power exercised by a unit of local government under any other law.

HISTORY:

P.A. 87-1138, § 1.

415 ILCS 5/12.4 Vegetable by-product; land application; report.

In addition to any other requirements of this Act, a generator of vegetable by-products utilizing land application shall prepare an annual report identifying the quantity of vegetable by-products transported

for land application during the reporting period, the hauler or haulers utilized for the transportation, and the sites to which the vegetable by-products were transported. The report must be retained on the premises of the generator for a minimum of 5 calendar years after the end of the applicable reporting period and must, during that time, be made available to the Agency for inspection and copying during normal business hours.

HISTORY:
P.A. 88-454, § 5; 2017 P.A. 100-103, § 10, effective August 11, 2017.

415 ILCS 5/12.5 NPDES discharge fees; sludge permit fees

(a) Beginning July 1, 2003, the Agency shall assess and collect annual fees (i) in the amounts set forth in subsection (e) for all discharges that require an NPDES permit under subsection (f) of Section 12 [415 ILCS 5/12], from each person holding an NPDES permit authorizing those discharges (including a person who continues to discharge under an expired permit pending renewal), and (ii) in the amounts set forth in subsection (f) of this Section for all activities that require a permit under subsection (b) of Section 12, from each person holding a domestic sewage sludge generator or user permit.

Each person subject to this Section must remit the applicable annual fee to the Agency in accordance with the requirements set forth in this Section and any rules adopted pursuant to this Section.

(b) Within 30 days after the effective date of this Section, and each year thereafter, except when a fee is not due because of the operation of subsection (c), the Agency shall send a fee notice by mail to each existing permittee subject to a fee under this Section at his or her address of record. The notice shall state the amount of the applicable annual fee and the date by which payment is required.

Except as provided in subsection (c) with respect to initial fees under new permits and certain modifications of existing permits, fees payable under this Section are due by the date specified in the fee notice, which shall be no less than 30 days after the date the fee notice is mailed by the Agency.

(c) The initial annual fee for discharges under a new NPDES permit or for activity under a new sludge generator or sludge user permit must be remitted to the Agency prior to the issuance of the permit. The Agency shall provide notice of the amount of the fee to the applicant during its review of the application. In the case of a new NPDES or sludge permit issued during the months of January through June, the Agency may prorate the initial annual fee payable under this Section.

The initial annual fee for discharges or other activity under a general NPDES permit must be remitted to the Agency as part of the application for coverage under that general permit.

Beginning January 1, 2010, in the case of construction site storm water discharges for which a coverage letter under a general NPDES permit or individual NPDES permit has been issued or for which the application for coverage under an NPDES permit has been filed with the Agency, no annual fee shall be due after payment of an initial annual fee in the amount provided in subsection (e)(10) of this Section.

If a requested modification to an existing NPDES permit causes a change in the applicable fee categories under subsection (e) that results in an increase in the required fee, the permittee must pay to the Agency the amount of the increase, prorated for the number of months remaining before the next July 1, before the modification is granted.

(d) Failure to submit the fee required under this Section by the due date constitutes a violation of this Section. Late payments shall incur an interest penalty, calculated at the rate in effect from time to time for tax delinquencies under subsection (a) of Section 1003 of the Illinois Income Tax Act [35 ILCS 5/1003], from the date the fee is due until the date the fee payment is received by the Agency.

(e) The annual fees applicable to discharges under NPDES permits are as follows:

(1) For NPDES permits for publicly owned treatment works, other facilities for which the wastewater being treated and discharged is primarily domestic sewage, and wastewater discharges from the operation of public water supply treatment facilities, the fee is:

(i) $1,500 for the 12 months beginning July 1, 2003 and $500 for each subsequent year, for facilities with a Design Average Flow rate of less than 100,000 gallons per day;

(ii) $5,000 for the 12 months beginning July 1, 2003 and $2,500 for each subsequent year, for facilities with a Design Average Flow rate of at least 100,000 gallons per day but less than 500,000 gallons per day;

(iii) $7,500 for facilities with a Design Average Flow rate of at least 500,000 gallons per day but less than 1,000,000 gallons per day;

(iv) $15,000 for facilities with a Design Average Flow rate of at least 1,000,000 gallons per day but less than 5,000,000 gallons per day;

(v) $30,000 for facilities with a Design Average Flow rate of at least 5,000,000 gallons per day but less than 10,000,000 gallons per day; and

(vi) $50,000 for facilities with a Design Average Flow rate of 10,000,000 gallons per day or more.

(2) For NPDES permits for treatment works or sewer collection systems that include combined sewer overflow outfalls, the fee is:

(i) $1,000 for systems serving a tributary population of 10,000 or less;

(ii) $5,000 for systems serving a tributary population that is greater than 10,000 but not more than 25,000; and

(iii) $20,000 for systems serving a tributary population that is greater than 25,000.

The fee amounts in this subdivision (e)(2) are in addition to the fees stated in subdivision (e)(1) when the combined sewer overflow outfall is contained within a permit subject to subsection (e)(1) fees.

(3) For NPDES permits for mines producing coal, the fee is $5,000.

(4) For NPDES permits for mines other than mines producing coal, the fee is $5,000.

(5) For NPDES permits for industrial activity where toxic substances are not regulated, other than permits covered under subdivision (e)(3) or (e)(4), the fee is:

(i) $1,000 for a facility with a Design Average Flow rate that is not more than 10,000 gallons per day;

(ii) $2,500 for a facility with a Design Average Flow rate that is more than 10,000 gallons per day but not more than 100,000 gallons per day; and

(iii) $10,000 for a facility with a Design Average Flow rate that is more than 100,000 gallons per day.

(6) For NPDES permits for industrial activity where toxic substances are regulated, other than permits covered under subdivision (e)(3) or (e)(4), the fee is:

(i) $15,000 for a facility with a Design Average Flow rate that is not more than 250,000 gallons per day; and

(ii) $20,000 for a facility with a Design Average Flow rate that is more than 250,000 gallons per day.

(7) For NPDES permits for industrial activity classified by USEPA as a major discharge, other than permits covered under subdivision (e)(3) or (e)(4), the fee is:

(i) $30,000 for a facility where toxic substances are not regulated; and

(ii) $50,000 for a facility where toxic substances are regulated.

(8) For NPDES permits for municipal separate storm sewer systems, the fee is $1,000.

(9) For NPDES permits for industrial storm water, the fee is $500.

(10) For NPDES permits for construction site storm water, the fee

(A) for applications received before January 1, 2010 is $500;

(B) for applications received on or after January 1, 2010 is:

(i) $250 if less than 5 acres are disturbed; and

(ii) $750 if 5 or more acres are disturbed.

(11) For an NPDES permit for a Concentrated Animal Feeding Operation (CAFO), the fee is:

(A) $750 for a Large CAFO, as defined in 40 C.F.R. 122.23(b)(4);

(B) $350 for a Medium CAFO, as defined in 40 C.F.R. 122.23(b)(6); and

(C) $150 for a Small CAFO, as defined in 40 C.F.R. 122.23(b)(9).

(f) The annual fee for activities under a permit that authorizes applying sludge on land is $2,500 for a sludge generator permit and $5,000 for a sludge user permit.

(g) More than one of the annual fees specified in subsections (e) and (f) may be applicable to a permit holder. These fees are in addition to any other fees required under this Act.

(h) The fees imposed under this Section do not apply to the State or any department or agency of the State, nor to any school district, or to any private sewage disposal system as defined in the Private Sewage Disposal Licensing Act [225 ILCS 225/1 et seq.].

(i) The Agency may adopt rules to administer the fee program established in this Section. The Agency may include provisions pertaining to invoices, notice of late payment, refunds, and disputes concerning the amount or timeliness of payment. The Agency may set forth procedures and criteria for the acceptance of payments. The absence of such rules does not affect the duty of the Agency to immediately begin the assessment and collection of fees under this Section.

(j) All fees and interest penalties collected by the Agency under this Section shall be deposited into the Illinois Clean Water Fund, which is hereby created as a special fund in the State treasury. Gifts, supplemental environmental project funds, and grants may be deposited into the Fund. Investment earnings on moneys held in the Fund shall be credited to the Fund.

Subject to appropriation, the moneys in the Fund shall be used by the Agency to carry out the Agency's clean water activities.

(k) Except as provided in subsection (l) or Agency rules, fees paid to the Agency under this Section are not refundable.

(*l*) The Agency may refund the difference between (a) the amount paid by any person under subsection (e)(1)(i) or (e)(1)(ii) of this Section for the 12 months beginning July 1, 2004 and (b) the amount due under subsection (e)(1)(i) or (e)(1)(ii) as established by this amendatory Act of the 93rd General Assembly [P.A. 93-840].

HISTORY:

P.A. 93-32, § 75-52; 93-840, § 45-5; 95-516, § 5; 96-245, § 5; 97-962, § 5.

415 ILCS 5/12.6 Certification fees

(a) Beginning July 1, 2003, the Agency shall collect a fee in the amount set forth in subsection (b) from each applicant for a state water quality certification required by Section 401 of the federal Clean Water Act [33 U.S.C. § 401] prior to a federal authorization pursuant to Section 404 [33 U.S.C. § 404] of that Act; except that the fee does not apply to the State or any

department or agency of the State, nor to any school district.

(b) The amount of the fee for a State water quality certification is $350 or 1% of the gross value of the proposed project, whichever is greater, but not to exceed $10,000.

(c) Each applicant seeking a federal authorization of an action requiring a Section 401 state water quality certification by the Agency shall submit the required fee to the Agency prior to the issuance of the certification. The Agency shall provide notice of the amount of the fee to the applicant during its review of the application. The Agency shall not issue a Section 401 state water quality certification until the appropriate fee has been received from the applicant.

(d) The Agency may establish procedures relating to the collection of fees under this Section. Notwithstanding the adoption of any rules establishing such procedures, the Agency may begin collecting fees under this Section on July 1, 2003 for all complete applications received on or after that date.

All fees collected by the Agency under this Section shall be deposited into the Illinois Clean Water Fund. Fees paid under this Section are not refundable.

HISTORY:
P.A. 93-32, § 75-52; 95-516, § 5.

415 ILCS 5/13 Regulations

(a) The Board, pursuant to procedures prescribed in Title VII of this Act, may adopt regulations to promote the purposes and provisions of this Title. Without limiting the generality of this authority, such regulations may among other things prescribe:

(1) Water quality standards specifying among other things, the maximum short-term and long-term concentrations of various contaminants in the waters, the minimum permissible concentrations of dissolved oxygen and other desirable matter in the waters, and the temperature of such waters;

(2) Effluent standards specifying the maximum amounts or concentrations, and the physical, chemical, thermal, biological and radioactive nature of contaminants that may be discharged into the waters of the State, as defined herein, including, but not limited to, waters to any sewage works, or into any well, or from any source within the State;

(3) Standards for the issuance of permits for construction, installation, or operation of any equipment, facility, vessel, or aircraft capable of causing or contributing to water pollution or designed to prevent water pollution or for the construction or installation of any sewer or sewage treatment facility or any new outlet for contaminants into the waters of this State;

(4) The circumstances under which the operators of sewage works are required to obtain and maintain certification by the Agency under Section 13.5 [415 ILCS 5/13.5] and the types of sewage works to which those requirements apply, which may, without limitation, include wastewater treatment works, pretreatment works, and sewers and collection systems;

(5) Standards for the filling or sealing of abandoned water wells and holes, and holes for disposal of drainage in order to protect ground water against contamination;

(6) Standards and conditions regarding the sale, offer, or use of any pesticide, detergent, or any other article determined by the Board to constitute a water pollution hazard, provided that any such regulations relating to pesticides shall be adopted only in accordance with the "Illinois Pesticide Act", approved August 14, 1979 as amended [415 ILCS 60/1 et seq.];

(7) Alert and abatement standards relative to water-pollution episodes or emergencies which constitute an acute danger to health or to the environment;

(8) Requirements and procedures for the inspection of any equipment, facility, or vessel that may cause or contribute to water pollution;

(9) Requirements and standards for equipment and procedures for monitoring contaminant discharges at their sources, the collection of samples and the collection, reporting and retention of data resulting from such monitoring.

(b) Notwithstanding other provisions of this Act and for purposes of implementing an NPDES program, the Board shall adopt:

(1) Requirements, standards, and procedures which, together with other regulations adopted pursuant to this Section 13, are necessary or appropriate to enable the State of Illinois to implement and participate in the National Pollutant Discharge Elimination System (NPDES) pursuant to and under the Federal Water Pollution Control Act, as now or hereafter amended [33 U.S.C. § 1251 et seq.]. All regulations adopted by the Board governing the NPDES program shall be consistent with the applicable provisions of such federal Act and regulations pursuant thereto, and otherwise shall be consistent with all other provisions of this Act, and shall exclude from the requirement to obtain any operating permit otherwise required under this Title a facility for which an NPDES permit has been issued under Section 39(b) [415 ILCS 5/39]; provided, however, that for purposes of this paragraph, a UIC permit, as required under Section 12(g) and 39(d) of this Act [415 ILCS 5/12 and 415 ILCS 5/39], is not an operating permit.

(2) Regulations for the exemption of any category or categories of persons or contaminant sources from the requirement to obtain any NPDES permit prescribed or from any standards or conditions governing such permit when the environment will be adequately protected without the requirement of such permit, and such exemption is either consistent with the Federal Water Pollution Control Act, as now or hereafter

amended [33 U.S.C. § 1251 et seq.], or regulations pursuant thereto, or is necessary to avoid an arbitrary or unreasonable hardship to such category or categories of persons or sources.

(c) In accordance with Section 7.2 [415 ILCS 5/7.2], and notwithstanding any other provisions of this Act, for purposes of implementing a State UIC program, the Board shall adopt regulations which are identical in substance to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency in accordance with Section 1421 of the Safe Drinking Water Act (P.L. 93-523), as amended [42 U.S.C. § 300h]. The Board may consolidate into a single rulemaking under this Section all such federal regulations adopted within a period of time not to exceed 6 months. The provisions and requirements of Title VII of this Act shall not apply to regulations adopted under this subsection. Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35] relating to procedures for rulemaking shall not apply to regulations adopted under this subsection.

(d) The Board may adopt regulations relating to a State UIC program that are not inconsistent with and are at least as stringent as the Safe Drinking Water Act (P.L. 93-523), as amended [42 U.S.C. § 300f et seq.], or regulations adopted thereunder. Regulations adopted pursuant to this subsection shall be adopted in accordance with the provisions and requirements of Title VII of this Act and the procedures for rulemaking in Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35].

HISTORY:
P.A. 86-671; 88-45, § 3-108; 93-170, § 5.

415 ILCS 5/13.1 Groundwater monitoring network

(a) (Blank.)

(b) The Agency shall establish a Statewide groundwater monitoring network. Such network shall include a sufficient number of testing wells to assess the current levels of contamination in the groundwaters of the State and to detect any future degradation of groundwater resources. The monitoring network shall give special emphasis to critical groundwater areas and to locations near hazardous waste disposal facilities. To the extent possible, the network shall utilize existing publicly or privately operated drinking water or monitoring wells.

(c) (Blank.)

(d) (Blank.)

HISTORY:
P.A. 83-1268; 89-445, § 9B-50; 92-574, § 5.

415 ILCS 5/13.2 [Annual testing of private wells]

At the request of the owner or user of a private well, the Agency shall provide for annual testing of water from private wells located within 1/2 mile of any active or inactive sanitary landfill or hazardous waste disposal facility at no charge to the owner of the well.

Before obtaining a sample for testing, the Agency shall, not less than 5 business days prior to obtaining the sample, notify the owner or operator of the sanitary landfill or hazardous waste disposal facility of the opportunity to obtain a split sample and specify the sampling procedure, testing procedure and analytical parameters to be evaluated.

Sample collection shall be conducted in cooperation with the Illinois Department of Public Health and the recognized local health department, where one exists, in whose jurisdiction the well is located. The Illinois Department of Public Health and the local health department shall be provided with a written report of results upon completion of sample testing.

HISTORY:
P.A. 83-1528.

415 ILCS 5/13.3 [Adoption of federal regulations]

In accordance with Section 7.2 [415 ILCS 5/7.2], the Board shall adopt regulations which are identical in substance to federal regulations or amendments thereto promulgated by the Administrator of the United States Environmental Protection Agency to implement Sections 307(b), (c), (d), 402(b)(8) and 402(b)(9) of the Federal Water Pollution Control Act, as amended [33 U.S.C. § 1317 and 33 U.S.C. § 1342]. The Board may consolidate into a single rulemaking under this Section all such federal regulations adopted within a period of time not to exceed 6 months. The provisions and requirements of Title VII of this Act shall not apply to regulations adopted under this Section. Sections 5-35 and 5-75 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5 ILCS 100/5-75] relating to procedures for rulemaking shall not apply to regulations adopted under this Section. However, the Board shall provide for notice and public comment before adopted rules are filed with the Secretary of State.

HISTORY:
P.A. 85-1048; 88-45, § 3-108; 89-445, § 9G-23.

415 ILCS 5/13.4 Pretreatment market system

(a) The General Assembly finds:

(1) That achieving compliance with federal, State, and local pretreatment regulatory requirements calls for innovative and cost-effective implementation strategies.

(2) That economic incentives and market-based approaches can be used to achieve pretreatment compliance in an innovative and cost-effective manner.

(3) That development and operation of a pretreatment market system should significantly lessen the economic impacts associated with imple-

mentation of the pretreatment requirements and still achieve the desired water quality, sludge quality, and protection of the sewers and treatment system.

(b) The Agency shall design a pretreatment market system that will provide more flexibility for municipalities and their tributary dischargers to develop cost-effective solutions and will result in at least the total pollutant reduction as achieved by the current application of federal categorical standards, State pretreatment limits, and locally derived limits, as applicable. Such a system should also assist publicly-owned treatment works in meeting applicable NPDES permit limits and in preventing the discharge of pollutants in quantities that would interfere with the operation of the municipal sewer system. In developing this system, the Agency shall consult with interested publicly-owned treatment works and tributary dischargers to ensure that relevant economic, environmental, and administrative factors are taken into account. As necessary, the Agency shall also consult with the United States Environmental Protection Agency regarding the suitability of such a system.

(c) The Agency may adopt proposed rules for a market-based pretreatment pollutant reduction, banking, and trading system that will enable publicly-owned treatment works and their tributary dischargers to implement cost-effective compliance options. Any proposal shall be adopted in accordance with the provisions of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

(d) Notwithstanding the other provisions of this Act, a publicly-owned treatment works may implement a pretreatment market system that is consistent with subsection (b) of this Section, provided that the publicly-owned treatment works:

(1) operates an approved local pretreatment program pursuant to State and federal NPDES regulations;

(2) is not currently subject to enforcement action for violation of NPDES requirements;

(3) receives wastewater from tributary dischargers that are subject to federal categorical pretreatment standards or approved local pretreatment limits; and

(4) has modified, as appropriate, the local pretreatment program to incorporate such market system.

(e) Prior to implementation of any pretreatment market system, a publicly-owned treatment works shall notify the Agency in writing of its intention and request the Agency to make a consistency determination regarding the local system's conformance with the rules promulgated pursuant to subsection (c) of this Section. Within 120 days, the Agency shall provide the determination in writing to the publicly-owned treatment works.

(f) Notwithstanding the other provisions of this Act, any discharger that is tributary to a publicly-owned treatment works with a pretreatment market system shall be eligible to exchange trading units with dischargers tributary to the same publicly-owned treatment works or with the publicly-owned treatment works to which it is tributary.

(g) Nothing in this Section shall be deemed to authorize a publicly-owned treatment works:

(1) to mandate the exchange of trading units by a tributary discharger in a pretreatment market system implemented pursuant to this Section; or

(2) to mandate reductions in pollutants from any tributary discharger beyond that otherwise required by federal categorical and State pretreatment standards or approved local pretreatment limits.

HISTORY:
P.A. 90-773, § 5.

415 ILCS 5/13.5 Sewage works; operator certification

(a) For the purposes of this Section, the term "sewage works" includes, without limitation, wastewater treatment works, pretreatment works, and sewers and collection systems.

(b) The Agency may establish and enforce standards for the definition and certification of the technical competency of personnel who operate sewage works, and for ascertaining that sewage works are under the supervision of trained individuals whose qualifications have been approved by the Agency.

(c) The Agency may issue certificates of competency to persons meeting the standards of technical competency established by the Agency under this Section, and may promulgate and enforce regulations pertaining to the issuance and use of those certificates.

(d) The Agency shall administer the certification program established under this Section. The Agency may enter into formal working agreements with other departments or agencies of State or local government under which all or portions of its authority under this Section may be delegated to the cooperating department or agency.

(e) This Section and the changes made to subdivision (a)(4) of Section 13 [415 ILCS 5/13] by this amendatory Act of the 93rd General Assembly [P.A. 93-170] do not invalidate the operator certification rules previously adopted by the Agency and codified as Part 380 of Title 35, Subtitle C, Chapter II of the Illinois Administrative Code. Those rules, as amended from time to time, shall continue in effect until they are superseded or repealed.

HISTORY:
P.A. 93-170, § 5.

415 ILCS 5/13.6 Release of radionuclides at nuclear power plants

(a) The purpose of this Section is to require the detection and reporting of unpermitted releases of any radionuclides into groundwater, surface water,

or soil at nuclear power plants, to the extent that federal law or regulation does not preempt such requirements.

(b) No owner or operator of a nuclear power plant shall violate any rule adopted under this Section.

(c) Within 24 hours after an unpermitted release of a radionuclide from a nuclear power plant, the owner or operator of the nuclear power plant where the release occurred shall report the release to the Agency and the Illinois Emergency Management Agency. For purposes of this Section, "unpermitted release of a radionuclide" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of a radionuclide into groundwater, surface water, or soil that is not permitted under State or federal law or regulation.

(d) The Agency and the Illinois Emergency Management Agency shall inspect each nuclear power plant for compliance with the requirements of this Section and rules adopted pursuant to this Section no less than once each calendar quarter. Nothing in this Section shall limit the Agency's authority to make inspections under Section 4 or any other provision of this Act.

(e) No later than one year after the effective date of this amendatory Act of the 94th General Assembly [P.A. 94-849], the Agency, in consultation with the Illinois Emergency Management Agency, shall propose rules to the Board prescribing standards for detecting and reporting unpermitted releases of radionuclides. No later than one year after receipt of the Agency's proposal, the Board shall adopt rules prescribing standards for detecting and reporting unpermitted releases of radionuclides.

HISTORY:
P.A. 94-849, § 5; 95-66, § 5.

415 ILCS 5/13.7 Carbon dioxide sequestration sites

(a) For purposes of this Section, the term "carbon dioxide sequestration site" means a site or facility for which the Agency has issued a permit for the underground injection of carbon dioxide.

(b) The Agency shall inspect carbon dioxide sequestration sites for compliance with this Act, rules adopted under this Act, and permits issued by the Agency.

(c) If the Agency issues a seal order under Section 34 of this Act [415 ILCS 5/34] in relation to a carbon dioxide sequestration site, or if a civil action for an injunction to halt activity at a carbon dioxide sequestration site is initiated under Section 43 of this Act [415 ILCS 5/43] at the request of the Agency, then the Agency shall post notice of such action on its website.

(d) Persons seeking a permit or permit modification for the underground injection of carbon dioxide shall be liable to the Agency for all reasonable and documented costs incurred by the Agency that are associated with review and issuance of the permit, including, but not limited to, costs associated with public hearings and the review of permit applications. Once a permit is issued, the permittee shall be liable to the Agency for all reasonable and documented costs incurred by the Agency that are associated with inspections and other oversight of the carbon dioxide sequestration site. Persons liable for costs under this subsection (d) must pay the costs upon invoicing, or other request or demand for payment, by the Agency. Costs for which a person is liable under this subsection (d) are in addition to any other fees, penalties, or other relief provided under this Act or any other law.

Moneys collected under this subsection (d) shall be deposited into the Environmental Protection Permit and Inspection Fund established under Section 22.8 of this Act [415 ILCS 5/22.8]. The Agency may adopt rules relating to the collection of costs due under this subsection (d).

(e) The Agency shall not issue a permit or permit modification for the underground injection of carbon dioxide unless all costs for which the permittee is liable under subsection (d) of this Section have been paid.

(f) No person shall fail or refuse to pay costs for which the person is liable under subsection (d) of this Section.

HISTORY:
P.A. 97-96, § 20; 97-239, § 25.

415 ILCS 5/13.8 Algicide permits.

No person shall be required to obtain a permit from the Agency to apply a commercially available algicide, such as copper sulfate or a copper sulfate solution, in accordance with the instructions of its manufacturer, to a body of water that: (i) is located wholly on private property, (ii) is not a water of the United States for purposes of the Federal Water Pollution Control Act, and (iii) is not used as a community water supply source.

HISTORY:
2018 P.A. 100-802, § 5, effective August 10, 2018.

415 ILCS 5/13.9 Mahomet Aquifer natural gas storage study.

(a) Subject to appropriation, the Prairie Research Institute shall:

(1) use remote sensing technologies, such as helicopter-based time domain electromagnetics, post-processing methods, and geologic modeling software, to examine, characterize, and prepare three-dimensional models of the unconsolidated geologic materials overlying any underground natural gas storage facility located within the boundaries of the Mahomet Aquifer; and

(2) to the extent possible, identify within those unconsolidated geologic materials potential structures and migration pathways for natural gas that may be released from the underground natural gas storage facility.

(b) For purposes of this Section, "underground natural gas storage facility" has the meaning provided in Section 5 of the Illinois Underground Natural Gas Storage Safety Act [415 ILCS 160/5].

HISTORY:
2019 P.A. 101-573, § 5, effective January 1, 2020.

TITLE V.

LAND POLLUTION AND REFUSE DISPOSAL

415 ILCS 5/21 Prohibited acts.

No person shall:

(a) Cause or allow the open dumping of any waste.

(b) Abandon, dump, or deposit any waste upon the public highways or other public property, except in a sanitary landfill approved by the Agency pursuant to regulations adopted by the Board.

(c) Abandon any vehicle in violation of the "Abandoned Vehicles Amendment to the Illinois Vehicle Code" [625 ILCS 5/1-100 et seq.], as enacted by the 76th General Assembly.

(d) Conduct any waste-storage, waste-treatment, or waste-disposal operation:

(1) without a permit granted by the Agency or in violation of any conditions imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; provided, however, that, except for municipal solid waste landfill units that receive waste on or after October 9, 1993, and CCR surface impoundments, no permit shall be required for (i) any person conducting a waste-storage, waste-treatment, or waste-disposal operation for wastes generated by such person's own activities which are stored, treated, or disposed within the site where such wastes are generated, (ii) until one year after the effective date of rules adopted by the Board under subsection (n) of Section 22.38, a facility located in a county with a population over 700,000 as of January 1, 2000, operated and located in accordance with Section 22.38 of this Act [415 ILCS 5/22.38], and used exclusively for the transfer, storage, or treatment of general construction or demolition debris, provided that the facility was receiving construction or demolition debris on August 24, 2009 (the effective date of Public Act 96-611), or (iii) any person conducting a waste transfer, storage, treatment, or disposal operation, including, but not limited to, a waste transfer or waste composting operation, under a mass animal mortality event plan created by the Department of Agriculture;

(2) in violation of any regulations or standards adopted by the Board under this Act;

(3) which receives waste after August 31, 1988, does not have a permit issued by the Agency, and is (i) a landfill used exclusively for the disposal of waste generated at the site, (ii) a surface impoundment receiving special waste not listed in an NPDES permit, (iii) a waste pile in which the total volume of waste is greater than 100 cubic yards or the waste is stored for over one year, or (iv) a land treatment facility receiving special waste generated at the site; without giving notice of the operation to the Agency by January 1, 1989, or 30 days after the date on which the operation commences, whichever is later, and every 3 years thereafter. The form for such notification shall be specified by the Agency, and shall be limited to information regarding: the name and address of the location of the operation; the type of operation; the types and amounts of waste stored, treated or disposed of on an annual basis; the remaining capacity of the operation; and the remaining expected life of the operation.

Item (3) of this subsection (d) shall not apply to any person engaged in agricultural activity who is disposing of a substance that constitutes solid waste, if the substance was acquired for use by that person on his own property, and the substance is disposed of on his own property in accordance with regulations or standards adopted by the Board.

This subsection (d) shall not apply to hazardous waste.

(e) Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

(f) Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

(1) without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act [415 ILCS 5/39], or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder; or

(2) in violation of any regulations or standards adopted by the Board under this Act; or

(3) in violation of any RCRA permit filing requirement established under standards adopted by the Board under this Act; or

(4) in violation of any order adopted by the Board under this Act.

Notwithstanding the above, no RCRA permit shall be required under this subsection or subsec-

tion (d) of Section 39 of this Act for any person engaged in agricultural activity who is disposing of a substance which has been identified as a hazardous waste, and which has been designated by Board regulations as being subject to this exception, if the substance was acquired for use by that person on his own property and the substance is disposed of on his own property in accordance with regulations or standards adopted by the Board.

(g) Conduct any hazardous waste-transportation operation:

(1) without registering with and obtaining a special waste hauling permit from the Agency in accordance with the regulations adopted by the Board under this Act; or

(2) in violation of any regulations or standards adopted by the Board under this Act.

(h) Conduct any hazardous waste-recycling or hazardous waste-reclamation or hazardous waste-reuse operation in violation of any regulations, standards or permit requirements adopted by the Board under this Act.

(i) Conduct any process or engage in any act which produces hazardous waste in violation of any regulations or standards adopted by the Board under subsections (a) and (c) of Section 22.4 of this Act [415 ILCS 5/22.4].

(j) Conduct any special waste-transportation operation in violation of any regulations, standards or permit requirements adopted by the Board under this Act. However, sludge from a water or sewage treatment plant owned and operated by a unit of local government which (1) is subject to a sludge management plan approved by the Agency or a permit granted by the Agency, and (2) has been tested and determined not to be a hazardous waste as required by applicable State and federal laws and regulations, may be transported in this State without a special waste hauling permit, and the preparation and carrying of a manifest shall not be required for such sludge under the rules of the Pollution Control Board. The unit of local government which operates the treatment plant producing such sludge shall file an annual report with the Agency identifying the volume of such sludge transported during the reporting period, the hauler of the sludge, and the disposal sites to which it was transported. This subsection (j) shall not apply to hazardous waste.

(k) Fail or refuse to pay any fee imposed under this Act.

(*l*) Locate a hazardous waste disposal site above an active or inactive shaft or tunneled mine or within 2 miles of an active fault in the earth's crust. In counties of population less than 225,000 no hazardous waste disposal site shall be located (1) within 1 1/2 miles of the corporate limits as defined on June 30, 1978, of any municipality without the approval of the governing body of the municipality in an official action; or (2) within 1000 feet of an existing private well or the existing source of a public water supply measured from the boundary of the actual active permitted site and excluding existing private wells on the property of the permit applicant. The provisions of this subsection do not apply to publicly owned sewage works or the disposal or utilization of sludge from publicly owned sewage works.

(m) Transfer interest in any land which has been used as a hazardous waste disposal site without written notification to the Agency of the transfer and to the transferee of the conditions imposed by the Agency upon its use under subsection (g) of Section 39.

(n) Use any land which has been used as a hazardous waste disposal site except in compliance with conditions imposed by the Agency under subsection (g) of Section 39.

(o) Conduct a sanitary landfill operation which is required to have a permit under subsection (d) of this Section, in a manner which results in any of the following conditions:

(1) refuse in standing or flowing waters;

(2) leachate flows entering waters of the State;

(3) leachate flows exiting the landfill confines (as determined by the boundaries established for the landfill by a permit issued by the Agency);

(4) open burning of refuse in violation of Section 9 of this Act [415 ILCS 5/9];

(5) uncovered refuse remaining from any previous operating day or at the conclusion of any operating day, unless authorized by permit;

(6) failure to provide final cover within time limits established by Board regulations;

(7) acceptance of wastes without necessary permits;

(8) scavenging as defined by Board regulations;

(9) deposition of refuse in any unpermitted portion of the landfill;

(10) acceptance of a special waste without a required manifest;

(11) failure to submit reports required by permits or Board regulations;

(12) failure to collect and contain litter from the site by the end of each operating day;

(13) failure to submit any cost estimate for the site or any performance bond or other security for the site as required by this Act or Board rules.

The prohibitions specified in this subsection (o) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act [415 ILCS 5/31.1] or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to sanitary landfills.

(p) In violation of subdivision (a) of this Section, cause or allow the open dumping of any waste in a manner which results in any of the following occurrences at the dump site:

(1) litter;

(2) scavenging;

(3) open burning;

(4) deposition of waste in standing or flowing waters;

(5) proliferation of disease vectors;

(6) standing or flowing liquid discharge from the dump site;

(7) deposition of:

(i) general construction or demolition debris as defined in Section 3.160(a) of this Act [415 ILCS 5/3.160(a)]; or

(ii) clean construction or demolition debris as defined in Section 3.160(b) of this Act [415 ILCS 5/3.160(b)].

The prohibitions specified in this subsection (p) shall be enforceable by the Agency either by administrative citation under Section 31.1 of this Act or as otherwise provided by this Act. The specific prohibitions in this subsection do not limit the power of the Board to establish regulations or standards applicable to open dumping.

(q) Conduct a landscape waste composting operation without an Agency permit, provided, however, that no permit shall be required for any person:

(1) conducting a landscape waste composting operation for landscape wastes generated by such person's own activities which are stored, treated, or disposed of within the site where such wastes are generated; or

(1.5) conducting a landscape waste composting operation that (i) has no more than 25 cubic yards of landscape waste, composting additives, composting material, or end-product compost on-site at any one time and (ii) is not engaging in commercial activity; or

(2) applying landscape waste or composted landscape waste at agronomic rates; or

(2.5) operating a landscape waste composting facility at a site having 10 or more occupied non-farm residences within 1/2 mile of its boundaries, if the facility meets all of the following criteria:

(A) the composting facility is operated by the farmer on property on which the composting material is utilized, and the composting facility constitutes no more than 2% of the site's total acreage;

(A-5) any composting additives that the composting facility accepts and uses at the facility are necessary to provide proper conditions for composting and do not exceed 10% of the total composting material at the facility at any one time;

(B) the property on which the composting facility is located, and any associated property on which the compost is used, is principally and diligently devoted to the production of agricultural crops and is not owned, leased, or otherwise controlled by any waste hauler or generator of nonagricultural compost materials, and the operator of the composting facility is not an employee, partner, shareholder, or in any way connected with or controlled by any such waste hauler or generator;

(C) all compost generated by the composting facility is applied at agronomic rates and used as mulch, fertilizer, or soil conditioner on land actually farmed by the person operating the composting facility, and the finished compost is not stored at the composting site for a period longer than 18 months prior to its application as mulch, fertilizer, or soil conditioner;

(D) no fee is charged for the acceptance of materials to be composted at the facility; and

(E) the owner or operator, by January 1, 2014 (or the January 1 following commencement of operation, whichever is later) and January 1 of each year thereafter, registers the site with the Agency, (ii) reports to the Agency on the volume of composting material received and used at the site; (iii) certifies to the Agency that the site complies with the requirements set forth in subparagraphs (A), (A-5), (B), (C), and (D) of this paragraph (2.5); and (iv) certifies to the Agency that all composting material was placed more than 200 feet from the nearest potable water supply well, was placed outside the boundary of the 10-year floodplain or on a part of the site that is floodproofed, was placed at least 1/4 mile from the nearest residence (other than a residence located on the same property as the facility) or a lesser distance from the nearest residence (other than a residence located on the same property as the facility) if the municipality in which the facility is located has by ordinance approved a lesser distance than 1/4 mile, and was placed more than 5 feet above the water table; any ordinance approving a residential setback of less than 1/4 mile that is used to meet the requirements of this subparagraph (E) of paragraph (2.5) of this subsection must specifically reference this paragraph; or

(3) operating a landscape waste composting facility on a farm, if the facility meets all of the following criteria:

(A) the composting facility is operated by the farmer on property on which the composting material is utilized, and the composting facility constitutes no more than 2% of the property's total acreage, except that the Board may allow a higher percentage for individual sites where the owner or operator has demonstrated to the Board that the site's soil characteristics or crop needs require a higher rate;

(A-1) the composting facility accepts from other agricultural operations for composting with landscape waste no materials other than uncontaminated and source-separated (i) crop

residue and other agricultural plant residue generated from the production and harvesting of crops and other customary farm practices, including, but not limited to, stalks, leaves, seed pods, husks, bagasse, and roots and (ii) plant-derived animal bedding, such as straw or sawdust, that is free of manure and was not made from painted or treated wood;

(A-2) any composting additives that the composting facility accepts and uses at the facility are necessary to provide proper conditions for composting and do not exceed 10% of the total composting material at the facility at any one time;

(B) the property on which the composting facility is located, and any associated property on which the compost is used, is principally and diligently devoted to the production of agricultural crops and is not owned, leased or otherwise controlled by any waste hauler or generator of nonagricultural compost materials, and the operator of the composting facility is not an employee, partner, shareholder, or in any way connected with or controlled by any such waste hauler or generator;

(C) all compost generated by the composting facility is applied at agronomic rates and used as mulch, fertilizer or soil conditioner on land actually farmed by the person operating the composting facility, and the finished compost is not stored at the composting site for a period longer than 18 months prior to its application as mulch, fertilizer, or soil conditioner;

(D) the owner or operator, by January 1 of each year, (i) registers the site with the Agency, (ii) reports to the Agency on the volume of composting material received and used at the site, (iii) certifies to the Agency that the site complies with the requirements set forth in subparagraphs (A), (A-1), (A-2), (B), and (C) of this paragraph (q)(3), and (iv) certifies to the Agency that all composting material:

(I) was placed more than 200 feet from the nearest potable water supply well;

(II) was placed outside the boundary of the 10-year floodplain or on a part of the site that is floodproofed;

(III) was placed either (aa) at least 1/4 mile from the nearest residence (other than a residence located on the same property as the facility) and there are not more than 10 occupied non-farm residences within 1/2 mile of the boundaries of the site on the date of application or (bb) a lesser distance from the nearest residence (other than a residence located on the same property as the facility) provided that the municipality or county in which the facility is located has by ordinance approved a lesser distance than 1/4 mile and there are not more than 10 occupied non-farm residences within 1/2 mile of the boundaries of the site on the date of application; and

(IV) was placed more than 5 feet above the water table.

Any ordinance approving a residential setback of less than 1/4 mile that is used to meet the requirements of this subparagraph (D) must specifically reference this subparagraph.

For the purposes of this subsection (q), "agronomic rates" means the application of not more than 20 tons per acre per year, except that the Board may allow a higher rate for individual sites where the owner or operator has demonstrated to the Board that the site's soil characteristics or crop needs require a higher rate.

(r) Cause or allow the storage or disposal of coal combustion waste unless:

(1) such waste is stored or disposed of at a site or facility for which a permit has been obtained or is not otherwise required under subsection (d) of this Section; or

(2) such waste is stored or disposed of as a part of the design and reclamation of a site or facility which is an abandoned mine site in accordance with the Abandoned Mined Lands and Water Reclamation Act; or

(3) such waste is stored or disposed of at a site or facility which is operating under NPDES and Subtitle D permits issued by the Agency pursuant to regulations adopted by the Board for mine-related water pollution and permits issued pursuant to the federal Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) or the rules and regulations thereunder or any law or rule or regulation adopted by the State of Illinois pursuant thereto, and the owner or operator of the facility agrees to accept the waste; and either:

(i) such waste is stored or disposed of in accordance with requirements applicable to refuse disposal under regulations adopted by the Board for mine-related water pollution and pursuant to NPDES and Subtitle D permits issued by the Agency under such regulations; or

(ii) the owner or operator of the facility demonstrates all of the following to the Agency, and the facility is operated in accordance with the demonstration as approved by the Agency: (1) the disposal area will be covered in a manner that will support continuous vegetation, (2) the facility will be adequately protected from wind and water erosion, (3) the pH will be maintained so as to prevent excessive leaching of metal ions, and (4) adequate containment or other measures will be provided to protect surface water and groundwater from contamination at levels prohibited by this Act, the Illinois Groundwater Protection Act [415 ILCS 55/1 et seq.], or regulations adopted pursuant thereto.

Notwithstanding any other provision of this Title, the disposal of coal combustion waste pursuant to item (2) or (3) of this subdivision (r) shall be exempt from the other provisions of this Title V, and notwithstanding the provisions of Title X of this Act, the Agency is authorized to grant experimental permits which include provision for the disposal of wastes from the combustion of coal and other materials pursuant to items (2) and (3) of this subdivision (r).

(s) After April 1, 1989, offer for transportation, transport, deliver, receive or accept special waste for which a manifest is required, unless the manifest indicates that the fee required under Section 22.8 of this Act [415 ILCS 5/22.8] has been paid.

(t) Cause or allow a lateral expansion of a municipal solid waste landfill unit on or after October 9, 1993, without a permit modification, granted by the Agency, that authorizes the lateral expansion.

(u) Conduct any vegetable by-product treatment, storage, disposal or transportation operation in violation of any regulation, standards or permit requirements adopted by the Board under this Act. However, no permit shall be required under this Title V for the land application of vegetable by-products conducted pursuant to Agency permit issued under Title III of this Act [415 ILCS 5/11 et seq.] to the generator of the vegetable by-products. In addition, vegetable by-products may be transported in this State without a special waste hauling permit, and without the preparation and carrying of a manifest.

(v) (Blank).

(w) Conduct any generation, transportation, or recycling of construction or demolition debris, clean or general, or uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads that is not commingled with any waste, without the maintenance of documentation identifying the hauler, generator, place of origin of the debris or soil, the weight or volume of the debris or soil, and the location, owner, and operator of the facility where the debris or soil was transferred, disposed, recycled, or treated. This documentation must be maintained by the generator, transporter, or recycler for 3 years. This subsection (w) shall not apply to (1) a permitted pollution control facility that transfers or accepts construction or demolition debris, clean or general, or uncontaminated soil for final disposal, recycling, or treatment, (2) a public utility (as that term is defined in the Public Utilities Act) or a municipal utility, (3) the Illinois Department of Transportation, or (4) a municipality or a county highway department, with the exception of any municipality or county highway department located within a county having a population of over 3,000,000 inhabitants or located in a county that is contiguous to a county having a population of over 3,000,000 inhabitants; but it shall apply to an entity that contracts with a public utility, a municipal utility, the Illinois Department of Transportation, or a municipality or a county highway department. The terms "generation" and "recycling", as used in this subsection, do not apply to clean construction or demolition debris when (i) used as fill material below grade outside of a setback zone if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, (ii) solely broken concrete without protruding metal bars is used for erosion control, or (iii) milled asphalt or crushed concrete is used as aggregate in construction of the shoulder of a roadway. The terms "generation" and "recycling", as used in this subsection, do not apply to uncontaminated soil that is not commingled with any waste when (i) used as fill material below grade or contoured to grade, or (ii) used at the site of generation.

HISTORY:

P.A. 86-364; 86-633; 86-671; 86-820; 86-1026; 86-1195; 87-608; 87-752; 87-895; 88-454, § 5; 88-496, § 15; 88-670, § 2-57; 89-93, § 20; 89-535, § 5; 90-219, § 5; 90-344, § 5; 90-475, § 5; 90-655, § 133; 90-761, § 10; 91-72, § 5; 92-574, § 5; 93-179, § 5; 94-94, § 5; 96-611, § 5; 97-220, § 10; 98-239, § 5; 98-484, § 5; 98-756, § 590; 2017 P.A. 100-103, § 10, effective August 11, 2017; 2019 P.A. 101-171, § 5, effective July 30, 2019; 2021 P.A. 102-216, § 10, effective January 1, 2022; 2021 P.A. 102-310, § 5, effective August 6, 2021; 2021 P.A. 102-558, § 645, effective August 20, 2021; 2022 P.A. 102-813, § 545, effective May 13, 2022.

415 ILCS 5/22.12 [Registration of underground storage tanks containing hazardous waste]

(a) The Agency shall coordinate with the Office of the State Fire Marshal in the administration of the Leaking Underground Storage Tank program, as established in Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616), as amended, of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580) [42 U.S.C. § 6991 et seq.]. The Agency shall act as the lead agency in the formulation of regulations and policies, and shall be responsible for groundwater monitoring and any necessary site cleanup requirements encountered under the Resource Conservation and Recovery Act of 1976 [42 U.S.C. § 6901 et seq.], the Comprehensive Environmental Response Compensation and Liability Act [42 U.S.C. § 9601 et seq.], or the State "Clean Illinois" program.

(b) By May 8, 1986, a person who is the owner of an underground storage tank containing hazardous waste on July 1, 1986 shall register the tank with the Agency on the form provided by the Agency pursuant to Subtitle I of The Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended [42 U.S.C. § 6901 et seq.].

(c) A person who is the owner of an underground storage tank containing hazardous waste installed or replaced after July 1, 1986 shall register prior to the installation of the tank.

(d) Except as otherwise provided in subsection (e), a person who is the owner of an underground storage tank containing hazardous waste registered under subsection (b) or (c) shall notify the Agency of any change in the information required under this Section or of the removal of an underground storage tank from service.

(e) A person who is the owner of an underground storage tank containing hazardous waste the contents of which are changed routinely shall indicate all the materials which are stored in the tank on the registration form. A person providing the information described in this subsection is not required to notify the Agency of changes in the contents of the tank unless the material to be stored in the tank differs from the information provided on the registration form.

HISTORY:
P.A. 85-293; 85-861; 88-496, § 15.

TITLE XIII.

MISCELLANEOUS PROVISIONS

415 ILCS 5/52.10 Electric Vehicle Permitting Task Force. [Effective until December 31, 2022]

(a) The Electric Vehicle Permitting Task Force is hereby created within the Environmental Protection Agency.

(b) The Task Force shall consist of the following members, which shall represent the diversity of the people of Illinois:

(1) The Director of the Environmental Protection Agency or his or her designee;

(2) The Director of Natural Resources or his or her designee;

(3) The Secretary of Transportation or their designee;

(4) Twelve members appointed by the Governor as follows:

(A) one member of a statewide organization representing manufacturers;

(B) one member of a statewide organization representing business interests;

(C) one member representing an environmental justice organization;

(D) one member representing a statewide environmental advocacy organization;

(E) one member representing the electric vehicle industry;

(F) one member representing the waste management industry;

(G) one member of a statewide organization representing agricultural interests;

(H) one member representing a labor organization;

(I) one member representing a statewide organization of municipalities as authorized under Section 1-8-1 of the Illinois Municipal Code [65 ILCS 5/1-8-1];

(J) one member from an association representing automobile manufacturers;

(K) one member of a labor organization that represents workers in the auto industry; and

(L) one member representing the component parts manufacturing community.

(c) The duties and responsibilities of the Task Force include the following:

(1) identify existing and potential challenges faced by the electric vehicle industry with respect to the process for obtaining necessary permits from the Environmental Protection Agency, the Department of Natural Resources, and the Department of Transportation, and potential solutions;

(2) conduct an assessment of State permitting fees, including those necessary for electric vehicle investment in Illinois, and the revenue generated by those fees;

(3) assess the permitting needs of the electric vehicle industry, including electric vehicle manufacturers, electric vehicle power supply equipment manufacturers, and electric vehicle component parts manufacturers;

(4) recommend changes to expedite permitting processes to support the rapid growth of the electric vehicle industry in Illinois, including support for electric vehicle businesses locating or relocating in Illinois;

(5) analyze anticipated staffing needs across State agencies to support expedited permitting efforts;

(6) recommend adjustments to the fee structure for state permits, including those permits necessary for electric vehicle investment in Illinois, that will support increased staffing at state agencies;

(7) Consider the impact of State and local permitting issues on electric vehicle charging station deployments, and make recommendations on best practices to streamline permitting related to electric vehicle charging stations; and

(8) recommend legislative and regulatory actions that are necessary to support changes to permitting processes.

(d) The Task Force shall not consider or recommend changes to environmental permitting standards outside of the scope of the duties and responsibilities outlined in subsection (c).

(e) Appointments for the Task Force shall be made no later than December 15, 2021. The Task Force shall issue a final report based upon its findings and recommendations and submit the report to the Governor and the General Assembly no later than August 1, 2022.

(f) Members of the Task Force shall serve without compensation. The Environmental Protection Agency shall provide administrative support to the Task Force.

(g) The Task Force shall be dissolved upon the filing of its report.

(h) This Section is repealed on December 31, 2022.

HISTORY:
2021 P.A. 102-669, § 935, effective November 16, 2021; repealed effective December 31, 2022; 2022 P.A. 102-996, § 5, effective May 27, 2022.

TITLE XVI.

PETROLEUM UNDERGROUND STORAGE TANKS

415 ILCS 5/57 Intent and purpose

This Title shall be known and may be cited as the Leaking Underground Storage Tank Program (LUST). The purpose of this Title is, in accordance with the requirements of the Hazardous and Solid Waste Amendments of 1984 of the Resource Conservation and Recovery Act of 1976 [42 U.S.C. § 6901 et seq.] and in accordance with the State's interest in the protection of Illinois' land and water resources: (1) to adopt procedures for the remediation of underground storage tank sites due to the release of petroleum and other substances regulated under this Title from certain underground storage tanks or related tank systems; (2) to establish and provide procedures for a Leaking Underground Storage Tank Program which will oversee and review any remediation required for leaking underground storage tanks, and administer the Underground Storage Tank Fund; (3) to establish an Underground Storage Tank Fund intended to be a State fund by which persons who qualify for access to the Underground Storage Tank Fund may satisfy the financial responsibility requirements under applicable State law and regulations; (4) to establish requirements for eligible owners and operators of underground storage tanks to seek payment for any costs associated with physical soil classification, groundwater investigation, site classification and corrective action from the Underground Storage Tank Fund; and (5) to audit and approve corrective action efforts performed by Licensed Professional Engineers.

HISTORY:
P.A. 88-496, § 15; 89-428, § 395; 89-457, § 395; 91-357, § 199.

415 ILCS 5/57.1 Applicability

(a) An owner or operator of an underground storage tank who meets the definition of this Title shall be required to conduct tank removal, abandonment and repair, site investigation, and corrective action in accordance with the requirements of the Leaking Underground Storage Tank Program.

(b) An owner or operator of a heating oil tank as defined by this Title may elect to perform tank removal, abandonment or repair, site investigation, or corrective action, unless the provisions of subsection (g) of Section 57.5 [415 ILCS 5/57.5] are applicable.

(c) All owners or operators who conduct tank removal, repair or abandonment, site investigation, or corrective action may be eligible for the relief provided for under Section 57.10 of this Title [415 ILCS 5/57.10].

(d) The owners or operators, or both, of underground storage tanks containing regulated substances other than petroleum shall undertake corrective action in conformance with regulations promulgated by the Illinois Pollution Control Board.

HISTORY:
P.A. 88-496, § 15; 89-428, § 395; 89-457, § 395; 92-554, § 5.

415 ILCS 5/57.2 Definitions

As used in this Title:

"Audit" means a systematic inspection or examination of plans, reports, records, or documents to determine the completeness and accuracy of the data and conclusions contained therein.

"Bodily injury" means bodily injury, sickness, or disease sustained by a person, including death at any time, resulting from a release of petroleum from an underground storage tank.

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing of petroleum from an underground storage tank into groundwater, surface water or subsurface soils.

"Fill material" means non-native or disturbed materials used to bed and backfill around an underground storage tank.

"Fund" means the Underground Storage Tank Fund.

"Heating Oil" means petroleum that is No. 1, No. 2, No. 4 — light, No. 4 — heavy, No. 5 — light, No. 5 — heavy or No. 6 technical grades of fuel oil; and other residual fuel oils including Navy Special Fuel Oil and Bunker C.

"Indemnification" means indemnification of an owner or operator for the amount of any judgment entered against the owner or operator in a court of law, for the amount of any final order or determination made against the owner or operator by an agency of State government or any subdivision thereof, or for the amount of any settlement entered into by the owner or operator, if the judgment, order, determination, or settlement arises out of bodily injury or property damage suffered as a result of a release of petroleum from an underground storage tank owned or operated by the owner or operator.

"Corrective action" means activities associated with compliance with the provisions of Sections 57.6 and 57.7 of this Title [415 ILCS 5/57.6 and 415 ILCS 5/57.7].

"Occurrence" means an accident, including continuous or repeated exposure to conditions, that results in a sudden or nonsudden release from an underground storage tank.

When used in connection with, or when otherwise relating to, underground storage tanks, the terms "facility", "owner", "operator", "underground storage

tank", "(UST)", "petroleum" and "regulated substance" shall have the meanings ascribed to them in Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616), of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580) [42 U.S.C. § 6921 et seq.]; provided however that the term "underground storage tank" shall also mean an underground storage tank used exclusively to store heating oil for consumptive use on the premises where stored and which serves other than a farm or residential unit; provided further however that the term "owner" shall also mean any person who has submitted to the Agency a written election to proceed under this Title and has acquired an ownership interest in a site on which one or more registered tanks have been removed, but on which corrective action has not yet resulted in the issuance of a "no further remediation letter" by the Agency pursuant to this Title.

"Licensed Professional Engineer" means a person, corporation, or partnership licensed under the laws of the State of Illinois to practice professional engineering.

"Licensed Professional Geologist" means a person licensed under the laws of the State of Illinois to practice as a professional geologist.

"Site" means any single location, place, tract of land or parcel of property including contiguous property not separated by a public right-of-way.

"Site investigation" means activities associated with compliance with the provisions of subsection (a) of Section 57.7 [415 ILCS 5/57.7].

"Property damage" means physical injury to, destruction of, or contamination of tangible property, including all resulting loss of use of that property; or loss of use of tangible property that is not physically injured, destroyed, or contaminated, but has been evacuated, withdrawn from use, or rendered inaccessible because of a release of petroleum from an underground storage tank.

"Class I Groundwater" means groundwater that meets the Class I: Potable Resource Groundwater criteria set forth in the Board regulations adopted pursuant to the Illinois Groundwater Protection Act [415 ILCS 55/1 et seq.].

"Class III Groundwater" means groundwater that meets the Class III: Special Resource Groundwater criteria set forth in the Board regulations adopted pursuant to the Illinois Groundwater Protection Act [415 ILCS 55/1 et seq.].

HISTORY:
P.A. 88-496, § 15; 89-428, § 395; 89-457, § 395; 92-554, § 5; 92-735, § 5; 94-274, § 5.

415 ILCS 5/57.3 Underground Storage Tank Program

The General Assembly hereby establishes the Illinois Leaking Underground Storage Tank Program (LUST Program). The LUST Program shall be administered by the Office of the State Fire Marshal and the Illinois Environmental Protection Agency.

HISTORY:
P.A. 88-496, § 15.

415 ILCS 5/57.4 State Agencies

The Office of State Fire Marshal and the Illinois Environmental Protection Agency shall administer the Leaking Underground Storage Tank Program in accordance with the terms of this Title.

HISTORY:
P.A. 88-496, § 15.

415 ILCS 5/57.5 Underground Storage Tanks; removal; repair; abandonment

(a) Notwithstanding the eligibility or the level of deductibility of an owner or operator under the Underground Storage Tank Fund, any owner or operator of an Underground Storage Tank may seek to remove or abandon such tank under the provisions of this Title. In order to be reimbursed under Section 57.8 [415 ILCS 5/57.8], the owner or operator must comply with the provisions of this Title. In no event will an owner or operator be reimbursed for any costs which exceed the minimum requirements necessary to comply with this Title.

(b) Removal or abandonment of an Underground Storage Tank must be carried out in accordance with regulations adopted by the Office of State Fire Marshal.

(c) The Office of the State Fire Marshal or a designated agent shall have an inspector on site at the time of removal, abandonment, or such other times the Office of State Fire Marshal deems appropriate. At such time, the inspector shall, upon preliminary excavation of the tank site, render an opinion as to whether a release of petroleum has occurred and, if so, the owner or operator shall report the known or suspected release to the Illinois Emergency Management Agency. The owner or operator shall determine whether or not a release has occurred in conformance with the regulations adopted by the Board and the Office of the State Fire Marshal. Except that if the opinion of the Office of the State Fire Marshal inspector is that a release of petroleum has occurred and the owner or operator has reported the release to the Illinois Emergency Management Agency within 24 hours of removal of the tank, no such determination is required under this subsection. In the event the owner or operator confirms the presence of a release of petroleum, the owner or operator shall comply with Section 57.6 [415 ILCS 5/57.6]. The inspector shall provide the owner or operator, or a designated agent, with an "Eligibility and Deductibility Determination" form. The Office of the State Fire Marshal shall provide on-site assistance to the owner or operator or a designated agent with regard to the eligibility and deductibility procedures as provided in Section 57.9 [415 ILCS 5/57.9].

If the Office of the State Fire Marshal is not on site, the Office of the State Fire Marshal shall provide the owner or operator with an "Eligibility and Deductibility Determination" form within 15 days after receiving notice that the confirmed release was reported by the owner or operator.

(d) In the event that a release of petroleum is confirmed under subsection (c) of this Section, the owner or operator may elect to backfill the preliminary excavation and proceed under Section 57.6 [415 ILCS 5/57.6].

(e) In the event that an Underground Storage Tank is found to be ineligible for payment from the Underground Storage Tank Fund, the owner or operator shall proceed under Sections 57.6 and 57.7 [415 ILCS 5/57.6 and 415 ILCS 5/57.7].

(f) In the event that no release of petroleum is confirmed, the owner or operator shall proceed to complete the removal of the underground storage tank, and when appropriate, dispose of the tank and backfill the excavation or, in the alternate, abandon the underground storage tank in place. Either option shall be in accordance with regulations adopted by the Office of the State Fire Marshal. The owner or operator shall certify to the Office of the State Fire Marshal that the tank removal or abandonment was conducted in accordance with all applicable rules and regulations, and the Office of the State Fire Marshal shall then issue a certificate of removal or abandonment to the owner or operator. If the Office of the State Fire Marshal fails to issue a certificate of removal or abandonment within 30 days of receipt of the certification, the certification shall be considered rejected by operation of law and a final action appealable to the Board. Nothing in this Title shall prohibit the Office of the State Fire Marshal from making an independent inspection of the site and challenging the veracity of the owner or operator certification.

(g) The owner or operator of an underground storage tank taken out of operation before January 2, 1974, or an underground storage tank used exclusively to store heating oil for consumptive use on the premises where stored and which serves other than a farm or residential unit shall not be required to remove or abandon in place such underground storage tank except in the case in which the Office of the State Fire Marshal has determined that a release from the underground storage tank poses a current or potential threat to human health and the environment. In that case, and upon receipt of an order from the Office of the State Fire Marshal, the owner or operator of such underground storage tank shall conduct removal and, if necessary, site investigation and corrective action in accordance with this Title and regulations promulgated by the Office of State Fire Marshal and the Board.

(h) In the event that a release of petroleum occurred between September 13, 1993, and August 1, 1994, for which the Office of the State Fire Marshal issued a certificate of removal or abandonment based on its determination of "no release" or "minor release," and the Office of the State Fire Marshal subsequently has rescinded that determination and required a report of a confirmed release to the Illinois Emergency Management Agency, the owner or operator may be eligible for reimbursement for the costs of site investigation and corrective action incurred on or after the date of the release but prior to the notification of the Illinois Emergency Management Agency. The date of the release shall be the date of the initial inspection by the Office of the State Fire Marshal as recorded in its inspection log. Eligibility and deductibility shall be determined in accordance with this Title, the owner or operator must comply with the provisions of this Act and its rules, and in no case shall the owner or operator be reimbursed for costs exceeding the minimum requirements of this Act and its rules.

HISTORY:
P.A. 88-496, § 15; 89-428, § 395; 89-457, § 395; 92-554, § 5.

415 ILCS 5/57.6 Underground storage tanks; early action

(a) Owners and operators of underground storage tanks shall, in response to all confirmed releases, comply with all applicable statutory and regulatory reporting and response requirements.

(b) Notwithstanding any other corrective action taken, an owner or operator may, at a minimum, and prior to submission of any plans to the Agency, remove the tank system or abandon the underground storage tank in place, in accordance with the regulations promulgated by the Office of the State Fire Marshal. The owner or operator may also remove visibly contaminated fill material and any groundwater in the excavation which exhibits a sheen. For purposes of payment for early action costs, however, fill material shall not be removed in an amount in excess of 4 feet from the outside dimensions of the tank.

HISTORY:
P.A. 88-496, § 15; 89-428, § 395; 89-457, § 395; 92-554, § 5.

415 ILCS 5/57.7 Leaking underground storage tanks; site investigation and corrective action

(a) Site investigation.

(1) For any site investigation activities required by statute or rule, the owner or operator shall submit to the Agency for approval a site investigation plan designed to determine the nature, concentration, direction of movement, rate of movement, and extent of the contamination as well as the significant physical features of the site and surrounding area that may affect contaminant transport and risk to human health and safety and the environment.

(2) Any owner or operator intending to seek payment from the Fund shall submit to the Agency for approval a site investigation budget that in-

cludes, but is not limited to, an accounting of all costs associated with the implementation and completion of the site investigation plan.

(3) Remediation objectives for the applicable indicator contaminants shall be determined using the tiered approach to corrective action objectives rules adopted by the Board pursuant to this Title and Title XVII of this Act. For the purposes of this Title, "Contaminant of Concern" or "Regulated Substance of Concern" in the rules means the applicable indicator contaminants set forth in subsection (d) of this Section and the rules adopted thereunder.

(4) Upon the Agency's approval of a site investigation plan, or as otherwise directed by the Agency, the owner or operator shall conduct a site investigation in accordance with the plan.

(5) Within 30 days after completing the site investigation, the owner or operator shall submit to the Agency for approval a site investigation completion report. At a minimum the report shall include all of the following:

(A) Executive summary.

(B) Site history.

(C) Site-specific sampling methods and results.

(D) Documentation of all field activities, including quality assurance.

(E) Documentation regarding the development of proposed remediation objectives.

(F) Interpretation of results.

(G) Conclusions.

(b) Corrective action.

(1) If the site investigation confirms none of the applicable indicator contaminants exceed the proposed remediation objectives, within 30 days after completing the site investigation the owner or operator shall submit to the Agency for approval a corrective action completion report in accordance with this Section.

(2) If any of the applicable indicator contaminants exceed the remediation objectives approved for the site, within 30 days after the Agency approves the site investigation completion report the owner or operator shall submit to the Agency for approval a corrective action plan designed to mitigate any threat to human health, human safety, or the environment resulting from the underground storage tank release. The plan shall describe the selected remedy and evaluate its ability and effectiveness to achieve the remediation objectives approved for the site. At a minimum, the report shall include all of the following:

(A) Executive summary.

(B) Statement of remediation objectives.

(C) Remedial technologies selected.

(D) Confirmation sampling plan.

(E) Current and projected future use of the property.

(F) Applicable preventive, engineering, and institutional controls including long-term reliability, operating, and maintenance plans, and monitoring procedures.

(G) A schedule for implementation and completion of the plan.

(3) Any owner or operator intending to seek payment from the Fund shall submit to the Agency for approval a corrective action budget that includes, but is not limited to, an accounting of all costs associated with the implementation and completion of the corrective action plan.

(4) Upon the Agency's approval of a corrective action plan, or as otherwise directed by the Agency, the owner or operator shall proceed with corrective action in accordance with the plan.

(5) Within 30 days after the completion of a corrective action plan that achieves applicable remediation objectives the owner or operator shall submit to the Agency for approval a corrective action completion report. The report shall demonstrate whether corrective action was completed in accordance with the approved corrective action plan and whether the remediation objectives approved for the site, as well as any other requirements of the plan, have been achieved.

(6) If within 4 years after the approval of any corrective action plan the applicable remediation objectives have not been achieved and the owner or operator has not submitted a corrective action completion report, the owner or operator must submit a status report for Agency review. The status report must include, but is not limited to, a description of the remediation activities taken to date, the effectiveness of the method of remediation being used, the likelihood of meeting the applicable remediation objectives using the current method of remediation, and the date the applicable remediation objectives are expected to be achieved.

(7) If the Agency determines any approved corrective action plan will not achieve applicable remediation objectives within a reasonable time, based upon the method of remediation and site specific circumstances, the Agency may require the owner or operator to submit to the Agency for approval a revised corrective action plan. If the owner or operator intends to seek payment from the Fund, the owner or operator must also submit a revised budget.

(c) Agency review and approval.

(1) Agency approval of any plan and associated budget, as described in this subsection (c), shall be considered final approval for purposes of seeking and obtaining payment from the Underground Storage Tank Fund if the costs associated with the completion of any such plan are less than or equal to the amounts approved in such budget.

(2) In the event the Agency fails to approve, disapprove, or modify any plan or report submitted pursuant to this Title in writing within 120 days of the receipt by the Agency, the plan or report shall be considered to be rejected by operation of law for

purposes of this Title and rejected for purposes of payment from the Underground Storage Tank Fund.

(A) For purposes of those plans as identified in paragraph (5) of this subsection (c), the Agency's review may be an audit procedure. Such review or audit shall be consistent with the procedure for such review or audit as promulgated by the Board under Section 57.14 [415 ILCS 5/57.14]. The Agency has the authority to establish an auditing program to verify compliance of such plans with the provisions of this Title.

(B) For purposes of corrective action plans submitted pursuant to subsection (b) of this Section for which payment from the Fund is not being sought, the Agency need not take action on such plan until 120 days after it receives the corrective action completion report required under subsection (b) of this Section. In the event the Agency approved the plan, it shall proceed under the provisions of this subsection (c).

(3) In approving any plan submitted pursuant to subsection (a) or (b) of this Section, the Agency shall determine, by a procedure promulgated by the Board under Section 57.14, that the costs associated with the plan are reasonable, will be incurred in the performance of site investigation or corrective action, and will not be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of this Title. The Agency shall also determine, pursuant to the Project Labor Agreements Act [30 ILCS 571/1 et seq.], whether the corrective action shall include a project labor agreement if payment from the Underground Storage Tank Fund is to be requested.

(A) For purposes of payment from the Fund, corrective action activities required to meet the minimum requirements of this Title shall include, but not be limited to, the following use of the Board's Tiered Approach to Corrective Action Objectives rules adopted under Title XVII of this Act:

(i) For the site where the release occurred, the use of Tier 2 remediation objectives that are no more stringent than Tier 1 remediation objectives.

(ii) The use of industrial/commercial property remediation objectives, unless the owner or operator demonstrates that the property being remediated is residential property or being developed into residential property.

(iii) The use of groundwater ordinances as institutional controls in accordance with Board rules.

(iv) The use of on-site groundwater use restrictions as institutional controls in accordance with Board rules.

(B) Any bidding process adopted under Board rules to determine the reasonableness of costs of corrective action must provide for a publicly-noticed, competitive, and sealed bidding process that includes, at a minimum, the following:

(i) The owner or operator must issue invitations for bids that include, at a minimum, a description of the work being bid and applicable contractual terms and conditions. The criteria on which the bids will be evaluated must be set forth in the invitation for bids. The criteria may include, but shall not be limited to, criteria for determining acceptability, such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Criteria that will affect the bid price and be considered in the evaluation of a bid, such as discounts, shall be objectively measurable.

(ii) At least 14 days prior to the date set in the invitation for the opening of bids, public notice of the invitation for bids must be published in a local paper of general circulation for the area in which the site is located.

(iii) Bids must be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The name of each bidder, the amount of each bid, and other relevant information as specified in Board rules must be recorded and submitted to the Agency in the applicable budget. After selection of the winning bid, the winning bid and the record of each unsuccessful bid shall be open to public inspection.

(iv) Bids must be unconditionally accepted without alteration or correction. Bids must be evaluated based on the requirements set forth in the invitation for bids, which may include criteria for determining acceptability, such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Criteria that will affect the bid price and be considered in the evaluation of a bid, such as discounts, shall be objectively measurable. The invitation for bids shall set forth the evaluation criteria to be used.

(v) Correction or withdrawal of inadvertently erroneous bids before or after selection of the winning bid, or cancellation of winning bids based on bid mistakes, shall be allowed in accordance with Board rules. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the owner or operator or fair competition shall be allowed. All decisions to allow the correction or withdrawal of bids based on bid mistakes shall be supported by a written determination made by the owner or operator.

(vi) The owner or operator shall select the winning bid with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids. The winning bid and other relevant information as specified in Board

rules must be recorded and submitted to the Agency in the applicable budget.

(vii) All bidding documentation must be retained by the owner or operator for a minimum of 3 years after the costs bid are submitted in an application for payment, except that documentation relating to an appeal, litigation, or other disputed claim must be maintained until at least 3 years after the date of the final disposition of the appeal, litigation, or other disputed claim. All bidding documentation must be made available to the Agency for inspection and copying during normal business hours.

(C) Any bidding process adopted under Board rules to determine the reasonableness of costs of corrective action shall (i) be optional and (ii) allow bidding only if the owner or operator demonstrates that corrective action cannot be performed for amounts less than or equal to maximum payment amounts adopted by the Board.

(4) For any plan or report received after June 24, 2002, any action by the Agency to disapprove or modify a plan submitted pursuant to this Title shall be provided to the owner or operator in writing within 120 days of the receipt by the Agency or, in the case of a site investigation plan or corrective action plan for which payment is not being sought, within 120 days of receipt of the site investigation completion report or corrective action completion report, respectively, and shall be accompanied by:

(A) an explanation of the Sections of this Act which may be violated if the plans were approved;

(B) an explanation of the provisions of the regulations, promulgated under this Act, which may be violated if the plan were approved;

(C) an explanation of the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and

(D) a statement of specific reasons why the Act and the regulations might not be met if the plan were approved.

Any action by the Agency to disapprove or modify a plan or report or the rejection of any plan or report by operation of law shall be subject to appeal to the Board in accordance with the procedures of Section 40 [415 ILCS 5/40]. If the owner or operator elects to incorporate modifications required by the Agency rather than appeal, an amended plan shall be submitted to the Agency within 35 days of receipt of the Agency's written notification.

(5) For purposes of this Title, the term "plan" shall include:

(A) Any site investigation plan submitted pursuant to subsection (a) of this Section;

(B) Any site investigation budget submitted pursuant to subsection (a) of this Section;

(C) Any corrective action plan submitted pursuant to subsection (b) of this Section; or

(D) Any corrective action plan budget submitted pursuant to subsection (b) of this Section.

(d) For purposes of this Title, the term "indicator contaminant" shall mean, unless and until the Board promulgates regulations to the contrary, the following: (i) if an underground storage tank contains gasoline, the indicator parameter shall be BTEX and Benzene; (ii) if the tank contained petroleum products consisting of middle distillate or heavy ends, then the indicator parameter shall be determined by a scan of PNA's taken from the location where contamination is most likely to be present; and (iii) if the tank contained used oil, then the indicator contaminant shall be those chemical constituents which indicate the type of petroleum stored in an underground storage tank. All references in this Title to groundwater objectives shall mean Class I groundwater standards or objectives as applicable.

(e)(1) Notwithstanding the provisions of this Section, an owner or operator may proceed to conduct site investigation or corrective action prior to the submittal or approval of an otherwise required plan. If the owner or operator elects to so proceed, an applicable plan shall be filed with the Agency at any time. Such plan shall detail the steps taken to determine the type of site investigation or corrective action which was necessary at the site along with the site investigation or corrective action taken or to be taken, in addition to costs associated with activities to date and anticipated costs.

(2) Upon receipt of a plan submitted after activities have commenced at a site, the Agency shall proceed to review in the same manner as required under this Title. In the event the Agency disapproves all or part of the costs, the owner or operator may appeal such decision to the Board. The owner or operator shall not be eligible to be reimbursed for such disapproved costs unless and until the Board determines that such costs were eligible for payment.

(f) All investigations, plans, and reports conducted or prepared under this Section shall be conducted or prepared under the supervision of a licensed professional engineer and in accordance with the requirements of this Title.

HISTORY:

P.A. 88-496, § 15; 88-668, § 10; 89-428, § 395; 89-457, § 395; 92-554, § 5; 92-574, § 5; 92-651, § 71; 92-735, § 5; 95-331, § 950; 96-908, § 5; 98-109, § 5-73.

415 ILCS 5/57.8 Underground Storage Tank Fund; payment; options for State payment; deferred correction election to commence corrective action upon availability of funds

If an owner or operator is eligible to access the Underground Storage Tank Fund pursuant to an Office of State Fire Marshal eligibility/deductible

final determination letter issued in accordance with Section 57.9 [415 ILCS 5/57.9], the owner or operator may submit a complete application for final or partial payment to the Agency for activities taken in response to a confirmed release. An owner or operator may submit a request for partial or final payment regarding a site no more frequently than once every 90 days.

(a) Payment after completion of corrective action measures. The owner or operator may submit an application for payment for activities performed at a site after completion of the requirements of Sections 57.6 and 57.7 [415 ILCS 5/57.6 and 415 ILCS 5/57.7], or after completion of any other required activities at the underground storage tank site.

(1) In the case of any approved plan and budget for which payment is being sought, the Agency shall make a payment determination within 120 days of receipt of the application. Such determination shall be considered a final decision. The Agency's review shall be limited to generally accepted auditing and accounting practices. In no case shall the Agency conduct additional review of any plan which was completed within the budget, beyond auditing for adherence to the corrective action measures in the proposal. If the Agency fails to approve the payment application within 120 days, such application shall be deemed approved by operation of law and the Agency shall proceed to reimburse the owner or operator the amount requested in the payment application. However, in no event shall the Agency reimburse the owner or operator an amount greater than the amount approved in the plan.

(2) If sufficient funds are available in the Underground Storage Tank Fund, the Agency shall, within 60 days, forward to the Office of the State Comptroller a voucher in the amount approved under the payment application.

(3) In the case of insufficient funds, the Agency shall form a priority list for payment and shall notify persons in such priority list monthly of the availability of funds and when payment shall be made. Payment shall be made to the owner or operator at such time as sufficient funds become available for the costs associated with site investigation and corrective action and costs expended for activities performed where no proposal is required, if applicable. Such priority list shall be available to any owner or operator upon request. Priority for payment shall be determined by the date the Agency receives a complete request for partial or final payment. Upon receipt of notification from the Agency that the requirements of this Title have been met, the Comptroller shall make payment to the owner or operator of the amount approved by the Agency, if sufficient money exists in the Fund. If there is insufficient money in the Fund, then payment shall not be made. If the owner or operator appeals a final Agency payment determination and it is determined that the owner or operator is eligible for payment or additional payment, the priority date for the payment or additional payment shall be the same as the priority date assigned to the original request for partial or final payment.

(4) Any deductible, as determined pursuant to the Office of the State Fire Marshal's eligibility and deductibility final determination in accordance with Section 57.9, shall be subtracted from any payment invoice paid to an eligible owner or operator. Only one deductible shall apply per underground storage tank site.

(5) In the event that costs are or will be incurred in addition to those approved by the Agency, or after payment, the owner or operator may submit successive plans containing amended budgets. The requirements of Section 57.7 shall apply to any amended plans.

(6) For purposes of this Section, a complete application shall consist of:

(A) A certification from a Licensed Professional Engineer or Licensed Professional Geologist as required under this Title and acknowledged by the owner or operator.

(B) A statement of the amounts approved in the budget and the amounts actually sought for payment along with a certified statement by the owner or operator that the amounts so sought were expended in conformance with the approved budget.

(C) A copy of the Office of the State Fire Marshal's eligibility and deductibility determination.

(D) Proof that approval of the payment requested will not result in the limitations set forth in subsection (g) of this Section being exceeded.

(E) A federal taxpayer identification number and legal status disclosure certification on a form prescribed and provided by the Agency.

(F) If the Agency determined under subsection (c)(3) of Section 57.7 of this Act that corrective action must include a project labor agreement, a certification from the owner or operator that the corrective action was (i) performed under a project labor agreement that meets the requirements of Section 25 of the Project Labor Agreements Act [30 ILCS 571/25] and (ii) implemented in a manner consistent with the terms and conditions of the Project Labor Agreements Act [30 ILCS 571/1 et seq.] and in full compliance with all statutes, regulations, and Executive Orders as required under that Act and the Prevailing Wage Act [820 ILCS 130/0.01 et seq.].

(b) Commencement of site investigation or corrective action upon availability of funds. The Board shall adopt regulations setting forth procedures based on risk to human health or the environment under which the owner or operator who has received approval for any budget plan submitted pursuant to Section 57.7, and who is eligible for payment from

the Underground Storage Tank Fund pursuant to an Office of the State Fire Marshal eligibility and deductibility determination, may elect to defer site investigation or corrective action activities until funds are available in an amount equal to the amount approved in the budget. The regulations shall establish criteria based on risk to human health or the environment to be used for determining on a site-by-site basis whether deferral is appropriate. The regulations also shall establish the minimum investigatory requirements for determining whether the risk based criteria are present at a site considering deferral and procedures for the notification of owners or operators of insufficient funds, Agency review of request for deferral, notification of Agency final decisions, returning deferred sites to active status, and earmarking of funds for payment.

(c) When the owner or operator requests indemnification for payment of costs incurred as a result of a release of petroleum from an underground storage tank, if the owner or operator has satisfied the requirements of subsection (a) of this Section, the Agency shall forward a copy of the request to the Attorney General. The Attorney General shall review and approve the request for indemnification if:

(1) there is a legally enforceable judgment entered against the owner or operator and such judgment was entered due to harm caused by a release of petroleum from an underground storage tank and such judgment was not entered as a result of fraud; or

(2) a settlement with a third party due to a release of petroleum from an underground storage tank is reasonable.

(d) Notwithstanding any other provision of this Title, the Agency shall not approve payment to an owner or operator from the Fund for costs of corrective action or indemnification incurred during a calendar year in excess of the following aggregate amounts based on the number of petroleum underground storage tanks owned or operated by such owner or operator in Illinois.

Amount	Number of Tanks
$2,000,000	fewer than 101
$3,000,000	101 or more

(1) Costs incurred in excess of the aggregate amounts set forth in paragraph (1) of this subsection shall not be eligible for payment in subsequent years.

(2) For purposes of this subsection, requests submitted by any of the agencies, departments, boards, committees or commissions of the State of Illinois shall be acted upon as claims from a single owner or operator.

(3) For purposes of this subsection, owner or operator includes (i) any subsidiary, parent, or joint stock company of the owner or operator and (ii) any company owned by any parent, subsidiary, or joint stock company of the owner or operator.

(e) Costs of corrective action or indemnification incurred by an owner or operator which have been paid to an owner or operator under a policy of insurance, another written agreement, or a court order are not eligible for payment under this Section. An owner or operator who receives payment under a policy of insurance, another written agreement, or a court order shall reimburse the State to the extent such payment covers costs for which payment was received from the Fund. Any monies received by the State under this subsection (e) shall be deposited into the Fund.

(f) (Blank.)

(g) The Agency shall not approve any payment from the Fund to pay an owner or operator:

(1) for costs of corrective action incurred by such owner or operator in an amount in excess of $1,500,000 per occurrence; and

(2) for costs of indemnification of such owner or operator in an amount in excess of $1,500,000 per occurrence.

(h) Payment of any amount from the Fund for corrective action or indemnification shall be subject to the State acquiring by subrogation the rights of any owner, operator, or other person to recover the costs of corrective action or indemnification for which the Fund has compensated such owner, operator, or person from the person responsible or liable for the release.

(i) If the Agency refuses to pay or authorizes only a partial payment, the affected owner or operator may petition the Board for a hearing in the manner provided for the review of permit decisions in Section 40 of this Act [415 ILCS 5/40].

(j) Costs of corrective action or indemnification incurred by an owner or operator prior to July 28, 1989, shall not be eligible for payment or reimbursement under this Section.

(k) The Agency shall not pay costs of corrective action or indemnification incurred before providing notification of the release of petroleum in accordance with the provisions of this Title.

(*l*) Corrective action does not include legal defense costs. Legal defense costs include legal costs for seeking payment under this Title unless the owner or operator prevails before the Board in which case the Board may authorize payment of legal fees.

(m) The Agency may apportion payment of costs for plans submitted under Section 57.7 if:

(1) the owner or operator was deemed eligible to access the Fund for payment of corrective action costs for some, but not all, of the underground storage tanks at the site; and

(2) the owner or operator failed to justify all costs attributable to each underground storage tank at the site.

(n) The Agency shall not pay costs associated with a corrective action plan incurred after the Agency provides notification to the owner or operator pursuant to item (7) of subsection (b) of Section 57.7 that a revised corrective action plan is required. Costs associated with any subsequently approved corrective action plan shall be eligible for reimbursement if they meet the requirements of this Title.

HISTORY:
P.A. 88-496, § 15; 88-668, § 10; 89-428, § 395; 89-457, § 395; 91-357, § 199; 92-554, § 5; 92-574, § 5; 92-735, § 5; 95-331, § 950; 98-109, § 5-73.

415 ILCS 5/57.8a Assignment of payments from the Underground Storage Tank Fund

(a) If the Agency has formed a priority list for payment under Section 57.8(a)(3) of this Act [415 ILCS 5/57.8], an owner or operator on the priority list may assign to any bank, financial institution, lender, or other person that provides factoring or financing to an owner or operator or to a consultant of an owner or operator a full approved payment amount on the priority list for which the owner or operator is awaiting payment. The assignment must be made on an approved payment-by-approved payment basis and must be made on forms prescribed by the Agency. No assignment under this Section prevents or affects the right of the State Comptroller to make the deductions and off-sets provided in Section 10.05 of the State Comptroller Act [15 ILCS 405/10.05].

(b) The making of an assignment under this Section shall not affect an owner's or operator's right to appeal an Agency decision as provided in this Title. No assignee shall have a right to appeal an Agency decision as provided in this Title.

(c) An owner's or operator's assignment under this Section is irrevocable and may be made to only one assignee. The State shall pay the assigned amount, subject to right of the State Comptroller to make the deductions and off-sets provided in Section 10.05 of the State Comptroller Act, to this one assignee only and shall not pay the assigned amount to any subsequent assignee of the one assignee.

(d) The State and its officers and employees are discharged of all liability upon payment of the assigned amount to the assignee. The assignor and assignee shall hold harmless and indemnify the State and its officers and employees from all claims, actions, suits, complaints, and liabilities related to the assignment.

(e) An assignee may use funds received for any purpose including, without limitation, paying principal, interest, or other costs due on any financing made by the assignee. To the extent an owner or operator incurs costs associated with making an assignment under this Section, the owner or operator may not seek reimbursement of those costs from the Fund.

HISTORY:
P.A. 95-403, § 5.

415 ILCS 5/57.9 Underground Storage Tank Fund; eligibility and deductibility

(a) The Underground Storage Tank Fund shall be accessible by owners and operators who have a confirmed release from an underground storage tank or related tank system of a substance listed in this Section. The owner or operator is eligible to access the Underground Storage Tank Fund if the eligibility requirements of this Title are satisfied and:

(1) Neither the owner nor the operator is the United States Government.

(2) The tank does not contain fuel which is exempt from the Motor Fuel Tax Law [35 ILCS 505/1 et seq.].

(3) The costs were incurred as a result of a confirmed release of any of the following substances:

(A) "Fuel", as defined in Section 1.19 of the Motor Fuel Tax Law [35 ILCS 505/1.19].

(B) Aviation fuel.

(C) Heating oil.

(D) Kerosene.

(E) Used oil which has been refined from crude oil used in a motor vehicle, as defined in Section 1.3 of the Motor Fuel Tax Law [35 ILCS 505/1.3].

(4) The owner or operator registered the tank and paid all fees in accordance with the statutory and regulatory requirements of the Gasoline Storage Act [430 ILCS 15/0.01 et seq.].

(5) The owner or operator notified the Illinois Emergency Management Agency of a confirmed release, the costs were incurred after the notification and the costs were a result of a release of a substance listed in this Section. Costs of corrective action or indemnification incurred before providing that notification shall not be eligible for payment.

(6) The costs have not already been paid to the owner or operator under a private insurance policy, other written agreement, or court order.

(7) The costs were associated with "corrective action" of this Act.

If the underground storage tank which experienced a release of a substance listed in this Section was installed after July 28, 1989, the owner or operator is eligible to access the Underground Storage Tank Fund if it is demonstrated to the Office of the State Fire Marshal the tank was installed and operated in accordance with Office of the State Fire Marshal regulatory requirements. Office of the State Fire Marshal certification is prima facie evidence the tank was installed pursuant to the Office of the State Fire Marshal regulatory requirements.

(b) For releases reported prior to the effective date of this amendatory Act of the 96th General Assembly [P.A. 96-908], an owner or operator may access the Underground Storage Tank Fund for costs associated with an Agency approved plan and the Agency shall approve the payment of costs associated with corrective action after the application of a $10,000 deductible, except in the following situations:

(1) A deductible of $100,000 shall apply when none of the underground storage tanks were registered prior to July 28, 1989, except in the case of underground storage tanks used exclusively to store heating oil for consumptive use on the prem-

ises where stored and which serve other than farms or residential units, a deductible of $100,000 shall apply when none of these tanks were registered prior to July 1, 1992.

(2) A deductible of $50,000 shall apply if any of the underground storage tanks were registered prior to July 28, 1989, and the State received notice of the confirmed release prior to July 28, 1989.

(3) A deductible of $15,000 shall apply when one or more, but not all, of the underground storage tanks were registered prior to July 28, 1989, and the State received notice of the confirmed release on or after July 28, 1989.

For releases reported on or after the effective date of this amendatory Act of the 96th General Assembly, an owner or operator may access the Underground Storage Tank Fund for costs associated with an Agency approved plan, and the Agency shall approve the payment of costs associated with corrective action after the application of a $5,000 deductible.

A deductible shall apply annually for each site at which costs were incurred under a claim submitted pursuant to this Title, except that if corrective action in response to an occurrence takes place over a period of more than one year, in subsequent years, no deductible shall apply for costs incurred in response to such occurrence.

(c) Eligibility and deductibility determinations shall be made by the Office of the State Fire Marshal.

(1) When an owner or operator reports a confirmed release of a regulated substance, the Office of the State Fire Marshal shall provide the owner or operator with an "Eligibility and Deductibility Determination" form. The form shall either be provided on-site or within 15 days of the Office of the State Fire Marshal receipt of notice indicating a confirmed release. The form shall request sufficient information to enable the Office of the State Fire Marshal to make a final determination as to owner or operator eligibility to access the Underground Storage Tank Fund pursuant to this Title and the appropriate deductible. The form shall be promulgated as a rule or regulation pursuant to the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.] by the Office of the State Fire Marshal. Until such form is promulgated, the Office of State Fire Marshal shall use a form which generally conforms with this Act.

(2) Within 60 days of receipt of the "Eligibility and Deductibility Determination" form, the Office of the State Fire Marshal shall issue one letter enunciating the final eligibility and deductibility determination, and such determination or failure to act within the time prescribed shall be a final decision appealable to the Illinois Pollution Control Board.

HISTORY:
P.A. 88-496, § 15; 96-908, § 5.

415 ILCS 5/57.10 Professional Engineer or Professional Geologist certification; presumptions against liability

(a) Within 120 days of the Agency's receipt of a corrective action completion report, the Agency shall issue to the owner or operator a "no further remediation letter" unless the Agency has requested a modification, issued a rejection under subsection (d) of this Section, or the report has been rejected by operation of law.

(b) By certifying such a statement, a Licensed Professional Engineer or Licensed Professional Geologist shall in no way be liable thereon, unless the engineer or geologist gave such certification despite his or her actual knowledge that the performed measures were not in compliance with applicable statutory or regulatory requirements or any plan submitted to the Agency.

(c) The Agency's issuance of a no further remediation letter shall signify, based on the certification of the Licensed Professional Engineer, that:

(1) all statutory and regulatory corrective action requirements applicable to the occurrence have been complied with;

(2) all corrective action concerning the remediation of the occurrence has been completed; and

(3) no further corrective action concerning the occurrence is necessary for the protection of human health, safety and the environment.

This subsection (c) does not apply to off-site contamination related to the occurrence that has not been remediated due to denial of access to the off-site property.

(d) The no further remediation letter issued under this Section shall apply in favor of the following parties:

(1) The owner or operator to whom the letter was issued.

(2) Any parent corporation or subsidiary of such owner or operator.

(3) Any co-owner or co-operator, either by joint tenancy, right-of-survivorship, or any other party sharing a legal relationship with the owner or operator to whom the letter is issued.

(4) Any holder of a beneficial interest of a land trust or inter vivos trust whether revocable or irrevocable.

(5) Any mortgagee or trustee of a deed of trust of such owner or operator.

(6) Any successor-in-interest of such owner or operator.

(7) Any transferee of such owner or operator whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.

(8) Any heir or devisee or such owner or operator.

(9) An owner of a parcel of real property to the extent that the no further remediation letter under subsection (c) of this Section applies to the occurrence on that parcel.

(e) If the Agency notifies the owner or operator that the "no further remediation" letter has been rejected, the grounds for such rejection shall be described in the notice. Such a decision shall be a final determination which may be appealed by the owner or operator.

(f) The Board shall adopt rules setting forth the criteria under which the Agency may require an owner or operator to conduct further investigation or remediation related to a release for which a no further remediation letter has been issued.

(g) Holders of security interests in sites subject to the requirements of this Title XVI shall be entitled to the same protections and subject to the same responsibilities provided under general regulations promulgated under Subtitle I of the Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource Conservation and Recovery Act of 1976 (P.L. 94-580) [42 U.S.C. § 6921 et seq.].

HISTORY:

P.A. 88-496, § 15; 89-428, § 395; 89-457, § 395; 92-554, § 5; 92-735, § 5; 94-276, § 5.

415 ILCS 5/57.11 Underground Storage Tank Fund; creation.

(a) There is hereby created in the State Treasury a special fund to be known as the Underground Storage Tank Fund. There shall be deposited into the Underground Storage Tank Fund all moneys received by the Office of the State Fire Marshal as fees for underground storage tanks under Sections 4 and 5 of the Gasoline Storage Act [430 ILCS 15/4 and 430 ILCS 15/5], fees pursuant to the Motor Fuel Tax Law, and beginning July 1, 2013, payments pursuant to the Use Tax Act [35 ILCS 105/1 et seq.], the Service Use Tax Act [35 ILCS 110/1 et seq.], the Service Occupation Tax Act [35 ILCS 115/1 et seq.], and the Retailers' Occupation Tax Act [35 ILCS 120/1 et seq.]. All amounts held in the Underground Storage Tank Fund shall be invested at interest by the State Treasurer. All income earned from the investments shall be deposited into the Underground Storage Tank Fund no less frequently than quarterly. In addition to any other transfers that may be provided for by law, beginning on July 1, 2018 and on the first day of each month thereafter during fiscal years 2019 through 2023 only, the State Comptroller shall direct and the State Treasurer shall transfer an amount equal to 1/12 of $10,000,000 from the Underground Storage Tank Fund to the General Revenue Fund. Moneys in the Underground Storage Tank Fund, pursuant to appropriation, may be used by the Agency and the Office of the State Fire Marshal for the following purposes:

(1) To take action authorized under Section 57.12 [415 ILCS 5/57.12] to recover costs under Section 57.12.

(2) To assist in the reduction and mitigation of damage caused by leaks from underground storage tanks, including but not limited to, providing alternative water supplies to persons whose drinking water has become contaminated as a result of those leaks.

(3) To be used as a matching amount towards federal assistance relative to the release of petroleum from underground storage tanks.

(4) For the costs of administering activities of the Agency and the Office of the State Fire Marshal relative to the Underground Storage Tank Fund.

(5) For payment of costs of corrective action incurred by and indemnification to operators of underground storage tanks as provided in this Title.

(6) For a total of 2 demonstration projects in amounts in excess of a $10,000 deductible charge designed to assess the viability of corrective action projects at sites which have experienced contamination from petroleum releases. Such demonstration projects shall be conducted in accordance with the provision of this Title.

(7) Subject to appropriation, moneys in the Underground Storage Tank Fund may also be used by the Department of Revenue for the costs of administering its activities relative to the Fund and for refunds provided for in Section 13a.8 of the Motor Fuel Tax Law [35 ILCS 505/13a.8].

(b) Moneys in the Underground Storage Tank Fund may, pursuant to appropriation, be used by the Office of the State Fire Marshal or the Agency to take whatever emergency action is necessary or appropriate to assure that the public health or safety is not threatened whenever there is a release or substantial threat of a release of petroleum from an underground storage tank and for the costs of administering its activities relative to the Underground Storage Tank Fund.

(c) Beginning July 1, 1993, the Governor shall certify to the State Comptroller and State Treasurer the monthly amount necessary to pay debt service on State obligations issued pursuant to Section 6 of the General Obligation Bond Act [30 ILCS 330/6]. On the last day of each month, the Comptroller shall order transferred and the Treasurer shall transfer from the Underground Storage Tank Fund to the General Obligation Bond Retirement and Interest Fund the amount certified by the Governor, plus any cumulative deficiency in those transfers for prior months.

(d) Except as provided in subsection (c) of this Section, the Underground Storage Tank Fund is not subject to administrative charges authorized under Section 8h of the State Finance Act [30 ILCS 105/8h] that would in any way transfer any funds from the Underground Storage Tank Fund into any other fund of the State.

(e) Each fiscal year, subject to appropriation, the Agency may commit up to $10,000,000 of the moneys in the Underground Storage Tank Fund to the payment of corrective action costs for legacy sites that

meet one or more of the following criteria as a result of the underground storage tank release: (i) the presence of free product, (ii) contamination within a regulated recharge area, a wellhead protection area, or the setback zone of a potable water supply well, (iii) contamination extending beyond the boundaries of the site where the release occurred, or (iv) such other criteria as may be adopted in Agency rules.

(1) Fund moneys committed under this subsection (e) shall be held in the Fund for payment of the corrective action costs for which the moneys were committed.

(2) The Agency may adopt rules governing the commitment of Fund moneys under this subsection (e).

(3) This subsection (e) does not limit the use of Fund moneys at legacy sites as otherwise provided under this Title.

(4) For the purposes of this subsection (e), the term "legacy site" means a site for which (i) an underground storage tank release was reported prior to January 1, 2005, (ii) the owner or operator has been determined eligible to receive payment from the Fund for corrective action costs, and (iii) the Agency did not receive any applications for payment prior to January 1, 2010.

(f) Beginning July 1, 2013, if the amounts deposited into the Fund from moneys received by the Office of the State Fire Marshal as fees for underground storage tanks under Sections 4 and 5 of the Gasoline Storage Act and as fees pursuant to the Motor Fuel Tax Law during a State fiscal year are sufficient to pay all claims for payment by the fund received during that State fiscal year, then the amount of any payments into the fund pursuant to the Use Tax Act, the Service Use Tax Act, the Service Occupation Tax Act, and the Retailers' Occupation Tax Act during that State fiscal year shall be deposited as follows: 75% thereof shall be paid into the State treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

HISTORY:

P.A. 88-496, § 15; 90-491, § 80; 96-34, § 950; 96-908, § 5; 98-109, § 5-73; 2018 P.A. 100-587, § 50-55, effective June 4, 2018; 2019 P.A. 101-10, § 5-100, effective June 5, 2019; 2020 P.A. 101-636, § 35-5, effective June 10, 2020; 2021 P.A. 102-16, § 3-130, effective June 17, 2021; 2022 P.A. 102-699, § 5-105, effective April 19, 2022.

415 ILCS 5/57.12 Underground storage tanks; enforcement; liability

(a) Notwithstanding any other provision or rule of law, the owner or operator, or both, of an underground storage tank shall be liable for all costs of investigation, preventive action, corrective action and enforcement action incurred by the State of Illinois resulting from an underground storage tank. Nothing in this Section shall affect or modify in any way:

(1) The obligations or liability of any person under any other provision of this Act or State or federal law, including common law, for damages, injury or loss resulting from a release or substantial threat of a release as described above; or

(2) the liability of any person under this Section for costs incurred by the State of Illinois for preventive action, corrective action and enforcement action that are not paid with monies from the Underground Storage Tank Fund.

(b) Nothing in this Section shall affect or modify in any way the obligations or liability of any person under any other provision of this Act or State or federal law, including common law, to investigate, respond to, remediate, or clean up a release of a regulated substance from an underground storage tank.

(c) The Agency has the authority to do either of the following:

(1) Provide notice to the owner or operator, or both, of an underground storage tank whenever there is a release or substantial threat of a release of petroleum from such tank. Such notice shall include the identified investigation or response action and an opportunity for the owner or operator, or both, to perform the response action.

(2) Undertake investigative, preventive or corrective action whenever there is a release or a substantial threat of a release of petroleum from an underground storage tank.

(d) If notice has been provided under this Section, the Agency has the authority to require the owner or operator, or both, of an underground storage tank to undertake preventive or corrective action whenever there is a release or substantial threat of a release of petroleum from such tank.

(e) The Director of the Agency is authorized to enter into such contracts and agreements as may be necessary, and as expeditiously as necessary, to carry out the Agency's duties or responsibilities under this Title.

(f)(1) The owner or operator, or both, of an underground storage tank may be liable to the State of Illinois for punitive damages in an amount at least equal to, and not more than 3 times, the amount of any costs incurred by the State as a result of the State's response to a release or a substantial threat of a release of petroleum from the underground storage tank if the owner or operator failed, without sufficient cause, to respond to a release or a substantial threat of a release of a regulated substance from the underground storage tank upon, or in accordance with, a notice issued by the Agency under this Section.

(2) The punitive damages imposed under this subsection (f) shall be in addition to any costs recovered from that person pursuant to this Section and in addition to any other penalty or relief provided by this Act, or any other law.

(g) The standard of liability under this Section is the standard of liability under Section 22.2(f) of this Act [415 ILCS 5/22.2].

(h) Neither the State of Illinois, nor the Director of the Agency, nor any State employee shall be liable for any damages or injuries arising out of or resulting from any action taken under this Section.

(i) The costs and damages provided for in this Section may be imposed by the Board or the Circuit Court in an action brought before the Board or the Circuit Court in accordance with Title VIII of this Act, except that Section 33(c) of this Act [415 ILCS 5/33] shall not apply to the action. Costs recovered pursuant to this Section shall be deposited in the fund from which the monies were expended. Damages recovered under this Section shall be deposited in the Underground Storage Tank Fund.

HISTORY:
P.A. 88-496, § 15; 89-428, § 395; 89-457, § 395.

415 ILCS 5/57.12A Lender liability; definitions

(a) Notwithstanding any other provision or rule of law, the term "owner" or "operator" does not include a holder who, without participating in the management of a facility, underground storage tank, or underground storage tank system, holds any indicia of ownership primarily to protect its security interest in the facility, underground storage tank, or underground storage tank system.

(b) As used in this Section, and notwithstanding any other provision or rule of law:

(1) "Underground Storage Tank technical standards" refers to the underground storage tank preventative and operating requirements under the rules promulgated under subsection (a) of Section 57.1 of this Title [415 ILCS 5/57.1].

(2) Petroleum production, refining, and marketing.

(A) "Petroleum production" means the production of crude oil or other forms of petroleum as well as the production of petroleum products from purchased materials.

(B) "Petroleum refining" means the cracking, distillation, separation, conversion, upgrading, and finishing of refined petroleum or petroleum products.

(C) "Petroleum marketing" means the distribution, transfer, or sale of petroleum or petroleum products for wholesale or retail purposes.

(3) "Indicia of ownership" means evidence of a secured interest, evidence of an interest in a security interest, or evidence of an interest in real or personal property securing a loan or other obligation, including any legal or equitable title to real or personal property acquired incident to foreclosure or its equivalents. Evidence of such interests includes, but is not limited to, mortgages, deeds of trust, liens, surety bonds, and guarantees of obligations, title held pursuant to a lease financing transaction in which the lessor does not select initially the leased property (lease financing transaction), legal or equitable title obtained pursuant to foreclosure, and their equivalents. Evidence of such interests also includes assignments, pledges, or other rights to or other forms of encumbrance against property that are held primarily to protect a security interest. A person is not required to hold title or a security interest in order to maintain indicia of ownership.

(4) A "holder" is a person who maintains indicia of ownership (as defined in item (3) of subsection (b)) primarily to protect a security interest (as defined in item (6)(A) of subsection (b)) in a petroleum underground storage tank or underground storage tank system. "Holder" includes the initial holder; any subsequent holder; a guarantor of an obligation; a surety; any other person who holds ownership indicia primarily to protect a security interest; or a receiver or other person who acts on behalf or for the benefit of a holder.

(5) A "borrower", "debtor", or "obligor" is a person whose underground storage tank or underground storage tank system is encumbered by a security interest. These terms may be used interchangeably.

(6) "Primarily to protect a security interest" means that the holder's indicia of ownership are held primarily for the purpose of securing payment or performance of an obligation.

(A) "Security interest" means an interest in a petroleum underground storage tank or underground storage tank system or in the facility or property on which the underground storage tank or underground storage tank system is located, created, or established for the purpose of securing a loan or other obligation. Security interests include but are not limited to mortgages, deeds of trusts, liens, and title pursuant to lease financing transactions. Security interests may also arise from transactions such as sale and leasebacks, conditional sales, installment sales, trust receipt transactions, certain assignments, factoring agreements, accounts receivable financing arrangements, and consignments, if the transaction creates or establishes an interest in an underground storage tank or underground storage tank system or in the facility or property on which the underground storage tank or underground storage tank system is located, for the purpose of securing a loan or other obligation.

(B) "Primarily to protect a security interest", as used in this Section, does not include indicia of ownership held primarily for investment purposes, nor ownership indicia held primarily for purposes other than as protection for a security interest. A holder may have other, secondary reasons for maintaining indicia of ownership, but the primary reason why ownership indicia are held must be as protection for a security interest.

(c) **Participation in management.**

The term "participating in the management of an underground storage tank or underground storage tank system" means that the holder is engaging in

acts of petroleum underground storage tank or underground storage tank system management, as defined herein.

(1) Actions that are participation in management pre-foreclosure.

Participation in the management of an underground storage tank or underground storage tank system means, for purposes of this Section, actual participation in the management or control of decision making related to the underground storage tank or underground storage tank system by the holder and does not include the mere capacity or ability to influence or the unexercised right to control underground storage tank or underground storage tank system operations. A holder is participating in management, while the borrower is still in possession of the underground storage tank or underground storage tank system encumbered by the security interest, only if the holder either:

(A) exercises decision making control over the borrower's environmental compliance, such that the holder has undertaken responsibility for the borrower's underground storage tank or underground storage tank system management; or

(B) exercises control at a level comparable to that of a manager of the borrower's enterprise, such that the holder has assumed or manifested responsibility for the overall management of the enterprise encompassing the day-to-day decision making of the enterprise with respect to (i) environmental compliance, or (ii) all, or substantially all, of the operational (as opposed to financial or administrative) aspects of the enterprise other than environmental compliance.

(2) **Actions that are not participation in management pre-foreclosure.**

(A) **Actions at the inception of the loan or other transaction.** No act or omission prior to the time that indicia of ownership are held primarily to protect a security interest constitutes evidence of participation in management within the meaning of this Section. A prospective holder who undertakes or requires an environmental investigation of the underground storage tank or underground storage tank system in which indicia of ownership are to be held or requires a prospective borrower to clean up contamination from the underground storage tank or underground storage tank system or to comply or come into compliance with any applicable law or regulation is not by that action considered to be participating in the management of the underground storage tank or underground storage tank system.

(B) **Loan policing and workout.** Actions that are consistent with holding ownership indicia primarily to protect a security interest do not constitute participation in management for purposes of this Section. The authority for the holder to take such actions may, but need not, be contained in contractual or other documents specifying requirements for financial, environmental, and other warranties, covenants, conditions, representations, or promises from the borrower. Loan policing and workout activities cover and include all such activities up to foreclosure or its equivalents, exclusive of any activities that constitute participation in management.

(i) **Policing the security interest or loan.** A holder who engages in policing activities prior to foreclosure shall remain within the exemption provided that the holder does not by such actions participate in the management of the underground storage tank or underground storage tank system as provided in item (1) of subsection (c). Such actions include, but are not limited to, requiring the borrower to clean up contamination from the underground storage tank or underground storage tank system during the term of the security interest; requiring the borrower to comply or come into compliance with applicable federal, State, and local environmental and other laws, rules, and regulations during the term of the security interest; securing or exercising authority to monitor or inspect the underground storage tank or underground storage tank system in which indicia of ownership are maintained or the borrower's business or financial condition during the term of the security interest; or taking other actions to adequately police the loan or security interest (such as requiring a borrower to comply with any warranties, covenants, conditions, representation, or promises from the borrower).

(ii) **Loan workout.** A holder who engages in workout activities prior to foreclosure or its equivalents will remain within the exemption of this Section provided that the holder does not by such action participate in the management of the underground storage tank or underground storage tank system as provided in item (1) of subsection (c). For purposes of this Section, "workout" refers to those actions by which a holder, at any time prior to foreclosure or its equivalents, seeks to prevent, cure, or mitigate a default by the borrower or obligor; or to preserve, or prevent the diminution of, the value of the security. Workout activities include, but are not limited to, restructuring or renegotiating the terms of the security interest; requiring payment of additional rent or interest; exercising forbearance; requiring or exercising rights under an assignment of accounts or other amounts owing to an obligor; requiring or exercising rights under an escrow agreement pertaining to amounts owing to an obligor; providing specific or general financial or other advice, suggestions, counseling, or guidance; and exercising any right or remedy the holder is entitled to by law or under any warranties, covenants, conditions, representations, or promises from the borrower.

(3) Foreclosure on an underground storage tank or underground storage tank system and participation in management activities; post-foreclosure.

(A) **Foreclosure.** Indicia of ownership that are held primarily to protect a security interest include legal or equitable title acquired through or incident to foreclosure or its equivalents. For purposes of this Section, the term foreclosure or its equivalents includes purchase at foreclosure sale; acquisition or assignment of title in lieu of foreclosure; termination of a lease or other repossession; acquisition of a right to title or possession; an agreement in satisfaction of the obligation; or any other formal or informal manner by which the holder acquires title to or possession of the secured underground storage tank or underground storage tank system. The indicia of ownership held after foreclosure continues to be maintained primarily as protection for a security interest provided that the holder undertakes to sell, re-lease an underground storage tank or underground storage tank system held pursuant to a lease financing transaction, or otherwise divest itself or the underground storage tank or underground storage tank system in a reasonably expeditious manner, using whatever commercially reasonable means are relevant or appropriate with respect to the underground storage tank or underground storage tank system, taking all facts and circumstances into consideration, and provided that the holder did not participate in management, as defined in item (1) of subsection (c), prior to foreclosure or its equivalents. For purposes of establishing that a holder is seeking to sell, re-lease an underground storage tank or underground storage tank system held pursuant to a lease financing transaction, or divest an underground storage tank or underground storage tank system in a reasonably expeditious manner, the holder may use whatever commercially reasonable means as are relevant or appropriate with respect to the underground storage tank or underground storage tank system, or may employ the means specified in item (3)(B) of subsection (c). A holder that outbids, rejects, or fails to act upon a written bona fide, firm offer of fair consideration for the underground storage tank or underground storage tank system, as provided in item (3)(B) of subsection (b), is not considered to hold indicia of ownership primarily to protect a security interest.

(B) **Holding foreclosed property for disposition and liquidation.** A holder who did not participate in management prior to foreclosure or its equivalents may sell, re-lease an underground storage tank or underground storage tank system held pursuant to a lease financing transaction, liquidate, wind up operations, and take measures to preserve, protect, or prepare the secured underground storage tank or underground storage tank system prior to sale or other disposition. The holder may conduct these activities without voiding the exemption, subject to the requirements of this Section.

(i) A holder establishes that the ownership indicia maintained following foreclosure or its equivalents continue to be held primarily to protect a security interest by listing, within 12 months from the time that the holder acquires marketable title, the underground storage tank or underground storage tank system or the facility or property on which the underground storage tank or underground storage tank system is located, with a broker, dealer, or agent who deals with the type of property in question or by advertising the underground storage tank or underground storage tank system as being for sale or disposition on at least a monthly basis in either a real estate publication or a trade or other publication suitable for the underground storage tank or underground storage tank system in question, or a newspaper of general circulation (defined as one with a circulation over 10,000, or one suitable under any applicable federal, State, or local rules of court for publication required by court order or rules of civil procedure) covering the area in which the underground storage tank or underground storage tank system is located.

If the holder fails to act diligently to acquire marketable title, the 12 month period begins to run on the date of the judgment of foreclosure or its equivalents.

(ii) A holder that outbids, rejects, or fails to act upon an offer of fair consideration for the underground storage tank or underground storage tank system or the facility or property on which the underground storage tank or underground storage tank system is located establishes by such outbidding, rejection, or failure to act, that the ownership indicia in the secured underground storage tank or underground storage tank system are not held primarily to protect the security interest, unless the holder is required, in order to avoid liability under federal or State law, to make a higher bid, to obtain a higher offer, or to seek or obtain an offer in a different manner.

(A) "Fair consideration", in the case of a holder maintaining indicia of ownership primarily to protect a senior security interest in the underground storage tank or underground storage tank system, is the value of the security interest as defined in this item (3)(B)(iii)(A) of subsection (c). The value of the security interest is calculated as an amount equal to or in excess of the sum of the outstanding principal, or comparable amount in the case of a lease that constitutes a security interest, owed to the holder immediately preceding the acquisition of

full title (or possession in the case of an underground storage tank or underground storage tank system subject to a lease financing transaction) pursuant to foreclosure or its equivalents, plus any unpaid interest, rent, or penalties (whether arising before or after foreclosure or its equivalents), plus all reasonable and necessary costs, fees, or other charges incurred by the holder incident to workout, foreclosure or its equivalent, retention, preserving, protecting, and preparing the underground storage tank or underground storage tank system prior to sale, re-lease of an underground storage tank or underground storage tank system held pursuant to a lease financing transaction or other disposition plus environmental investigation and corrective action costs incurred under any federal, State or local rule or regulation less any amounts received by the holder in connection with any partial disposition of the property and any amounts paid by the borrower subsequent to the acquisition of full title (or possession in the case of an underground storage tank or underground storage tank system subject to a lease financing transaction) pursuant to foreclosure or its equivalents. In the case of a holder maintaining indicia of ownership primarily to protect a junior security interest, fair consideration is the value of all outstanding higher priority security interests plus the value of the security interest held by the junior holder, each calculated as set forth in the preceding sentence.

(B) "Outbids, rejects, or fails to act upon an offer of fair consideration" means that the holder outbids, rejects, or fails to act upon within 90 days of receipt of a written, bona fide, firm offer of fair consideration for the underground storage tank or underground storage tank system received at any time after 6 months following foreclosure or its equivalents. A "written, bona fide, firm offer" means a legally enforceable, commercially reasonable, cash offer solely for foreclosed underground storage tank or underground storage tank system, including all material terms of the transaction, from a ready, willing, and able purchaser who demonstrates to the holder's satisfaction the ability to perform. For purposes of this provision, the 6 month period begins to run from the time that the holder acquires marketable title; otherwise, provided that the holder, after the expiration of any redemption or other waiting period provided by law, acted diligently to acquire marketable title; otherwise, the 6 month period begins to run on the date of foreclosure or its equivalents.

(d) Ownership of an underground storage tank and underground storage tank system.

(1) **Ownership of an underground storage tank or underground storage tank system for purposes of corrective action.** A holder is not an "owner" of a petroleum underground storage tank or underground storage tank system for purposes of compliance with the corrective action requirements of Section 57.12 of this Act [415 ILCS 5/57.12], provided the person:

(A) does not participate in the management of the underground storage tank or underground storage tank system as defined in subsection (c); and

(B) does not engage in petroleum production, refining, and marketing.

(2) **Ownership of an underground storage tank or underground storage tank system for purposes of the underground storage tank technical standards.** A holder is not an owner of a petroleum underground storage tank or underground storage tank system for purposes of the underground storage tank technical standards provided that the holder:

(A) does not participate in the management of the underground storage tank or underground storage tank system as defined in subsection (c); and

(B) does not engage in petroleum production, refining, and marketing.

(e) Operating an underground storage tank or underground storage tank system.

(1) **Operating an underground storage tank or underground storage tank system prior to foreclosure.** A holder, prior to foreclosure or its equivalents, is not an operator of a petroleum underground storage tank or underground storage tank system for purposes of compliance with the corrective action requirements of Section 57.12 of this Act [415 ILCS 5/57.12], or any other provision of this Act or of State or federal law, provided the holder is not in control of or does not have responsibility for the daily operation of the underground storage tank or underground storage tank system.

(2) Operating an underground storage tank or underground storage tank system after foreclosure.

(A) A holder who has not participated in management prior to foreclosure and who acquires a petroleum underground storage tank or underground storage tank system through foreclosure or its equivalents is not an operator of the underground storage tank or underground storage tank system for purposes of compliance with the corrective action requirements under Section 57.12 of this Act [415 ILCS 5/57.12], or any other provision of this Act or of State or federal law, provided that the holder within 15 days following foreclosure or its equivalents, empties all of its underground storage tanks and underground storage tank systems so that no more than 2.5 centimeters (one inch) of residue, or 0.3% by weight of the total capacity of the underground storage tank system, remains in the system; leaves vent lines open and functioning; and caps and secures all other lines, pumps, manways, and ancillary equipment.

(B) In addition, the holder shall either:

(i) "permanently" close the underground storage tank or underground storage tank system in accordance with the regulations of the Office of the State Fire Marshal (41 Illinois Administrative Code Part 170, as amended); or

(ii) "temporarily" close the underground storage tank or underground storage tank system in accordance with the applicable provisions of the regulations of the Office of the State Fire Marshal (41 Illinois Administrative Code Part 170.620 and 170.670, as amended).

(C) A holder who acquires a petroleum underground storage tank or underground storage tank system through foreclosure or its equivalents is not an "operator" of the underground storage tank or underground storage tank system for purposes of this Act, the first 15 days following foreclosure or its equivalents, provided the holder complies with item (2) of Section (e).

(f) **Actions taken to protect human health and the environment.** A holder is not considered to be an operator of an underground storage tank or underground storage tank system or to be participating in the management of an underground storage tank or underground storage tank system solely on the basis of undertaking actions under a federal or State law or regulation, provided that the holder does not otherwise participate in the management or daily operation of the underground storage tank or underground storage tank system. Such actions include, but are not limited to, release reporting, release response and corrective action, temporary or permanent closure of an underground storage tank or underground storage tank system, underground storage tank upgrading or replacement, and maintenance of corrosion protection. A holder who undertakes these actions must do so in compliance with the applicable requirements of this Act.

(g) **Financial responsibility.** A holder is exempt from the requirement to demonstrate financial responsibility under any State law or rule, provided the holder:

(1) does not participate in the management of the underground storage tank or underground storage tank system as defined in subsection (c);

(2) does not engage in petroleum production, refining, and marketing as defined in item (2) of subsection (b); and

(3) complies with the requirements of subsection (e).

HISTORY:
P.A. 89-200, § 5; 89-626, § 3-33.

415 ILCS 5/57.13 Underground Storage Tank Program; transition

This Title applies to all underground storage tank releases for which a No Further Remediation Letter is issued on or after the effective date of this amendatory Act of the 96th General Assembly [P.A. 96-908], provided that (i) costs incurred prior to the effective date of this amendatory Act shall be payable from the UST Fund in the same manner as allowed under the law in effect at the time the costs were incurred and (ii) releases for which corrective action was completed prior to the effective date of this amendatory Act shall be eligible for a No Further Remediation Letter in the same manner as allowed under the law in effect at the time the corrective action was completed.

HISTORY:
P.A. 88-496, § 15; 92-554, § 5; 92-574, § 5; 95-331, § 950; 96-908, § 5.

415 ILCS 5/57.14 Advisory Committee; regulations [Repealed]

HISTORY:
P.A. 88-496, § 15; 89-428, § 395; 90-14, § 2-205; Repealed by P.A. 91-798, § 200, effective July 9, 2000.

415 ILCS 5/57.14A Rules

(a) The Agency shall propose and the Board shall adopt amendments to the rules governing the administration of this Title to make the rules consistent with the provisions herein.

(b) Until such time as the amended rules required under this Section take effect, the Agency shall administer this Title in accordance with the provisions herein.

HISTORY:
P.A. 92-554, § 5.

415 ILCS 5/57.15 Authority to audit

The Agency has the authority to audit all data, reports, plans, documents and budgets submitted pursuant to this Title. If the data, report, plan, document or budget audited by the Agency pursuant to this Section fails to conform to all applicable requirements of this Title, the Agency may take appropriate actions.

HISTORY:
P.A. 88-496, § 15.

415 ILCS 5/57.16 Severability

The provisions of this Title are severable under Section 1.31 of the Statute on Statutes [5 ILCS 70/1.31].

HISTORY:
P.A. 88-496, § 15.

415 ILCS 5/57.17 Falsification [Repealed]

HISTORY:
P.A. 88-496, § 15; Repealed by 98-822, § 8, effective August 1, 2014.

415 ILCS 5/57.18 Additional remedial action required by change in law; Agency's duty to propose amendment

If a change in State or federal law requires additional remedial action in response to releases for which No Further Remediation Letters have been issued, the Agency shall propose in the next convening of a regular session of the current General Assembly amendments to this Title to allow owners and operators to perform the additional remedial action and seek payment from the Fund for the costs of the action.

HISTORY:
P.A. 96-908, § 5.

415 ILCS 5/57.19 Costs incurred after the issuance of a No Further Remediation Letter

The following shall be considered corrective action activities eligible for payment from the Fund even when an owner or operator conducts these activities after the issuance of a No Further Remediation Letter. Corrective action conducted under this Section and costs incurred under this Section must comply with the requirements of this Title and Board rules adopted under this Title.

(1) Corrective action to achieve residential property remediation objectives if the owner or operator demonstrates that property remediated to industrial/commercial property remediation objectives pursuant to subdivision (c)(3)(A)(ii) of Section 57.7 of this Act [415 ILCS 5/57.7] is being developed into residential property.

(2) Corrective action to address groundwater contamination if the owner or operator demonstrates that action is necessary because a groundwater ordinance used as an institutional control pursuant to subdivision (c)(3)(A)(iii) of Section 57.7 of this Act can no longer be used as an institutional control.

(3) Corrective action to address groundwater contamination if the owner or operator demonstrates that action is necessary because an on-site groundwater use restriction used as an institutional control pursuant to subdivision (c)(3)(A)(iv) of Section 57.7 of this Act must be lifted in order to allow the installation of a potable water supply well due to public water supply service no longer being available for reasons other than an act or omission of the owner or operator.

(4) The disposal of soil that does not exceed industrial/commercial property remediation objectives, but that does exceed residential property remediation objectives, if industrial/commercial property remediation objectives were used pursuant to subdivision (c)(3)(A)(ii) of Section 57.7 of this Act and the owner or operator demonstrates that (i) the contamination is the result of the release for which the owner or operator is eligible to seek payment from the Fund and (ii) disposal of the soil is necessary as a result of construction activities conducted after the issuance of a No Further Remediation Letter on the site where the release occurred, including, but not limited to, the following: tank, line, or canopy repair, replacement, or removal; building upgrades; sign installation; and water or sewer line replacement.

(5) The disposal of water exceeding groundwater remediation objectives that is removed from an excavation on the site where the release occurred if a groundwater ordinance is used as an institutional control pursuant to subdivision (c)(3)(A)(iii) of Section 57.7 of this Act, or if an on-site groundwater use restriction is used as an institutional control pursuant to subdivision (c)(3)(A)(iv) of Section 57.7, and the owner or operator demonstrates that (i) the excavation is located within the measured or modeled extent of groundwater contamination resulting from the release for which the owner or operator is eligible to seek payment from the Fund and (ii) disposal of the groundwater is necessary as a result of construction activities conducted after the issuance of a No Further Remediation Letter on the site where the release occurred, including, but not limited to, the following: tank, line, or canopy repair, replacement, or removal; building upgrades; sign installation; and water or sewer line replacement.

HISTORY:
P.A. 96-908, § 5.

TITLE XVII.

SITE REMEDIATION PROGRAM

415 ILCS 5/58 Intent

It is the intent of this Title:

(1) To establish a risk-based system of remediation based on protection of human health and the environment relative to present and future uses of the site.

(2) To assure that the land use for which remedial action was undertaken will not be modified without consideration of the adequacy of such remedial action for the new land use.

(3) To provide incentives to the private sector to undertake remedial action.

(4) To establish expeditious alternatives for the review of site investigation and remedial activities, including a privatized review process.

(5) To assure that the resources of the Hazardous Waste Fund are used in a manner that is protective of human health and the environment relative to present and future uses of the site and surrounding area.

(6) To provide assistance to units of local government for remediation of properties contaminated or potentially contaminated by commercial, indus-

trial, or other uses, to provide loans for the redevelopment of brownfields, and to establish and provide for the administration of the Brownfields Redevelopment Fund.

HISTORY:
P.A. 89-431, § 5; 89-443, § 5; 90-123, § 15; 91-36, § 5.

415 ILCS 5/58.1 Applicability

(a)(1) This Title establishes the procedures for the investigative and remedial activities at sites where there is a release, threatened release, or suspected release of hazardous substances, pesticides, or petroleum and for the review and approval of those activities.

(2) Any person, including persons required to perform investigations and remediations under this Act, may elect to proceed under this Title unless (i) the site is on the National Priorities List (Appendix B of 40 CFR 300), (ii) the site is a treatment, storage, or disposal site for which a permit has been issued, or that is subject to closure requirements under federal or State solid or hazardous waste laws, (iii) the site is subject to federal or State underground storage tank laws, or (iv) investigation or remedial action at the site has been required by a federal court order or an order issued by the United States Environmental Protection Agency. To the extent allowed by federal law and regulations, the sites listed under items (i), (ii), (iii), and (iv) may utilize the provisions of this Title, including the procedures for establishing risk-based remediation objectives under Section 58.5 [415 ILCS 5/58.5].

(b) Except for sites excluded under subdivision (a)(2) of this Section, the Remediation Applicant (RA) for any site that has not received an Agency letter under subsection (y) of Section 4 of this Act [415 ILCS 5/4] may elect to proceed under the provisions of this Title by submitting a written statement of the election to the Agency. In the absence of such election, the RA shall continue under the provisions of this Act as applicable prior to the effective date of this amendatory Act of 1995.

(c) Except for sites excluded under subdivision (a)(2) of this Section, agrichemical facilities may elect to undertake corrective action in conformance with this Title and rules promulgated by the Board thereunder and land application programs administered by the Department of Agriculture as provided under Section 19 of the Illinois Pesticide Act [415 ILCS 60/19], and shall be eligible for the relief provided under Section 58.10 [415 ILCS 5/58.10].

HISTORY:
P.A. 89-431, § 5; 89-443, § 5.

415 ILCS 5/58.2 Definitions

The following words and phrases when used in this Title shall have the meanings given to them in this Section unless the context clearly indicates otherwise:

"Agrichemical facility" means a site on which agricultural pesticides are stored or handled, or both, in preparation for end use, or distributed. The term does not include basic manufacturing facility sites.

"ASTM" means the American Society for Testing and Materials.

"Area background" means concentrations of regulated substances that are consistently present in the environment in the vicinity of a site that are the result of natural conditions or human activities, and not the result solely of releases at the site.

"Brownfields site" or "brownfields" means a parcel of real property, or a portion of the parcel, that has actual or perceived contamination and an active potential for redevelopment.

"Class I groundwater" means groundwater that meets the Class I Potable Resource groundwater criteria set forth in the Board rules adopted under the Illinois Groundwater Protection Act [415 ILCS 55/1 et seq.].

"Class III groundwater" means groundwater that meets the Class III Special Resource Groundwater criteria set forth in the Board rules adopted under the Illinois Groundwater Protection Act.

"Carcinogen" means a contaminant that is classified as a Category A1 or A2 Carcinogen by the American Conference of Governmental Industrial Hygienists; or a Category 1 or 2A/2B Carcinogen by the World Health Organizations International Agency for Research on Cancer; or a "Human Carcinogen" or "Anticipated Human Carcinogen" by the United States Department of Health and Human Service National Toxicological Program; or a Category A or B1/B2 Carcinogen by the United States Environmental Protection Agency in Integrated Risk Information System or a Final Rule issued in a Federal Register notice by the USEPA as of the effective date of this amendatory Act of 1995.

"Licensed Professional Engineer" (LPE) means a person, corporation, or partnership licensed under the laws of this State to practice professional engineering.

"Licensed Professional Geologist" means a person licensed under the laws of the State of Illinois to practice as a professional geologist.

"RELPEG" means a Licensed Professional Engineer or a Licensed Professional Geologist engaged in review and evaluation under this Title.

"Man-made pathway" means constructed routes that may allow for the transport of regulated substances including, but not limited to, sewers, utility lines, utility vaults, building foundations, basements, crawl spaces, drainage ditches, or previously excavated and filled areas.

"Municipality" means an incorporated city, village, or town in this State. "Municipality" does not mean a township, town when that term is used as the equivalent of a township, incorporated town that has superseded a civil township, county, or school district, park

district, sanitary district, or similar governmental district.

"Natural pathway" means natural routes for the transport of regulated substances including, but not limited to, soil, groundwater, sand seams and lenses, and gravel seams and lenses.

"Person" means individual, trust, firm, joint stock company, joint venture, consortium, commercial entity, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body including the United States Government and each department, agency, and instrumentality of the United States.

"Regulated substance" means any hazardous substance as defined under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510) [42 U.S.C. § 9601] and petroleum products including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

"Remedial action" means activities associated with compliance with the provisions of Sections 58.6 and 58.7 [415 ILCS 5/58.6 and 415 ILCS 5/58.7].

"Remediation Applicant" (RA) means any person seeking to perform or performing investigative or remedial activities under this Title, including the owner or operator of the site or persons authorized by law or consent to act on behalf of or in lieu of the owner or operator of the site.

"Remediation costs" means reasonable costs paid for investigating and remediating regulated substances of concern consistent with the remedy selected for a site. For purposes of Section 58.14 [415 ILCS 5/58.14], "remediation costs" shall not include costs incurred prior to January 1, 1998, costs incurred after the issuance of a No Further Remediation Letter under Section 58.10 of this Act [415 ILCS 5/58.10], or costs incurred more than 12 months prior to acceptance into the Site Remediation Program.

For the purpose of Section 58.14a, "remediation costs" do not include any costs incurred before January 1, 2007, any costs incurred after the issuance of a No Further Remediation Letter under Section 58.10, or any costs incurred more than 12 months before acceptance into the Site Remediation Program.

"Residential property" means any real property that is used for habitation by individuals and other property uses defined by Board rules such as education, health care, child care and related uses.

"River Edge Redevelopment Zone" has the meaning set forth under the River Edge Redevelopment Zone Act [65 ILCS 115/1 et seq.].

"Site" means any single location, place, tract of land or parcel of property, or portion thereof, including contiguous property separated by a public right-of-way.

"Regulated substance of concern" means any contaminant that is expected to be present at the site based upon past and current land uses and associated releases that are known to the Remediation Applicant based upon reasonable inquiry.

HISTORY:

P.A. 89-431, § 5; 89-443, § 5; 90-123, § 15; 92-735, § 5; 95-454, § 10.

415 ILCS 5/58.3 Site Investigation and Remedial Activities Program; Brownfields Redevelopment Fund

(a) The General Assembly hereby establishes by this Title a Site Investigation and Remedial Activities Program for sites subject to this Title. This program shall be administered by the Illinois Environmental Protection Agency under this Title XVII and rules adopted by the Illinois Pollution Control Board.

(b)(1) The General Assembly hereby creates within the State Treasury a special fund to be known as the Brownfields Redevelopment Fund, consisting of 2 programs to be known as the "Municipal Brownfields Redevelopment Grant Program" and the "Brownfields Redevelopment Loan Program", which shall be used and administered by the Agency as provided in Sections 58.13 and 58.15 of this Act [415 ILCS 5/58.13 and 415 ILCS 5/58.15] and the rules adopted under those Sections. The Brownfields Redevelopment Fund ("Fund") shall contain moneys transferred from the Response Contractors Indemnification Fund and other moneys made available for deposit into the Fund.

(2) The State Treasurer, ex officio, shall be the custodian of the Fund, and the Comptroller shall direct payments from the Fund upon vouchers properly certified by the Agency. The Treasurer shall credit to the Fund interest earned on moneys contained in the Fund. The Agency shall have the authority to accept, receive, and administer on behalf of the State any grants, gifts, loans, reimbursements or payments for services, or other moneys made available to the State from any source for purposes of the Fund. Those moneys shall be deposited into the Fund, unless otherwise required by the Environmental Protection Act [415 ILCS 5/1 et seq.] or by federal law.

(3) Pursuant to appropriation, all moneys in the Fund shall be used by the Agency for the purposes set forth in subdivision (b)(4) of this Section and Sections 58.13 and 58.15 of this Act and to cover the Agency's costs of program development and administration under those Sections.

(4) The Agency shall have the power to enter into intergovernmental agreements with the federal government or the State, or any instrumentality thereof, for purposes of capitalizing the Brownfields Redevelopment Fund. Moneys on deposit in the Brownfields Redevelopment Fund may be used for the creation of reserve funds or pledged funds that secure the obligations of repayment of loans

made pursuant to Section 58.15 of this Act. For the purpose of obtaining capital for deposit into the Brownfields Redevelopment Fund, the Agency may also enter into agreements with financial institutions and other persons for the purpose of selling loans and developing a secondary market for such loans. The Agency shall have the power to create and establish such reserve funds and accounts as may be necessary or desirable to accomplish its purposes under this subsection and to allocate its available moneys into such funds and accounts. Investment earnings on moneys held in the Brownfields Redevelopment Fund, including any reserve fund or pledged fund, shall be deposited into the Brownfields Redevelopment Fund.

(5) The Agency is authorized to administer funds made available to the Agency under federal law, including but not limited to the Small Business Liability Relief and Brownfields Revitalization Act, related to brownfields cleanup and reuse in accordance with that law and this Title.

HISTORY:
P.A. 89-431, § 5; 90-123, § 15; 91-36, § 5; 92-486, § 10; 92-715, § 10; 95-331, § 950.

415 ILCS 5/58.4 Permit waiver

A State permit or permit revision which is not otherwise required by federal law or regulations shall not be required for remedial action activities undertaken pursuant to the provisions of this Title that occur entirely on the site.

HISTORY:
P.A. 89-431, § 5; 89-443, § 5.

415 ILCS 5/58.5 Risk-based remediation objectives

(a) **Determination of remediation objectives.** This Section establishes the procedures for determining risk-based remediation objectives.

(b) **Background area remediation objectives.**

(1) Except as provided in subdivisions (b)(2) or (b)(3) of this Section, remediation objectives established under this Section shall not require remediation of regulated substances to levels that are less than area background levels.

(2) In the event that the concentration of a regulated substance of concern on the site exceeds a remediation objective adopted by the Board for residential land use, the property may not be converted to residential use unless such remediation objective or an alternate risk-based remediation objective for that regulated substance of concern is first achieved.

(3) In the event that the Agency has determined in writing that the background level for a regulated substance poses an acute threat to human health or the environment at the site when considering the post-remedial action land use, the RA shall develop appropriate risk-based remediation objectives in accordance with this Section.

(c) Regulations establishing remediation objectives and methodologies for deriving remediation objectives for individual or classes of regulated substances shall be adopted by the Board in accordance with this Section and Section 58.11 [415 ILCS 5/58.11].

(1) The regulations shall provide for the adoption of a three-tiered process for a RA to establish remediation objectives protective of human health and the environment based on identified risks and specific site characteristics at and around the site.

(2) The regulations shall provide procedures for using alternative tiers in developing remediation objectives for multiple regulated substances.

(3) The regulations shall provide procedures for determining area background contaminant levels.

(4) The methodologies adopted under this Section shall ensure that the following factors are taken into account in determining remediation objectives:

(A) potential risks posed by carcinogens and noncarcinogens; and

(B) the presence of multiple substances of concern and multiple exposure pathways.

(d) In developing remediation objectives under subsection (c) of this Section, the methodology proposed and adopted shall establish tiers addressing manmade and natural pathways of exposure, including but not limited to human ingestion, human inhalation, and groundwater protection. For carcinogens, soil and groundwater remediation objectives shall be established at exposures that represent an excess upper-bound lifetime risk of between 1 in 10,000 and 1 in 1,000,000 as appropriate for the post-remedial action use, except that remediation objectives protecting residential use shall be based on exposures that represent an excess upper-bound lifetime risk of 1 in 1,000,000. No groundwater remediation objective adopted pursuant to this Section shall be more restrictive than the applicable Class I or Class III Groundwater Quality Standard adopted by the Board. At a minimum, the objectives shall include the following:

(1) Tier I remediation objectives expressed as a table of numeric values for soil and groundwater. Such objectives may be of different values dependent on potential pathways at the site and different land uses, including residential and nonresidential uses.

(2) Tier II remediation objectives shall include the formulae and equations used to derive the Tier II objectives and input variables for use in the formulae. The RA may alter the input variables when it is demonstrated that the specific circumstances at and around the site including land uses warrant such alternate variables.

(3) Tier III remediation objectives shall include methodologies to allow for the development of site-specific risk-based remediation objectives for

soil or groundwater, or both, for regulated substances. Such methodology shall allow for different remediation objectives for residential and various categories of non-residential land uses. The Board's future adoption of a methodology pursuant to this Section shall in no way preclude the use of a nationally recognized methodology to be used for the development of site-specific risk-based objectives for regulated substances under this Section. In determining Tier III remediation objectives under this subsection, all of the following factors shall be considered:

(A) The use of specific site characteristic data.

(B) The use of appropriate exposure factors for the current and currently planned future land use of the site and adjacent property and the effectiveness of engineering, institutional, or legal controls placed on the current or future use of the site.

(C) The use of appropriate statistical methodologies to establish statistically valid remediation objectives.

(D) The actual and potential impact of regulated substances to receptors.

(4) For regulated substances that have a groundwater quality standard established pursuant to the Illinois Groundwater Protection Act [415 ILCS 55/1 et seq.] and rules promulgated thereunder, site specific groundwater remediation objectives may be proposed under the methodology established in subdivision (d)(3) of this Section at values greater than the groundwater quality standards.

(A) The RA proposing any site specific groundwater remediation objective at a value greater than the applicable groundwater quality standard shall demonstrate:

(i) To the extent practical, the exceedance of the groundwater quality standard has been minimized and beneficial use appropriate to the groundwater that was impacted has been returned; and

(ii) Any threat to human health or the environment has been minimized.

(B) The rules proposed by the Agency and adopted by the Board under this Section shall include criteria required for the demonstration of the suitability of groundwater objectives proposed under subdivision (b)(4)(A) of this Section.

(e) The rules proposed by the Agency and adopted by the Board under this Section shall include conditions for the establishment and duration of groundwater management zones by rule, as appropriate, at sites undergoing remedial action under this Title.

(f) Until such time as the Board adopts remediation objectives under this Section, the remediation objectives adopted by the Board under Title XVI of this Act [415 ILCS 5/57 et seq.] shall apply to all environmental assessments and soil or groundwater remedial action conducted under this Title.

HISTORY:

P.A. 89-431, § 5; 89-443, § 5; 89-626, § 2-62; 91-909, § 5.

415 ILCS 5/58.6 Remedial investigations and reports

(a) Any RA who proceeds under this Title may elect to seek review and approval for any of the remediation objectives provided in Section 58.5 [415 ILCS 5/58.5] for any or all regulated substances of concern. The RA shall conduct investigations and remedial activities for regulated substances of concern and prepare plans and reports in accordance with this Section and rules adopted hereunder. The RA shall submit the plans and reports for review and approval in accordance with Section 58.7 [415 ILCS 5/58.7]. All investigations, plans, and reports conducted or prepared under this Section shall be under the supervision of a Licensed Professional Engineer (LPE) or, in the case of a site investigation only, a Licensed Professional Geologist in accordance with the requirements of this Title.

(b)(1) **Site investigation and Site Investigation Report.** The RA shall conduct a site investigation to determine the significant physical features of the site and vicinity that may affect contaminant transport and risk to human health, safety, and the environment and to determine the nature, concentration, direction and rate of movement, and extent of the contamination at the site.

(2) The RA shall compile the results of the investigations into a Site Investigation Report. At a minimum, the reports shall include the following, as applicable:

(A) Executive summary;

(B) Site history;

(C) Site-specific sampling methods and results;

(D) Documentation of field activities, including quality assurance project plan;

(E) Interpretation of results; and

(F) Conclusions.

(c) **Remediation Objectives Report.**

(1) If a RA elects to determine remediation objectives appropriate for the site using the Tier II or Tier III procedures under subsection (d) of Section 58.5 [415 ILCS 5/58.5], the RA shall develop such remediation objectives based on site-specific information. In support of such remediation objectives, the RA shall prepare a Remediation Objectives Report demonstrating how the site-specific objectives were calculated or otherwise determined.

(2) If a RA elects to determine remediation objectives appropriate for the site using the area background procedures under subsection (b) of Section 58.5 [415 ILCS 5/58.5], the RA shall develop such remediation objectives based on site-specific literature review, sampling protocol, or appropriate statistical methods in accordance with Board rules. In support of such remediation objectives, the RA shall prepare a Remediation Objectives Report demonstrating how the area background remediation objectives were determined.

(d) **Remedial Action Plan.** If the approved remediation objectives for any regulated substance

established under Section 58.5 [415 ILCS 5/58.5] are less than the levels existing at the site prior to any remedial action, the RA shall prepare a Remedial Action Plan. The Remedial Action Plan shall describe the selected remedy and evaluate its ability and effectiveness to achieve the remediation objectives approved for the site. At a minimum, the reports shall include the following, as applicable:

(1) Executive summary;

(2) Statement of remediation objectives;

(3) Remedial technologies selected;

(4) Confirmation sampling plan;

(5) Current and projected future use of the property; and

(6) Applicable preventive, engineering, and institutional controls including long-term reliability, operating, and maintenance plans, and monitoring procedures.

(e) **Remedial Action Completion Report.**

(1) Upon completion of the Remedial Action Plan, the RA shall prepare a Remedial Action Completion Report. The report shall demonstrate whether the remedial action was completed in accordance with the approved Remedial Action Plan and whether the remediation objectives, as well as any other requirements of the plan, have been attained.

(2) If the approved remediation objectives for the regulated substances of concern established under Section 58.5 [415 ILCS 5/58.5] are equal to or above the levels existing at the site prior to any remedial action, notification and documentation of such shall constitute the entire Remedial Action Completion Report for purposes of this Title.

(f) **Ability to proceed.** The RA may elect to prepare and submit for review and approval any and all reports or plans required under the provisions of this Section individually, following completion of each such activity; concurrently, following completion of all activities; or in any other combination. In any event, the review and approval process shall proceed in accordance with Section 58.7 [415 ILCS 5/58.7] and rules adopted thereunder.

(g) Nothing in this Section shall prevent an RA from implementing or conducting an interim or any other remedial measure prior to election to proceed under Section 58.6.

(h) In accordance with Section 58.11 [415 ILCS 5/58.11], the Agency shall propose and the Board shall adopt rules to carry out the purposes of this Section.

HISTORY:

P.A. 89-431, § 5; 89-443, § 5; 92-735, § 5.

415 ILCS 5/58.7 Review and approvals

(a) Requirements. All plans and reports that are submitted pursuant to this Title shall be submitted for review or approval in accordance with this Section.

(b) Review and evaluation by the Agency.

(1) Except for sites excluded under subdivision (a)(2) of Section 58.1 [415 ILCS 5/58.1], the Agency shall, subject to available resources, agree to provide review and evaluation services for activities carried out pursuant to this Title for which the RA requested the services in writing. As a condition for providing such services, the Agency may require that the RA for a site:

(A) Conform with the procedures of this Title;

(B) Allow for or otherwise arrange site visits or other site evaluation by the Agency when so requested;

(C) Agree to perform the Remedial Action Plan as approved under this Title;

(D) Agree to pay any reasonable costs incurred and documented by the Agency in providing such services;

(E) Make an advance partial payment to the Agency for such anticipated services in an amount, acceptable to the Agency, but not to exceed $5,000 or one-half of the total anticipated costs of the Agency, whichever sum is less; and

(F) Demonstrate, if necessary, authority to act on behalf of or in lieu of the owner or operator.

(2) Any moneys received by the State for costs incurred by the Agency in performing review or evaluation services for actions conducted pursuant to this Title shall be deposited in the Hazardous Waste Fund.

(3) An RA requesting services under subdivision (b)(1) of this Section may, at any time, notify the Agency, in writing, that Agency services previously requested are no longer wanted. Within 180 days after receipt of the notice, the Agency shall provide the RA with a final invoice for services provided until the date of such notifications.

(4) The Agency may invoice or otherwise request or demand payment from a RA for costs incurred by the Agency in performing review or evaluation services for actions by the RA at sites only if:

(A) The Agency has incurred costs in performing response actions, other than review or evaluation services, due to the failure of the RA to take response action in accordance with a notice issued pursuant to this Act;

(B) The RA has agreed in writing to the payment of such costs;

(C) The RA has been ordered to pay such costs by the Board or a court of competent jurisdiction pursuant to this Act; or

(D) The RA has requested or has consented to Agency review or evaluation services under subdivision (b)(1) of this Section.

(5) The Agency may, subject to available resources, agree to provide review and evaluation services for response actions if there is a written agreement among parties to a legal action or if a notice to perform a response action has been issued by the Agency.

(c) Review and evaluation by a Licensed Professional Engineer or Licensed Professional Geologist. A

RA may elect to contract with a Licensed Professional Engineer or, in the case of a site investigation report only, a Licensed Professional Geologist, who will perform review and evaluation services on behalf of and under the direction of the Agency relative to the site activities.

(1) Prior to entering into the contract with the RELPEG, the RA shall notify the Agency of the RELPEG to be selected. The Agency and the RA shall discuss the potential terms of the contract.

(2) At a minimum, the contract with the RELPEG shall provide that the RELPEG will submit any reports directly to the Agency, will take his or her directions for work assignments from the Agency, and will perform the assigned work on behalf of the Agency.

(3) Reasonable costs incurred by the Agency shall be paid by the RA directly to the Agency in accordance with the terms of the review and evaluation services agreement entered into under subdivision (b)(1) of Section 58.7 [415 ILCS 5/58.7].

(4) In no event shall the RELPEG acting on behalf of the Agency be an employee of the RA or the owner or operator of the site or be an employee of any other person the RA has contracted to provide services relative to the site.

(d) Review and approval. All reviews required under this Title shall be carried out by the Agency or a RELPEG, both under the direction of a Licensed Professional Engineer or, in the case of the review of a site investigation only, a Licensed Professional Geologist.

(1) All review activities conducted by the Agency or a RELPEG shall be carried out in conformance with this Title and rules promulgated under Section 58.11 [415 ILCS 5/58.11].

(2) Subject to the limitations in subsection (c) and this subsection (d), the specific plans, reports, and activities that the Agency or a RELPEG may review include:

(A) Site Investigation Reports and related activities;

(B) Remediation Objectives Reports;

(C) Remedial Action Plans and related activities; and

(D) Remedial Action Completion Reports and related activities.

(3) Only the Agency shall have the authority to approve, disapprove, or approve with conditions a plan or report as a result of the review process including those plans and reports reviewed by a RELPEG. If the Agency disapproves a plan or report or approves a plan or report with conditions, the written notification required by subdivision (d)(4) of this Section shall contain the following information, as applicable:

(A) An explanation of the Sections of this Title that may be violated if the plan or report was approved;

(B) An explanation of the provisions of the rules promulgated under this Title that may be violated if the plan or report was approved;

(C) An explanation of the specific type of information, if any, that the Agency deems the applicant did not provide the Agency;

(D) A statement of specific reasons why the Title and regulations might not be met if the plan or report were approved; and

(E) An explanation of the reasons for conditions if conditions are required.

(4) Upon approving, disapproving, or approving with conditions a plan or report, the Agency shall notify the RA in writing of its decision. In the case of approval or approval with conditions of a Remedial Action Completion Report, the Agency shall prepare a No Further Remediation Letter that meets the requirements of Section 58.10 [415 ILCS 5/58.10] and send a copy of the letter to the RA.

(5) All reviews undertaken by the Agency or a RELPEG shall be completed and the decisions communicated to the RA within 60 days of the request for review or approval. The RA may waive the deadline upon a request from the Agency. If the Agency disapproves or approves with conditions a plan or report or fails to issue a final decision within the 60 day period and the RA has not agreed to a waiver of the deadline, the RA may, within 35 days, file an appeal to the Board. Appeals to the Board shall be in the manner provided for the review of permit decisions in Section 40 of this Act [415 ILCS 5/40].

(e) Standard of review. In making determinations, the following factors, and additional factors as may be adopted by the Board in accordance with Section 58.11, shall be considered by the Agency when reviewing or approving plans, reports, and related activities, or the RELPEG, when reviewing plans, reports, and related activities:

(1) Site Investigation Reports and related activities: Whether investigations have been conducted and the results compiled in accordance with the appropriate procedures and whether the interpretations and conclusions reached are supported by the information gathered. In making the determination, the following factors shall be considered:

(A) The adequacy of the description of the site and site characteristics that were used to evaluate the site;

(B) The adequacy of the investigation of potential pathways and risks to receptors identified at the site; and

(C) The appropriateness of the sampling and analysis used.

(2) Remediation Objectives Reports: Whether the remediation objectives are consistent with the requirements of the applicable method for selecting or determining remediation objectives under Section 58.5 [415 ILCS 5/58.5]. In making the determination, the following factors shall be considered:

(A) If the objectives were based on the determination of area background levels under subsection (b) of Section 58.5, whether the review of

current and historic conditions at or in the immediate vicinity of the site has been thorough and whether the site sampling and analysis has been performed in a manner resulting in accurate determinations;

(B) If the objectives were calculated on the basis of predetermined equations using site specific data, whether the calculations were accurately performed and whether the site specific data reflect actual site conditions; and

(C) If the objectives were determined using a site specific risk assessment procedure, whether the procedure used is nationally recognized and accepted, whether the calculations were accurately performed, and whether the site specific data reflect actual site conditions.

(3) Remedial Action Plans and related activities: Whether the plan will result in compliance with this Title, and rules adopted under it and attainment of the applicable remediation objectives. In making the determination, the following factors shall be considered:

(A) The likelihood that the plan will result in the attainment of the applicable remediation objectives;

(B) Whether the activities proposed are consistent with generally accepted engineering practices; and

(C) The management of risk relative to any remaining contamination, including but not limited to, provisions for the long-term enforcement, operation, and maintenance of institutional and engineering controls, if relied on.

(4) Remedial Action Completion Reports and related activities: Whether the remedial activities have been completed in accordance with the approved Remedial Action Plan and whether the applicable remediation objectives have been attained.

(f) All plans and reports submitted for review shall include a Licensed Professional Engineer's certification that all investigations and remedial activities were carried out under his or her direction and, to the best of his or her knowledge and belief, the work described in the plan or report has been completed in accordance with generally accepted engineering practices, and the information presented is accurate and complete. In the case of a site investigation report prepared or supervised by a Licensed Professional Geologist, the required certification may be made by the Licensed Professional Geologist (rather than a Licensed Professional Engineer) and based upon generally accepted principles of professional geology.

(g) In accordance with Section 58.11, the Agency shall propose and the Board shall adopt rules to carry out the purposes of this Section. At a minimum, the rules shall detail the types of services the Agency may provide in response to requests under subdivision (b)(1) of this Section and the recordkeeping it will utilize in documenting to the RA the costs incurred by the Agency in providing such services.

(h) Public participation.

(1) The Agency shall develop guidance to assist RA's in the implementation of a community relations plan to address activity at sites undergoing remedial action pursuant to this Title.

(2) The RA may elect to enter into a services agreement with the Agency for Agency assistance in community outreach efforts.

(3) The Agency shall maintain a registry listing those sites undergoing remedial action pursuant to this Title.

(4) Notwithstanding any provisions of this Section, the RA of a site undergoing remedial activity pursuant to this Title may elect to initiate a community outreach effort for the site.

HISTORY:

P.A. 89-431, § 5; 89-443, § 5; 89-626, § 2-62; 92-574, § 5; 92-735, § 5; 95-331, § 950.

415 ILCS 5/58.8 Duty to record; compliance

(a) The RA receiving a No Further Remediation Letter from the Agency pursuant to Section 58.10 [415 ILCS 5/58.10], shall submit the letter to the Office of the Recorder or the Registrar of Titles of the county in which the site is located within 45 days of receipt of the letter. The Office of the Recorder or the Registrar of Titles shall accept and record that letter in accordance with Illinois law so that it forms a permanent part of the chain of title for the site.

(b) A No Further Remediation Letter shall not become effective until officially recorded in accordance with subsection (a) of this Section. The RA shall obtain and submit to the Agency a certified copy of the No Further Remediation Letter as recorded.

(c) (Blank).

(d) In the event that a No Further Remediation Letter issues by operation of law pursuant to Section 58.10 [415 ILCS 5/58.10], the RA may, for purposes of this Section, file an affidavit stating that the letter issued by operation of law. Upon receipt of the No Further Remediation Letter from the Agency, the RA shall comply with the requirements of subsections (a) and (b) of this Section.

HISTORY:

P.A. 89-431, § 5; 89-443, § 5; 92-574, § 5; 94-272, § 10; 94-314, § 5.

415 ILCS 5/58.9 Liability

(a) Cost assignment.

(1) Notwithstanding any other provisions of this Act to the contrary, including subsection (f) of Section 22.2 [415 ILCS 5/22.2], in no event may the Agency, the State of Illinois, or any person bring an action pursuant to this Act or the Groundwater Protection Act [415 ILCS 55/1 et seq.] to require any person to conduct remedial action or to seek recovery of costs for remedial activity conducted by the State of Illinois or any person beyond the remediation of releases of regulated substances

that may be attributed to being proximately caused by such person's act or omission or beyond such person's proportionate degree of responsibility for costs of the remedial action of releases of regulated substances that were proximately caused or contributed to by 2 or more persons.

(2) Notwithstanding any provisions in this Act to the contrary, including subsection (f) of Section 22.2 [415 ILCS 5/22.2], in no event may the State of Illinois or any person require the performance of remedial action pursuant to this Act against any of the following:

(A) A person who neither caused nor contributed to in any material respect a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action taken pursuant to this Title.

(B) Notwithstanding a landlord's rights against a tenant, a landlord, if the landlord did not know, and could not have reasonably known, of the acts or omissions of a tenant that caused or contributed to, or were likely to have caused or contributed to, a release of regulated substances that resulted in the performance of remedial action at the site.

(C) The State of Illinois or any unit of local government if it involuntarily acquires ownership or control of the site by virtue of its function as a sovereign through such means as escheat, bankruptcy, tax delinquency, or abandonment, unless the State of Illinois or unit of local government takes possession of the site and exercises actual, direct, and continual or recurrent managerial control in the operation of the site that causes a release or substantial threat of a release of a regulated substance resulting in removal or remedial activity.

(D) The State of Illinois or any unit of local government if it voluntarily acquires ownership or control of the site through purchase, appropriation, or other means, unless the State of Illinois or the unit of local government takes possession of the site and exercises actual, direct, and continual or recurrent managerial control in the operation of the site that causes a release or substantial threat of a release of a regulated substance resulting in removal or remedial activity.

(E) A financial institution, as that term is defined in Section 2 of the Illinois Banking Act [205 ILCS 5/2] and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of a site through foreclosure, a deed in lieu of foreclosure, receivership, by exercising of an assignment of rents, as mortgagee in possession or otherwise under the terms of a security interest held by the financial institution, or under the terms of an extension of credit made by the financial institution, unless the financial institution takes actual physical possession of the site and, in so doing, directly causes a release of a regulated substance that results in removal or remedial activity.

(F) A corporate fiduciary that has acquired ownership, operation, management, or control of a site through acceptance of a fiduciary appointment unless the corporate fiduciary directly causes a release of a regulated substance resulting in a removal or remedial activity.

(b) In the event that the State of Illinois seeks to require a person who may be liable pursuant to this Act to conduct remedial activities for a release or threatened release of a regulated substance, the Agency shall provide notice to such person. Such notice shall include the necessity to conduct remedial action pursuant to this Title and an opportunity for the person to perform the remedial action.

(c) In any instance in which the Agency has issued notice pursuant to subsection (b) of this Section, the Agency and the person to whom such notice was issued may attempt to determine the costs of conducting the remedial action that are attributable to the releases to which such person or any other person caused or contributed. Determinations pursuant to this Section may be made in accordance with rules promulgated by the Board.

(d) The Board shall adopt, not later than January 1, 1999, pursuant to Sections 27 and 28 of this Act [415 ILCS 5/27 and 415 ILCS 5/28], rules and procedures for determining proportionate share. Such rules shall, at a minimum, provide for criteria for the determination of apportioned responsibility based upon the degree to which a person directly caused or contributed to a release of regulated substances on, in, or under the site identified and addressed in the remedial action; procedures to establish how and when such persons may file a petition for determination of such apportionment; and any other standards or procedures which the Board may adopt pursuant to this Section. In developing such rules, the Board shall take into consideration any recommendations and proposals of the Agency and the Site Remediation Advisory Committee established in Section 58.11 of this Act [415 ILCS 5/58.11] and other interested participants.

(e) Nothing in this Section shall limit the authority of the Agency to provide notice under subsection (q) of Section 4 [415 ILCS 5/4] or to undertake investigative, preventive, or corrective action under any other applicable provisions of this Act. The Director of the Agency is authorized to enter into such contracts and agreements as may be necessary to carry out the Agency's duties and responsibilities under this Section as expeditiously as possible.

(f) This Section does not apply to any cost recovery action brought by the State under Section 22.2 [415 ILCS 5/22.2] to recover costs incurred by the State prior to July 1, 1996.

HISTORY:

P.A. 89-443, § 5; 90-484, § 5.

415 ILCS 5/58.10 Effect of completed remediation; liability releases

(a) The Agency's issuance of the No Further Remediation Letter signifies a release from further responsibilities under this Act in performing the approved remedial action and shall be considered prima facie evidence that the site does not constitute a threat to human health and the environment and does not require further remediation under this Act, so long as the site is utilized in accordance with the terms of the No Further Remediation Letter.

(b) Within 30 days of the Agency's approval of a Remedial Action Completion Report, the Agency shall issue a No Further Remediation Letter applicable to the site. In the event that the Agency fails to issue the No Further Remediation Letter within 30 days after approval of the Remedial Action Completion Report, the No Further Remediation Letter shall issue by operation of law. A No Further Remediation Letter issued pursuant to this Section shall be limited to and shall include all of the following:

(1) An acknowledgment that the requirements of the Remedial Action Plan and the Remedial Action Completion Report were satisfied;

(2) A description of the location of the affected property by adequate legal description or by reference to a plat showing its boundaries;

(3) The level of the remediation objectives, specifying, as appropriate, any land use limitation imposed as a result of such remediation efforts;

(4) A statement that the Agency's issuance of the No Further Remediation Letter signifies a release from further responsibilities under this Act in performing the approved remedial action and shall be considered prima facie evidence that the site does not constitute a threat to human health and the environment and does not require further remediation under the Act, so long as the site is utilized in accordance with the terms of the No Further Remediation Letter;

(5) The prohibition against the use of any site in a manner inconsistent with any land use limitation imposed as a result of such remediation efforts without additional appropriate remedial activities;

(6) A description of any preventive, engineering, and institutional controls required in the approved Remedial Action Plan and notification that failure to manage the controls in full compliance with the terms of the Remedial Action Plan may result in voidance of the No Further Remediation Letter;

(7) The recording obligations pursuant to Section 58.8 [415 ILCS 5/58.8];

(8) The opportunity to request a change in the recorded land use pursuant to Section 58.8 [415 ILCS 5/58.8];

(9) Notification that further information regarding the site can be obtained from the Agency through a request under the Freedom of Information Act (5 ILCS 140); and

(10) If only a portion of the site or only selected regulated substances at a site were the subject of corrective action, any other provisions agreed to by the Agency and the RA.

(c) The Agency may deny a No Further Remediation Letter if fees applicable under the review and evaluation services agreement have not been paid in full.

(d) The No Further Remediation Letter shall apply in favor of the following persons:

(1) The RA or other person to whom the letter was issued.

(2) The owner and operator of the site.

(3) Any parent corporation or subsidiary of the owner of the site.

(4) Any co-owner, either by joint-tenancy, right of survivorship, or any other party sharing a legal relationship with the owner of the site.

(5) Any holder of a beneficial interest of a land trust or inter vivos trust, whether revocable or irrevocable, involving the site.

(6) Any mortgagee or trustee of a deed of trust of the owner of the site or any assignee, transferee, or any successor-in-interest thereto.

(7) Any successor-in-interest of the owner of the site.

(8) Any transferee of the owner of the site whether the transfer was by sale, bankruptcy proceeding, partition, dissolution of marriage, settlement or adjudication of any civil action, charitable gift, or bequest.

(9) Any heir or devisee of the owner of the site.

(10) Any financial institution, as that term is defined in Section 2 of the Illinois Banking Act [205 ILCS 5/2] and to include the Illinois Housing Development Authority, that has acquired the ownership, operation, management, or control of a site through foreclosure or under the terms of a security interest held by the financial institution, under the terms of an extension of credit made by the financial institution, or any successor in interest thereto.

(11) In the case of a fiduciary (other than a land trustee), the estate, trust estate, or other interest in property held in a fiduciary capacity, and a trustee, executor, administrator, guardian, receiver, conservator, or other person who holds the remediated site in a fiduciary capacity, or a transferee of such party.

(e) The No Further Remediation Letter shall be voidable if the site activities are not managed in full compliance with the provisions of this Title, any rules adopted under it, or the approved Remedial Action Plan or remediation objectives upon which the issuance of the No Further Remediation Letter was based. Specific acts or omissions that may result in voidance of the No Further Remediation Letter include, but shall not be limited to:

(1) Any violation of institutional controls or land use restrictions, if applicable;

(2) The failure of the owner, operator, RA, or any subsequent transferee to operate and maintain preventive or engineering controls or comply with a groundwater monitoring plan, if applicable;

(3) The disturbance or removal of contamination that has been left in place in accordance with the Remedial Action Plan;

(4) The failure to comply with the recording requirements of Section 58.8 [415 ILCS 5/58.8];

(5) Obtaining the No Further Remediation Letter by fraud or misrepresentation;

(6) Subsequent discovery of contaminants, not identified as part of the investigative or remedial activities upon which the issuance of the No Further Remediation Letter was based, that pose a threat to human health or the environment; or

(7) The failure to pay the No Further Remediation Assessment required under subsection (g) of this Section.

(f) If the Agency seeks to void a No Further Remediation Letter, it shall provide notice by certified letter to the current title holder of the site and to the RA at his or her last known address. The notice shall specify the cause for the voidance and describe facts in support of that cause.

(1) Within 35 days of the receipt of the notice of voidance, the RA or current title holder may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act [415 ILCS 5/40]. If the Board fails to take final action on the petition within 120 days, unless such time period is waived by the petitioner, the petition shall be deemed denied and the petitioner shall be entitled to an Appellate Court order pursuant to subsection (d) of Section 41 of this Act [415 ILCS 5/41]. The Agency shall have the burden of proof in any such action.

(2) If the Agency's action is not appealed, the Agency shall submit the notice of voidance to the Office of the Recorder or the Registrar of Titles for the county in which the site is located. The notice shall be filed in accordance with Illinois law so that it forms a permanent part of the chain of title for the site.

(3) If the Agency's action is appealed, the action shall not become effective until the appeal process has been exhausted and a final decision reached by the Board or courts.

(4) Upon receiving notice of appeal, the Agency shall file a notice of lis pendens with the Office of the Recorder or the Registrar of Titles for the county in which the site is located. The notice shall be filed in accordance with Illinois law so that it becomes a part of the chain of title for the site. However, if the Agency's action is not upheld on appeal, the notice of lis pendens shall be removed in accordance with Illinois law within 45 days of receipt of the final decision of the Board or the courts.

(g) Within 30 days after the receipt of a No Further Remediation Letter issued by the Agency or by operation of law pursuant to this Section, the recipient of the letter shall forward to the Agency a No Further Remediation Assessment in the amount of the lesser of $2,500 or an amount equal to the costs incurred for the site by the Agency under Section 58.7 [415 ILCS 5/58.7]. The assessment shall be made payable to the State of Illinois, for deposit in the Hazardous Waste Fund. The No Further Remediation Assessment is in addition to any other costs that may be incurred by the Agency pursuant to Section 58.7 [415 ILCS 5/58.7].

HISTORY:

P.A. 89-431, § 5; 89-443, § 5; 89-626, § 2-62.

415 ILCS 5/58.11 Regulations and Site Remediation Advisory Committee

(a) There is hereby established a 10-member Site Remediation Advisory Committee, which shall be appointed by the Governor. The Committee shall include one member recommended by the Illinois State Chamber of Commerce, one member recommended by the Illinois Manufacturers' Association, one member recommended by the Chemical Industry Council of Illinois, one member recommended by the Consulting Engineers Council of Illinois, one member recommended by the Illinois Bankers Association, one member recommended by the Community Bankers Association of Illinois, one member recommended by the National Solid Waste Management Association, and 3 other members as determined by the Governor. Members of the Advisory Committee may organize themselves as they deem necessary and shall serve without compensation.

(b) The Committee shall:

(1) Review, evaluate, and make recommendations regarding State laws, rules, and procedures that relate to site remediations.

(2) Review, evaluate, and make recommendations regarding the review and approval activities of the Agency and Review and Evaluation Licensed Professional Engineers and Geologists.

(3) Make recommendations relating to the State's efforts to implement this Title.

(4) Review, evaluate, and make recommendations regarding the procedures for determining proportionate degree of responsibility for a release of regulated substances.

(5) Review, evaluate, and make recommendations regarding the reports prepared by the Agency in accordance with subsection (e) of this Section.

(c) Within 9 months after the effective date of this amendatory Act of 1995, the Agency, after consideration of the recommendations of the Committee, shall propose rules prescribing procedures and standards for its administration of this Title. Within 9 months after receipt of the Agency's proposed rules, the Board shall adopt, pursuant to Sections 27 and 28 of this Act [415 ILCS 5/27 and 415 ILCS 5/28], rules that are consistent with this Title, including classifications of land use and provisions for the voidance of No Further Remediation Letters.

(d) Until such time as the rules required under this Section take effect, the Agency shall administer its activities under this Title in accordance with

Agency procedures and applicable provisions of this Act.

(e) By July 1, 1997 and as deemed appropriate thereafter, the Agency shall prepare reports to the Governor and the General Assembly concerning the status of all sites for which the Agency has expended money from the Hazardous Waste Fund. The reports shall include specific information on the financial, technical, and cost recovery status of each site.

HISTORY:
P.A. 89-431, § 5; 89-443, § 5; 89-626, § 2-62; 92-735, § 5.

415 ILCS 5/58.12 Severability

The provisions of this Title [XVII] are severable under Section 1.31 of the Statute on Statutes [5 ILCS 70/1.31].

HISTORY:
P.A. 89-431, § 5; 89-443, § 5.

415 ILCS 5/58.13 Municipal Brownfields Redevelopment Grant Program

(a)(1) The Agency shall establish and administer a program of grants, to be known as the Municipal Brownfields Redevelopment Grant Program, to provide municipalities in Illinois with financial assistance to be used for coordination of activities related to brownfields redevelopment, including but not limited to identification of brownfields sites, including those sites within River Edge Redevelopment Zones, site investigation and determination of remediation objectives and related plans and reports, development of remedial action plans, and implementation of remedial action plans and remedial action completion reports. The plans and reports shall be developed in accordance with Title XVII of this Act.

(2) Grants shall be awarded on a competitive basis subject to availability of funding. Criteria for awarding grants shall include, but shall not be limited to the following:

(A) problem statement and needs assessment;

(B) community-based planning and involvement;

(C) implementation planning; and

(D) long-term benefits and sustainability.

(3) The Agency may give weight to geographic location to enhance geographic distribution of grants across this State.

(4) Except for grants to municipalities with designated River Edge Redevelopment Zones, grants shall be limited to a maximum of $240,000, and no municipality shall receive more than this amount under this Section. For grants to municipalities with designated River Edge Redevelopment Zones and grants to municipalities awarded from funds provided under the American Recovery and Reinvestment Act of 2009, grants shall be limited to a maximum of $2,000,000 and no municipality shall receive more than this amount under this Section. For grants to municipalities awarded from funds provided under the American Recovery and Reinvestment Act of 2009, grants shall be limited to a maximum of $1,000,000 and no municipality shall receive more than this amount under this Section.

(5) Grant amounts shall not exceed 70% of the project amount, with the remainder to be provided by the municipality as local matching funds.

(b) The Agency shall have the authority to enter into any contracts or agreements that may be necessary to carry out its duties or responsibilities under this Section. The Agency shall have the authority to adopt rules setting forth procedures and criteria for administering the Municipal Brownfields Redevelopment Grant Program. The rules adopted by the Agency may include but shall not be limited to the following:

(1) purposes for which grants are available;

(2) application periods and content of applications;

(3) procedures and criteria for Agency review of grant applications, grant approvals and denials, and grantee acceptance;

(4) grant payment schedules;

(5) grantee responsibilities for work schedules, work plans, reports, and record keeping;

(6) evaluation of grantee performance, including but not limited to auditing and access to sites and records;

(7) requirements applicable to contracting and subcontracting by the grantee;

(8) penalties for noncompliance with grant requirements and conditions, including stop-work orders, termination of grants, and recovery of grant funds;

(9) indemnification of this State and the Agency by the grantee; and

(10) manner of compliance with the Local Government Professional Services Selection Act [50 ILCS 510/0.01 et seq.].

(c) Moneys in the Brownfields Redevelopment Fund may be used by the Agency to take whatever preventive or corrective action, including but not limited to removal or remedial action, is necessary or appropriate in response to a release or substantial threat of a release of:

(1) a hazardous substance or pesticide; or

(2) petroleum from an underground storage tank.

The State, the Director, and any State employee shall be indemnified for any damages or injury arising out of or resulting from any action taken pursuant to this subsection (c) and subsection (d)(2) of Section 4 of this Act [415 ILCS 5/4]. The Agency has the authority to enter into such contracts and agreements as may be necessary, and as expeditiously as necessary, to carry out preventive or corrective action pursuant to this subsection (c) and subsection (d)(2) of Section 4 of this Act.

HISTORY:
P.A. 90-123, § 15; 92-486, § 10; 92-715, § 10; 94-1021, § 90-45; 96-45, § 5-55.

415 ILCS 5/58.14 Environmental Remediation Tax Credit review

(a) Prior to applying for the Environmental Remediation Tax Credit under Section 201 of the Illinois Income Tax Act [35 ILCS 5/201], Remediation Applicants shall first submit to the Agency an application for review of remediation costs. The application and review process shall be conducted in accordance with the requirements of this Section and the rules adopted under subsection (g). A preliminary review of the estimated remediation costs for development and implementation of the Remedial Action Plan may be obtained in accordance with subsection (d).

(b) No application for review shall be submitted until a No Further Remediation Letter has been issued by the Agency and recorded in the chain of title for the site in accordance with Section 58.10 [415 ILCS 5/58.10]. The Agency shall review the application to determine whether the costs submitted are remediation costs, and whether the costs incurred are reasonable. The application shall be on forms prescribed and provided by the Agency. At a minimum, the application shall include the following:

(1) information identifying the Remediation Applicant and the site for which the tax credit is being sought and the date of acceptance of the site into the Site Remediation Program;

(2) a copy of the No Further Remediation Letter with official verification that the letter has been recorded in the chain of title for the site and a demonstration that the site for which the application is submitted is the same site as the one for which the No Further Remediation Letter is issued;

(3) a demonstration that the release of the regulated substances of concern for which the No Further Remediation Letter was issued were not caused or contributed to in any material respect by the Remediation Applicant. After the Pollution Control Board rules are adopted pursuant to the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.] for the administration and enforcement of Section 58.9 of the Environmental Protection Act [415 ILCS 5/58.9], determinations as to credit availability shall be made consistent with those rules;

(4) an itemization and documentation, including receipts, of the remediation costs incurred;

(5) a demonstration that the costs incurred are remediation costs as defined in this Act and its rules;

(6) a demonstration that the costs submitted for review were incurred by the Remediation Applicant who received the No Further Remediation Letter;

(7) an application fee in the amount set forth in subsection (e) for each site for which review of remediation costs is requested and, if applicable, certification from the Department of Commerce and Economic Opportunity that the site is located in an enterprise zone;

(8) any other information deemed appropriate by the Agency.

(c) Within 60 days after receipt by the Agency of an application meeting the requirements of subsection (b), the Agency shall issue a letter to the applicant approving, disapproving, or modifying the remediation costs submitted in the application. If the remediation costs are approved as submitted, the Agency's letter shall state the amount of the remediation costs to be applied toward the Environmental Remediation Tax Credit. If an application is disapproved or approved with modification of remediation costs, the Agency's letter shall set forth the reasons for the disapproval or modification and state the amount of the remediation costs, if any, to be applied toward the Environmental Remediation Tax Credit.

If a preliminary review of a budget plan has been obtained under subsection (d), the Remediation Applicant may submit, with the application and supporting documentation under subsection (b), a copy of the Agency's final determination accompanied by a certification that the actual remediation costs incurred for the development and implementation of the Remedial Action Plan are equal to or less than the costs approved in the Agency's final determination on the budget plan. The certification shall be signed by the Remediation Applicant and notarized. Based on that submission, the Agency shall not be required to conduct further review of the costs incurred for development and implementation of the Remedial Action Plan and may approve costs as submitted.

Within 35 days after receipt of an Agency letter disapproving or modifying an application for approval of remediation costs, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act [415 ILCS 5/40].

(d)(1) A Remediation Applicant may obtain a preliminary review of estimated remediation costs for the development and implementation of the Remedial Action Plan by submitting a budget plan along with the Remedial Action Plan. The budget plan shall be set forth on forms prescribed and provided by the Agency and shall include but shall not be limited to line item estimates of the costs associated with each line item (such as personnel, equipment, and materials) that the Remediation Applicant anticipates will be incurred for the development and implementation of the Remedial Action Plan. The Agency shall review the budget plan along with the Remedial Action Plan to determine whether the estimated costs submitted are remediation costs and whether the costs estimated for the activities are reasonable.

(2) If the Remedial Action Plan is amended by the Remediation Applicant or as a result of Agency action, the corresponding budget plan shall be revised accordingly and resubmitted for Agency review.

(3) The budget plan shall be accompanied by the applicable fee as set forth in subsection (e).

(4) Submittal of a budget plan shall be deemed an automatic 60-day waiver of the Remedial Action Plan review deadlines set forth in this Section and its rules.

(5) Within the applicable period of review, the Agency shall issue a letter to the Remediation Applicant approving, disapproving, or modifying the estimated remediation costs submitted in the budget plan. If a budget plan is disapproved or approved with modification of estimated remediation costs, the Agency's letter shall set forth the reasons for the disapproval or modification.

(6) Within 35 days after receipt of an Agency letter disapproving or modifying a budget plan, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act.

(e) The fees for reviews conducted under this Section are in addition to any other fees or payments for Agency services rendered pursuant to the Site Remediation Program and shall be as follows:

(1) The fee for an application for review of remediation costs shall be $1,000 for each site reviewed.

(2) The fee for the review of the budget plan submitted under subsection (d) shall be $500 for each site reviewed.

(3) In the case of a Remediation Applicant submitting for review total remediation costs of $100,000 or less for a site located within an enterprise zone (as set forth in paragraph (i) of subsection (l) of Section 201 of the Illinois Income Tax Act [35 ILCS 5/201]), the fee for an application for review of remediation costs shall be $250 for each site reviewed. For those sites, there shall be no fee for review of a budget plan under subsection (d).

The application fee shall be made payable to the State of Illinois, for deposit into the Hazardous Waste Fund.

Pursuant to appropriation, the Agency shall use the fees collected under this subsection for development and administration of the review program.

(f) The Agency shall have the authority to enter into any contracts or agreements that may be necessary to carry out its duties and responsibilities under this Section.

(g) Within 6 months after July 21, 1997, the Agency shall propose rules prescribing procedures and standards for its administration of this Section. Within 6 months after receipt of the Agency's proposed rules, the Board shall adopt on second notice, pursuant to Sections 27 and 28 of this Act [415 ILCS 5/27 and 415 ILCS 5/28] and the Illinois Administrative Procedure Act, rules that are consistent with this Section. Prior to the effective date of rules adopted under this Section, the Agency may conduct reviews of applications under this Section and the Agency is further authorized to distribute guidance documents on costs that are eligible or ineligible as remediation costs.

HISTORY:

P.A. 90-123, § 15; 90-792, § 10; 92-574, § 5; 94-793, § 775; 94-1021, § 90-45; 95-454, § 10.

415 ILCS 5/58.14a River Edge Redevelopment Zone Site Remediation Tax Credit Review.

(a) Prior to applying for the River Edge Redevelopment Zone site remediation tax credit under subsection (n) of Section 201 of the Illinois Income Tax Act [35 ILCS 5/201], a Remediation Applicant must first submit to the Agency an application for review of remediation costs. The Agency shall review the application. The application and review process must be conducted in accordance with the requirements of this Section and the rules adopted under subsection (g). A preliminary review of the estimated remediation costs for development and implementation of the Remedial Action Plan may be obtained in accordance with subsection (d).

(b) No application for review may be submitted until a No Further Remediation Letter has been issued by the Agency and recorded in the chain of title for the site in accordance with Section 58.10 [415 ILCS 5/58.10]. The Agency shall review the application to determine whether the costs submitted are remediation costs and whether the costs incurred are reasonable. The application must be on forms prescribed and provided by the Agency. At a minimum, the application must include the following:

(1) information identifying the Remediation Applicant, the site for which the tax credit is being sought, and the date of acceptance of the site into the Site Remediation Program;

(2) a copy of the No Further Remediation Letter with official verification that the letter has been recorded in the chain of title for the site and a demonstration that the site for which the application is submitted is the same site as the one for which the No Further Remediation Letter is issued;

(3) a demonstration that the release of the regulated substances of concern for which the No Further Remediation Letter was issued were not caused or contributed to in any material respect by the Remediation Applicant. Determinations as to credit availability shall be made consistent with the Pollution Control Board rules for the administration and enforcement of Section 58.9 of this Act [415 ILCS 5/58.9];

(4) an itemization and documentation, including receipts, of the remediation costs incurred;

(5) a demonstration that the costs incurred are remediation costs as defined in this Act and its rules;

(6) a demonstration that the costs submitted for review were incurred by the Remediation Applicant who received the No Further Remediation Letter;

(7) an application fee in the amount set forth in subsection (e) for each site for which review of remediation costs is requested and, if applicable, certification from the Department of Commerce and Economic Opportunity that the site is located in a River Edge Redevelopment Zone; and

(8) any other information deemed appropriate by the Agency.

(c) Within 60 days after receipt by the Agency of an application meeting the requirements of subsection (b), the Agency shall issue a letter to the applicant approving, disapproving, or modifying the remediation costs submitted in the application. If the remediation costs are approved as submitted, then the Agency's letter must state the amount of the remediation costs to be applied toward the River Edge Redevelopment Zone site remediation tax credit. If an application is disapproved or approved with modification of remediation costs, then the Agency's letter must set forth the reasons for the disapproval or modification and must state the amount of the remediation costs, if any, to be applied toward the River Edge Redevelopment Zone site remediation tax credit.

If a preliminary review of a budget plan has been obtained under subsection (d), then the Remediation Applicant may submit, with the application and supporting documentation under subsection (b), a copy of the Agency's final determination accompanied by a certification that the actual remediation costs incurred for the development and implementation of the Remedial Action Plan are equal to or less than the costs approved in the Agency's final determination on the budget plan. The certification must be signed by the Remediation Applicant and notarized. Based on that submission, the Agency is not required to conduct further review of the costs incurred for development and implementation of the Remedial Action Plan, and it may approve the costs as submitted. Within 35 days after the receipt of an Agency letter disapproving or modifying an application for approval of remediation costs, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits under Section 40 of this Act [415 ILCS 5/40].

(d) A Remediation Applicant may obtain a preliminary review of estimated remediation costs for the development and implementation of the Remedial Action Plan by submitting a budget plan along with the Remedial Action Plan. The budget plan must be set forth on forms prescribed and provided by the Agency and must include, without limitation, line-item estimates of the costs associated with each line item (such as personnel, equipment, and materials) that the Remediation Applicant anticipates will be incurred for the development and implementation of the Remedial Action Plan. The Agency shall review the budget plan along with the Remedial Action Plan to determine whether the estimated costs submitted are remediation costs and whether the costs estimated for the activities are reasonable.

If the Remedial Action Plan is amended by the Remediation Applicant or as a result of Agency action, then the corresponding budget plan must be revised accordingly and resubmitted for Agency review.

The budget plan must be accompanied by the applicable fee as set forth in subsection (e).

The submittal of a budget plan is deemed to be an automatic 60-day waiver of the Remedial Action Plan review deadlines set forth in this Section and its rules.

Within the applicable period of review, the Agency shall issue a letter to the Remediation Applicant approving, disapproving, or modifying the estimated remediation costs submitted in the budget plan. If a budget plan is disapproved or approved with modification of estimated remediation costs, then the Agency's letter must set forth the reasons for the disapproval or modification.

Within 35 days after receipt of an Agency letter disapproving or modifying a budget plan, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits under Section 40 of this Act.

(e) Any fee for a review conducted under this Section is in addition to any other fees or payments for Agency services rendered under the Site Remediation Program. The fees under this Section are as follows:

(1) the fee for an application for review of remediation costs is $250 for each site reviewed; and

(2) there is no fee for the review of the budget plan submitted under subsection (d).

The application fee must be made payable to the State of Illinois, for deposit into the Hazardous Waste Fund. Pursuant to appropriation, the Agency shall use the fees collected under this subsection for development and administration of the review program.

(f) The Agency has the authority to enter into any contracts or agreements that may be necessary to carry out its duties and responsibilities under this Section.

(g) The Agency shall adopt rules prescribing procedures and standards for its administration of this Section. Prior to the effective date of rules adopted under this Section, the Agency may conduct reviews of applications under this Section. The Agency may publish informal guidelines concerning this Section to provide guidance.

HISTORY:

P.A. 95-454, § 10; 2021 P.A. 102-444, § 950, effective August 20, 2021.

415 ILCS 5/58.15 Brownfields Programs.

(A) Brownfields Redevelopment Loan Program.

(a) The Agency shall establish and administer a revolving loan program to be known as the "Brownfields Redevelopment Loan Program" for the purpose of providing loans to be used for site investigation, site remediation, or both, at brownfields sites. All principal, interest, and penalty payments from loans made under this subsection (A) shall be deposited into the Brownfields Redevelopment Fund and reused in accordance with this Section.

(b) General requirements for loans:

(1) Loans shall be at or below market interest rates in accordance with a formula set forth in

regulations promulgated under subdivision (A)(c) of this subsection (A).

(2) Loans shall be awarded subject to availability of funding based on the order of receipt of applications satisfying all requirements as set forth in the regulations promulgated under subdivision (A)(c) of this subsection (A).

(3) The maximum loan amount under this subsection (A) for any one project is $1,000,000.

(4) In addition to any requirements or conditions placed on loans by regulation, loan agreements under the Brownfields Redevelopment Loan Program shall include the following requirements:

(A) the loan recipient shall secure the loan repayment obligation;

(B) completion of the loan repayment shall not exceed 15 years or as otherwise prescribed by Agency rule; and

(C) loan agreements shall provide for a confession of judgment by the loan recipient upon default.

(5) Loans shall not be used to cover expenses incurred prior to the approval of the loan application.

(6) If the loan recipient fails to make timely payments or otherwise fails to meet its obligations as provided in this subsection (A) or implementing regulations, the Agency is authorized to pursue the collection of the amounts past due, the outstanding loan balance, and the costs thereby incurred, either pursuant to the Illinois State Collection Act of 1986 [30 ILCS 210/1 et seq.] or by any other means provided by law, including the taking of title, by foreclosure or otherwise, to any project or other property pledged, mortgaged, encumbered, or otherwise available as security or collateral.

(c) The Agency shall have the authority to enter into any contracts or agreements that may be necessary to carry out its duties or responsibilities under this subsection (A). The Agency shall have the authority to promulgate regulations setting forth procedures and criteria for administering the Brownfields Redevelopment Loan Program. The regulations promulgated by the Agency for loans under this subsection (A) shall include, but need not be limited to, the following elements:

(1) loan application requirements;

(2) determination of credit worthiness of the loan applicant;

(3) types of security required for the loan;

(4) types of collateral, as necessary, that can be pledged for the loan;

(5) special loan terms, as necessary, for securing the repayment of the loan;

(6) maximum loan amounts;

(7) purposes for which loans are available;

(8) application periods and content of applications;

(9) procedures for Agency review of loan applications, loan approvals or denials, and loan acceptance by the loan recipient;

(10) procedures for establishing interest rates;

(11) requirements applicable to disbursement of loans to loan recipients;

(12) requirements for securing loan repayment obligations;

(13) conditions or circumstances constituting default;

(14) procedures for repayment of loans and delinquent loans including, but not limited to, the initiation of principal and interest payments following loan acceptance;

(15) loan recipient responsibilities for work schedules, work plans, reports, and record keeping;

(16) evaluation of loan recipient performance, including auditing and access to sites and records;

(17) requirements applicable to contracting and subcontracting by the loan recipient, including procurement requirements;

(18) penalties for noncompliance with loan requirements and conditions, including stop-work orders, termination, and recovery of loan funds; and

(19) indemnification of the State of Illinois and the Agency by the loan recipient.

(d) Moneys in the Brownfields Redevelopment Fund may be used as a source of revenue or security for the principal and interest on revenue or general obligation bonds issued by the State or any political subdivision or instrumentality thereof, if the proceeds of those bonds will be deposited into the Fund.

(B) Brownfields Site Restoration Program.

(a)(1) The Agency must establish and administer a program for the payment of remediation costs to be known as the Brownfields Site Restoration Program. The Agency, through the Program, shall provide Remediation Applicants with financial assistance for the investigation and remediation of abandoned or underutilized properties. The investigation and remediation shall be performed in accordance with this Title XVII of this Act.

(2) For each State fiscal year in which funds are made available to the Agency for payment under this subsection (B), the Agency must, subject to the availability of funds, allocate 20% of the funds to be available to Remediation Applicants within counties with populations over 2,000,000. The remaining funds must be made available to all other Remediation Applicants in the State.

(3) The Agency must not approve payment in excess of $750,000 to a Remediation Applicant for remediation costs incurred at a remediation site. Eligibility must be determined based on a minimum capital investment in the redevelopment of the site, and payment amounts must not exceed the net economic benefit to the State of

the remediation project. In addition to these limitations, the total payment to be made to an applicant must not exceed an amount equal to 20% of the capital investment at the site.

(4) Only those remediation projects for which a No Further Remediation Letter is issued by the Agency after December 31, 2001 are eligible to participate in the Brownfields Site Restoration Program. The program does not apply to any sites that have received a No Further Remediation Letter prior to December 31, 2001 or for costs incurred prior to the Agency approving a site eligible for the Brownfields Site Restoration Program.

(5) Brownfields Site Restoration Program funds shall be subject to availability of funding and distributed based on the order of receipt of applications satisfying all requirements as set forth in this Section.

(b) Prior to applying to the Agency for payment, a Remediation Applicant shall first submit to the Agency its proposed remediation costs. The Agency shall make a pre-application assessment, which is not to be binding upon future review of the project, relating only to whether the Agency has adequate funding to reimburse the applicant for the remediation costs if the applicant is found to be eligible for reimbursement of remediation costs. If the Agency determines that it is likely to have adequate funding to reimburse the applicant for remediation costs, the Remediation Applicant may then submit to the Agency an application for review of eligibility. The Agency must review the eligibility application to determine whether the Remediation Applicant is eligible for the payment. The application must be on forms prescribed and provided by the Agency. At a minimum, the application must include the following:

(1) Information identifying the Remediation Applicant and the site for which the payment is being sought and the date of acceptance into the Site Remediation Program.

(2) Information demonstrating that the site for which the payment is being sought is abandoned or underutilized property. "Abandoned property" means real property previously used for, or that has the potential to be used for, commercial or industrial purposes that reverted to the ownership of the State, a county or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default, or settlement, including conveyance by deed in lieu of foreclosure; or privately owned property that has been vacant for a period of not less than 3 years from the time an application is made to the Agency. "Underutilized property" means real property of which less than 35% of the commercially usable space of the property and improvements thereon are used for their most commercially profitable and economically productive uses.

(3) Information demonstrating that remediation of the site for which the payment is being sought will result in a net economic benefit to the State of Illinois. The "net economic benefit" must be determined based on factors including, but not limited to, the capital investment, the number of jobs created, the number of jobs retained if it is demonstrated the jobs would otherwise be lost, capital improvements, the number of construction-related jobs, increased sales, material purchases, other increases in service and operational expenditures, and other factors established by the Agency. Priority must be given to sites located in areas with high levels of poverty, where the unemployment rate exceeds the State average, where an enterprise zone exists, or where the area is otherwise economically depressed as determined by the Agency.

(4) An application fee in the amount set forth in subdivision (B)(c) for each site for which review of an application is being sought.

(c) The fee for eligibility reviews conducted by the Agency under this subsection (B) is $1,000 for each site reviewed. The application fee must be made payable to the Agency for deposit into the Brownfields Redevelopment Fund. These application fees shall be used by the Agency for administrative expenses incurred under this subsection (B).

(d) Within 60 days after receipt by the Agency of an application meeting the requirements of subdivision (B)(b), the Agency must issue a letter to the applicant approving the application, approving the application with modifications, or disapproving the application. If the application is approved or approved with modifications, the Agency's letter must also include its determination of the "net economic benefit" of the remediation project and the maximum amount of the payment to be made available to the applicant for remediation costs. The payment by the Agency under this subsection (B) must not exceed the "net economic benefit" of the remediation project.

(e) An application for a review of remediation costs must not be submitted to the Agency unless the Agency has determined the Remediation Applicant is eligible under subdivision (B)(d). If the Agency has determined that a Remediation Applicant is eligible under subdivision (B)(d), the Remediation Applicant may submit an application for payment to the Agency under this subsection (B). Except as provided in subdivision (B)(f), an application for review of remediation costs must not be submitted until a No Further Remediation Letter has been issued by the Agency and recorded in the chain of title for the site in accordance with Section 58.10. The Agency must review the application to determine whether the costs submitted are remediation costs and whether the costs incurred are reasonable. The application must be on forms prescribed and provided by the Agency. At a minimum, the application must include the following:

(1) Information identifying the Remediation Applicant and the site for which the payment is being sought and the date of acceptance of the site into the Site Remediation Program.

(2) A copy of the No Further Remediation Letter with official verification that the letter has been recorded in the chain of title for the site and a demonstration that the site for which the application is submitted is the same site as the one for which the No Further Remediation Letter is issued.

(3) A demonstration that the release of the regulated substances of concern for which the No Further Remediation Letter was issued was not caused or contributed to in any material respect by the Remediation Applicant. The Agency must make determinations as to reimbursement availability consistent with rules adopted by the Pollution Control Board for the administration and enforcement of Section 58.9 of this Act.

(4) A copy of the Agency's letter approving eligibility, including the net economic benefit of the remediation project.

(5) An itemization and documentation, including receipts, of the remediation costs incurred.

(6) A demonstration that the costs incurred are remediation costs as defined in this Act and rules adopted under this Act.

(7) A demonstration that the costs submitted for review were incurred by the Remediation Applicant who received the No Further Remediation Letter.

(8) An application fee in the amount set forth in subdivision (B)(j) for each site for which review of remediation costs is requested.

(9) Any other information deemed appropriate by the Agency.

(f) An application for review of remediation costs may be submitted to the Agency prior to the issuance of a No Further Remediation Letter if the Remediation Applicant has a Remedial Action Plan approved by the Agency under the terms of which the Remediation Applicant will remediate groundwater for more than one year. The Agency must review the application to determine whether the costs submitted are remediation costs and whether the costs incurred are reasonable. The application must be on forms prescribed and provided by the Agency. At a minimum, the application must include the following:

(1) Information identifying the Remediation Applicant and the site for which the payment is being sought and the date of acceptance of the site into the Site Remediation Program.

(2) A copy of the Agency letter approving the Remedial Action Plan.

(3) A demonstration that the release of the regulated substances of concern for which the Remedial Action Plan was approved was not caused or contributed to in any material respect by the Remediation Applicant. The Agency must make determinations as to reimbursement availability consistent with rules adopted by the Pollution Control Board for the administration and enforcement of Section 58.9 of this Act [415 ILCS 5/58.9].

(4) A copy of the Agency's letter approving eligibility, including the net economic benefit of the remediation project.

(5) An itemization and documentation, including receipts, of the remediation costs incurred.

(6) A demonstration that the costs incurred are remediation costs as defined in this Act and rules adopted under this Act.

(7) A demonstration that the costs submitted for review were incurred by the Remediation Applicant who received approval of the Remediation Action Plan.

(8) An application fee in the amount set forth in subdivision (B)(j) for each site for which review of remediation costs is requested.

(9) Any other information deemed appropriate by the Agency.

(g) For a Remediation Applicant seeking a payment under subdivision (B)(f), until the Agency issues a No Further Remediation Letter for the site, no more than 75% of the allowed payment may be claimed by the Remediation Applicant. The remaining 25% may be claimed following the issuance by the Agency of a No Further Remediation Letter for the site. For a Remediation Applicant seeking a payment under subdivision (B)(e), until the Agency issues a No Further Remediation Letter for the site, no payment may be claimed by the Remediation Applicant.

(h)(1) Within 60 days after receipt by the Agency of an application meeting the requirements of subdivision (B)(e) or (B)(f), the Agency must issue a letter to the applicant approving, disapproving, or modifying the remediation costs submitted in the application. If an application is disapproved or approved with modification of remediation costs, then the Agency's letter must set forth the reasons for the disapproval or modification.

(2) If a preliminary review of a budget plan has been obtained under subdivision (B)(i), the Remediation Applicant may submit, with the application and supporting documentation under subdivision (B)(e) or (B)(f), a copy of the Agency's final determination accompanied by a certification that the actual remediation costs incurred for the development and implementation of the Remedial Action Plan are equal to or less than the costs approved in the Agency's final determination on the budget plan. The certification must be signed by the Remediation Applicant and notarized. Based on that submission, the Agency is not required to conduct further review of the costs incurred for development and implementation of the Remedial Action Plan and may approve costs as submitted.

(3) Within 35 days after receipt of an Agency letter disapproving or modifying an application for approval of remediation costs, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act [415 ILCS 5/40].

(i)(1) A Remediation Applicant may obtain a preliminary review of estimated remediation costs for the development and implementation of the Remedial Action Plan by submitting a budget plan along with the Remedial Action Plan. The budget plan must be set forth on forms prescribed and provided by the Agency and must include, but is not limited to, line item estimates of the costs associated with each line item (such as personnel, equipment, and materials) that the Remediation Applicant anticipates will be incurred for the development and implementation of the Remedial Action Plan. The Agency must review the budget plan along with the Remedial Action Plan to determine whether the estimated costs submitted are remediation costs and whether the costs estimated for the activities are reasonable.

(2) If the Remedial Action Plan is amended by the Remediation Applicant or as a result of Agency action, the corresponding budget plan must be revised accordingly and resubmitted for Agency review.

(3) The budget plan must be accompanied by the applicable fee as set forth in subdivision (B)(j).

(4) Submittal of a budget plan must be deemed an automatic 60-day waiver of the Remedial Action Plan review deadlines set forth in this subsection (B) and rules adopted under this subsection (B).

(5) Within the applicable period of review, the Agency must issue a letter to the Remediation Applicant approving, disapproving, or modifying the estimated remediation costs submitted in the budget plan. If a budget plan is disapproved or approved with modification of estimated remediation costs, the Agency's letter must set forth the reasons for the disapproval or modification.

(6) Within 35 days after receipt of an Agency letter disapproving or modifying a budget plan, the Remediation Applicant may appeal the Agency's decision to the Board in the manner provided for the review of permits in Section 40 of this Act.

(j) The fees for reviews conducted by the Agency under this subsection (B) are in addition to any other fees or payments for Agency services rendered pursuant to the Site Remediation Program and are as follows:

(1) The fee for an application for review of remediation costs is $1,000 for each site reviewed.

(2) The fee for the review of the budget plan submitted under subdivision (B)(i) is $500 for each site reviewed.

The application fee and the fee for the review of the budget plan must be made payable to the State of Illinois, for deposit into the Brownfields Redevelopment Fund.

(k) Moneys in the Brownfields Redevelopment Fund may be used for the purposes of this Section, including payment for the costs of administering this subsection (B). Any moneys remaining in the Brownfields Site Restoration Program Fund on the effective date of this amendatory Act of the 92nd General Assembly [P.A. 92-715] shall be transferred to the Brownfields Redevelopment Fund. Total payments made to all Remediation Applicants by the Agency for purposes of this subsection (B) must not exceed $1,000,000 in State fiscal year 2002.

(*l*) The Agency is authorized to enter into any contracts or agreements that may be necessary to carry out the Agency's duties and responsibilities under this subsection (B).

(m) Within 6 months after the effective date of this amendatory Act of 2002, the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) and the Agency must propose rules prescribing procedures and standards for the administration of this subsection (B). Within 9 months after receipt of the proposed rules, the Board shall adopt on second notice, pursuant to Sections 27 and 28 of this Act [415 ILCS 5/27 and 415 ILCS 5/28] and the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.], rules that are consistent with this subsection (B). Prior to the effective date of rules adopted under this subsection (B), the Department of Commerce and Community Affairs (now Department of Commerce and Economic Opportunity) and the Agency may conduct reviews of applications under this subsection (B) and the Agency is further authorized to distribute guidance documents on costs that are eligible or ineligible as remediation costs.

HISTORY:

P.A. 91-36, § 5; 92-16, § 80; 92-715, § 10; 94-793, § 775; 97-333, § 485; 2021 P.A. 102-444, § 950, effective August 20, 2021.

415 ILCS 5/58.16 Construction of school; requirements

This Section applies only to counties with a population of more than 3,000,000. In this Section, "school" means any public school located in whole or in part in a county with a population of more than 3,000,000. No person shall commence construction on real property of a building intended for use as a school unless:

(1) a Phase I Environmental Audit, conducted in accordance with Section 22.2 of this Act [415 ILCS 5/22.2], is obtained;

(2) if the Phase I Environmental Audit discloses the presence or likely presence of a release or a substantial threat of a release of a regulated sub-

stance at, on, to, or from the real property, a Phase II Environmental Audit, conducted in accordance with Section 22.2 of this Act [415 ILCS 5/22.2], is obtained; and

(3) if the Phase II Environmental Audit discloses the presence or likely presence of a release or a substantial threat of a release of a regulated substance at, on, to, or from the real property: (i) the real property is enrolled in the Site Remediation Program, and (ii) the remedial action plan is approved by the Agency, if a remedial action plan is required by Board regulations.

No person shall cause or allow any person to occupy a building intended to be used as a school for which a remedial action plan is required by Board regulations unless all work pursuant to the remedial action plan is completed.

HISTORY:
P.A. 91-442, § 5; 92-16, § 80; 92-151, § 5; 98-756, § 590.

415 ILCS 5/58.17 Environmental Land Use Control

No later than 2 months after July 7, 2000, the Agency, after consideration of the recommendations of the Regulations and Site Remediation Advisory Committee, shall propose rules creating an instrument to be known as the Environmental Land Use Control (ELUC). Within 6 months after receipt of the Agency's proposed rules, the Board shall adopt, pursuant to Sections 27 and 28 of this Act [415 ILCS 5/27 and 415 ILCS 5/28], rules creating the ELUC that establish land use limitations or obligations on the use of real property when necessary to manage risk to human health or the environment arising from contamination left in place pursuant to the procedures set forth in Section 58.5 of this Act [415 ILCS 5/58.5] or 35 Ill. Adm. Code 742. The rules shall include provisions addressing establishment, content, recording, duration, and enforcement of ELUCs.

HISTORY:
P.A. 91-909, § 5; 92-574, § 5.

415 ILCS 5/58.18: [Repealed.] Repealed by P.A. 92-715, § 20, effective July 23, 2002.

HISTORY:
Repealed by P.A. 92-715, § 20, effective July 23, 2002.

415 ILCS 5/97 Applicability

The changes made by Section 5 of this amendatory Act of the 95th General Assembly [P.A. 95-288] apply only to siting applications filed on or after the effective date of this amendatory Act.

HISTORY:
P.A. 95-288, § 97.

ILLINOIS GROUNDWATER PROTECTION ACT

Section

415 ILCS 55/1 [Short title]

This Act shall be known as and may be cited as the "Illinois Groundwater Protection Act".

HISTORY:
P.A. 85-863.

415 ILCS 55/2 [Legislative findings; public policy]

(a) The General Assembly finds that:

(i) a large portion of Illinois' citizens rely on groundwater for personal consumption, and industries use a significant amount of groundwater;

(ii) contamination of Illinois groundwater will adversely impact the health and welfare of its citizens and adversely impact the economic viability of the State;

(iii) contamination of Illinois' groundwater is occurring;

(iv) protection of groundwater is a necessity for future economic development in this State.

(b) Therefore, it is the policy of the State of Illinois to restore, protect, and enhance the groundwaters of the State, as a natural and public resource. The State recognizes the essential and pervasive role of groundwater in the social and economic well-being of the people of Illinois, and its vital importance to the general health, safety, and welfare. It is further recognized as consistent with this policy that the groundwater resources of the State be utilized for beneficial and legitimate purposes; that waste and degradation of the resources be prevented; and that the underground water resource be managed to allow for maximum benefit of the people of the State of Illinois.

HISTORY:
P.A. 85-863.

415 ILCS 55/3 [Definitions]

As used in this Act, unless the context clearly requires otherwise:

(a) "Agency" means the Illinois Environmental Protection Agency.

(b) "Aquifer" means saturated (with groundwater) soils and geologic materials which are sufficiently permeable to readily yield economically useful quantities of water to wells, springs, or streams under ordinary hydraulic gradients.

(c) "Board" means the Illinois Pollution Control Board.

(d) "Committee" means the Interagency Coordinating Committee on Groundwater as hereinafter created.

(e) "Council" means the Groundwater Advisory Council.

(f) "Department" means the Department of Natural Resources.

(g) "Groundwater" means underground water which occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than atmospheric pressure.

(h) "Potable" means generally fit for human consumption in accordance with accepted water supply principles and practices.

(i) "Regulated recharge area" means a compact geographic area, as determined by the Board, the geology of which renders a potable resource groundwater particularly susceptible to contamination.

(j) "Resource groundwater" means groundwater that is presently being or in the future capable of being put to beneficial use by reason of being of suitable quality.

(k) "Underground water" means all water beneath the land surface.

HISTORY:
P.A. 85-863; 89-445, § 9B-56.

415 ILCS 55/4 [Interagency Coordinating Committee on Groundwater]

(a) There shall be established within State government an interagency committee which shall be known as the Interagency Coordinating Committee on Groundwater. The Committee shall be composed of the Director, or his designee, of the following agencies:

(1) The Illinois Environmental Protection Agency, who shall chair the Committee.

(2) The Illinois Department of Natural Resources.

(3) The Illinois Department of Public Health.

(4) The Office of Mines and Minerals within the Department of Natural Resources.

(5) The Office of the State Fire Marshal.

(6) The Division of Water Resources of the Department of Natural Resources.

(7) The Illinois Department of Agriculture.

(8) The Illinois Emergency Management Agency.

(9) The Illinois Department of Nuclear Safety.

(10) The Illinois Department of Commerce and Economic Opportunity.

(b) The Committee shall meet not less than twice each calendar year and shall:

(1) Review and coordinate the State's policy on groundwater protection.

(2) Review and evaluate State laws, regulations and procedures that relate to groundwater protection.

(3) Review and evaluate the status of the State's efforts to improve the quality of the groundwater and of the State enforcement efforts for protection of the groundwater and make recommendations on improving the State efforts to protect the groundwater.

(4) Recommend procedures for better coordination among State groundwater programs and with local programs related to groundwater protection.

(5) Review and recommend procedures to coordinate the State's response to specific incidents of groundwater pollution and coordinate dissemination of information between agencies responsible for the State's response.

(6) Make recommendations for and prioritize the State's groundwater research needs.

(7) Review, coordinate and evaluate groundwater data collection and analysis.

(8) Beginning on January 1, 1990, report biennially to the Governor and the General Assembly on groundwater quality, quantity, and the State's enforcement efforts.

(c) The Chairman of the Committee shall propose a groundwater protection regulatory agenda for consideration by the Committee and the Council. The principal purpose of the agenda shall be to systematically consider the groundwater protection aspects of relevant federal and State regulatory programs and to identify any areas where improvements may be warranted. To the extent feasible, the agenda may also serve to facilitate a more uniform and coordinated approach toward protection of groundwaters in Illinois. Upon adoption of the final agenda by the Committee, the Chairman of the Committee shall assign a lead agency and any support agencies to prepare a regulatory assessment report for each item on the agenda. Each regulatory assessment report shall specify the nature of the groundwater protection provisions being implemented and shall evaluate the results achieved therefrom. Special attention shall be given to any preventive measures being utilized for protection of groundwaters. The reports shall be completed in a timely manner. After review and consideration by the Committee, the reports shall become the basis for recommending further legislative or regulatory action.

(d) No later than January 1, 1992, the Interagency Coordinating Committee on Groundwater shall provide a comprehensive status report to the Governor and the General Assembly concerning implementation of this Act.

(e) The Committee shall consider findings and recommendations that are provided by the Council,

and respond in writing regarding such matters. The Chairman of the Committee shall designate a liaison person to serve as a facilitator of communications with the Council.

HISTORY:
P.A. 87-168; 89-445, § 9B-56; 94-793, § 790.

415 ILCS 55/5 [Groundwater Advisory Council]

(a) There shall be established a Groundwater Advisory Council. The Council shall be composed of 9 public members appointed by the Governor, including 2 persons representing environmental interests, 2 persons representing industrial and commercial interests, one person representing agricultural interests, one person representing local government interests, one person representing a regional planning agency, one person representing public water supplies, and one person representing the water well driller industry. From among these members, a chairperson shall be selected by majority vote and shall preside for a one-year term. The terms of memberships in the Council shall be for 3 years. The Council shall:

(1) review, evaluate and make recommendations regarding State laws, regulations and procedures that relate to groundwater protection;

(2) review, evaluate and make recommendations regarding the State's efforts to implement this Act and to generally protect the groundwater of the State;

(3) make recommendations relating to the State's needs for groundwater research; and

(4) review, evaluate and make recommendations regarding groundwater data collection and analyses.

(b) Members of the Groundwater Advisory Council shall be reimbursed for ordinary and necessary expenses incurred in the performance of their duties, except such reimbursement shall be limited to expenses associated with no more than 3 meetings per calendar year. The Agency shall provide the Council with such supporting services as are reasonable for the performance of its duties.

HISTORY:
P.A. 85-863.

415 ILCS 55/5-5 Mahomet Aquifer Council.

(a) There shall be established a Mahomet Aquifer Council. The Council shall be composed of the following members:

(1) one member of the Senate, appointed by the President of the Senate;

(2) one member of the House of Representatives, appointed by the Speaker of the House of Representatives;

(3) one member of the Senate, appointed by the Minority Leader of the Senate;

(4) one member of the House of Representatives, appointed by the Minority Leader of the House of Representatives;

(5) one member representing the Illinois Environmental Protection Agency, appointed by the Director of the Illinois Environmental Protection Agency;

(6) two members representing a national waste and recycling organization, appointed by the Governor;

(7) one member representing a statewide environmental organization, appointed by the Governor;

(8) three members representing a nonprofit consortium dedicated to the sustainability of the Mahomet Aquifer, appointed by the Governor;

(9) one member representing the Illinois State Water Survey of the Prairie Research Institute of the University of Illinois at Urbana-Champaign, appointed by the Governor;

(10) one member representing a statewide association representing the pipe trades, appointed by the Governor;

(11) one member representing the State's largest general farm organization, appointed by the Governor;

(12) one member representing a statewide trade association representing manufacturers, appointed by the Governor;

(13) one member representing a community health care organization located over the Mahomet Aquifer, appointed by the Governor;

(14) seven members representing local government bodies located over the Mahomet Aquifer, appointed by the Governor;

(15) one member representing a State labor organization that represents employees in the solid waste, recycling, and related industries, appointed by the Governor; and

(16) one member representing a statewide business association with a focus on environmental issues, appointed by the Governor.

(b) From among the Council's members, a chairperson shall be selected by majority vote and shall preside for a one-year term. The term of membership in the Council shall be for 3 years.

(c) The Council shall:

(1) review, evaluate, and make recommendations regarding State laws, regulations, and procedures that relate to the Mahomet Aquifer;

(2) review, evaluate, and make recommendations regarding the State's efforts to implement this Act that relate to the quality of the Mahomet Aquifer;

(3) review, evaluate, and make recommendations regarding current and potential contamination threats to the water quality of the Mahomet Aquifer; and

(4) make recommendations relating to actions that might be taken to ensure the long-term protection of the Mahomet Aquifer.

(d) Members of the Mahomet Aquifer Council shall be reimbursed for ordinary and necessary expenses incurred in the performance of their duties, except

that such reimbursement shall be limited to expenses associated with no more than 4 meetings per calendar year. The Agency shall provide the Council with such supporting services as are reasonable for the performance of the Council's duties.

History.
2021 P.A. 102-381, § 5, effective August 13, 2021.

415 ILCS 55/6 [Education program for groundwater protection]

(a) The Department with the cooperation of the Agency, the Department of Public Health, the Department of Agriculture and others as needed, shall develop, coordinate and conduct an education program for groundwater protection. The program shall include, but not be limited to, education for the general public, business, agriculture, government, and private water supply owners, users and operators.

(b) The education program shall address at least the following topics: hydrogeologic principles, groundwater protection issues, State groundwater policy, potential contamination sources, potential water quality problems, well protection measures, and the need for periodic well tests.

(c) The Department shall cooperate with local governments and regional planning agencies and committees to coordinate local and regional education programs and workshops, and to expedite the exchange of technical information.

HISTORY:
P.A. 85-863.

415 ILCS 55/7 [Data collection and automation program; applied research; funding; research by Southern Illinois University]

(a) The Department, with the advice of the Committee and the Council, shall develop a coordinated groundwater data collection and automation program. The collected and automated data shall include but need not be limited to groundwater monitoring results, well logs, pollution source permits and water quality assessments. The Department shall act as the repository for such data and shall automate this data in a manner that is accessible and usable by all State agencies.

(b) The Department, in consultation with the Agency, the Committee and the Council, shall develop and administer an ongoing program of basic and applied research relating to groundwater. Information generated from this program will be made available to local governments seeking technical assistance from the Department. The research program shall include but need not be limited to:

(1) Long-term statewide groundwater quality monitoring. A statewide monitoring well network shall be composed of public water supply wells sampled by the Agency, non-community wells sampled by the Department of Public Health, and a representative sampling of other existing private wells and newly constructed, dedicated monitoring wells. The monitoring program shall be operated for the following purposes: to evaluate, over time, the appropriateness and effectiveness of groundwater quality protection measures; to determine regional trends in groundwater quality which may affect public health and welfare; and to help identify the need for corrective action. The Department shall periodically publish the results of groundwater quality monitoring activities.

(2) Statewide groundwater assessment. The Department shall conduct assessments to enhance the State's data base concerning groundwater resources. The assessments shall include location of groundwater resources, mapping of aquifers, identification of appropriate recharge areas, and evaluation of baseline groundwater quality. The Department shall complete the statewide mapping of appropriate recharge areas within 18 months after the enactment of this Act at a level of detail suitable for guiding the Agency in establishing priority groundwater protection planning regions.

(3) Evaluation of pesticide impacts upon groundwater. Such evaluation shall include the general location and extent of any contamination of groundwaters resulting from pesticide use, determination of any practices which may contribute to contamination of groundwaters, and recommendations regarding measures which may help prevent degradation of groundwater quality by pesticides. Priority shall be given to those areas of the State where pesticides are utilized most intensively. The Department shall prepare an initial report by January 1, 1990.

(4) Other basic and applied research. The Department may conduct research in at least the following areas: groundwater hydrology and hydraulics, movement of contaminants through geologic materials, aquifer restoration, and remediation technologies.

(c) The Department is authorized to accept and expend, subject to appropriation by the General Assembly, any and all grants, matching funds, appropriations from whatever source, or other items of value from the federal or state governments or from any institution, person, partnership, joint venture, or corporation, public or private, for the purposes of fulfilling its obligations under this Act.

(d) Southern Illinois University is authorized to conduct basic and applied research relating to chemical contamination of groundwater. It may assist the Department in conducting research on any of the subjects included in subsection (b) of this Section, and may accept and expend grants and other support from the Department or other sources for that purpose.

HISTORY:
P.A. 87-479.

415 ILCS 55/8 [Regulations establishing water quality standards]

(a) The Agency, after consultation with the Committee and the Council, shall propose regulations establishing comprehensive water quality standards which are specifically for the protection of groundwater. In preparing such regulations, the Agency shall address, to the extent feasible, those contaminants which have been found in the groundwaters of the State and which are known to cause, or are suspected of causing, cancer, birth defects, or any other adverse effect on human health according to nationally accepted guidelines. Such regulations shall be submitted to the Board by July 1, 1989.

(b) Within 2 years after the date upon which the Agency files the proposed regulations, the Board shall promulgate the water quality standards for groundwater. In promulgating these regulations, the Board shall, in addition to the factors set forth in Title VII of the Environmental Protection Act [415 ILCS 5/26 et seq.], consider the following:

(1) recognition that groundwaters differ in many important respects from surface waters, including water quality, rate of movement, direction of flow, accessibility, susceptibility to pollution, and use;

(2) classification of groundwaters on an appropriate basis, such as their utility as a resource or susceptibility to contamination;

(3) preference for numerical water quality standards, where possible, over narrative standards, especially where specific contaminants have been commonly detected in groundwaters or where federal drinking water levels or advisories are available;

(4) application of nondegradation provisions for appropriate groundwaters, including notification limitations to trigger preventive response activities;

(5) relevant experiences from other states where groundwater protection programs have been implemented; and

(6) existing methods of detecting and quantifying contaminants with reasonable analytical certainty.

(c) To provide a process to expedite promulgation of groundwater quality standards, the provisions of this Section shall be exempt from the requirements of subsection (b) of Section 27 of the Environmental Protection Act [415 ILCS 5/27]; and shall be exempt from the provisions of Sections 4 and 5 of "An Act in relation to natural resources, research, data collection and environmental studies", approved July 1, 1978, as amended.

(d) The Department of Natural Resources, with the cooperation of the Committee and the Agency, shall conduct a study of the economic impact of the regulations developed pursuant to this Section. The study shall include, but need not be limited to, consideration of the criteria established in subsection (a) of Section 4 of "An Act in relation to natural resources, research, data collection and environmental studies", approved July 1, 1978, as amended. This study shall be conducted concurrently with the development of the regulations developed pursuant to this Section. Work on this study shall commence as soon as is administratively practicable after the Agency begins development of the regulations. The study shall be submitted to the Board no later than 60 days after the proposed regulations are filed with the Board.

The Department shall consult with the Economic Technical Advisory Committee during the development of the regulations and the economic impact study required in this Section and shall consider the comments of the Committee in the study.

(e) The Board may combine public hearings on the economic impact study conducted by the Department with any hearings required under Board rules.

HISTORY:

P.A. 85-863; 89-445, § 9B-56; 90-655, § 135.

415 ILCS 55/9 [Definitions, regulation of non-community water systems]

(a) As used in this Section, unless the context clearly requires otherwise:

(1) "Community water system" means a public water system which serves at least 15 service connections used by residents or regularly serves at least 25 residents for at least 60 days per year.

(2) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

(3) "Department" means the Illinois Department of Public Health.

(4) "Non-community water system" means a public water system which is not a community water system, and has at least 15 service connections used by nonresidents, or regularly serves 25 or more nonresident individuals daily for at least 60 days per year.

(4.5) "Non-transient, non-community water system" means a non-community water system that regularly serves the same 25 or more persons at least 6 months per year.

(5) "Private water system" means any supply which provides water for drinking, culinary, and sanitary purposes and serves an owner-occupied single family dwelling.

(6) "Public water system" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if the system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days per year. A public water system is either a community water system (CWS) or a non-community water system (non-CWS). The term "public water system" includes any collection, treatment, storage or distribution facilities under control of the operator of such system and used primarily in connection with

such system and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

(7) "Semi-private water system" means a water supply which is not a public water system, yet which serves a segment of the public other than an owner-occupied single family dwelling.

(8) "Supplier of water" means any person who owns or operates a water system.

(b) No non-community water system may be constructed, altered, or extended until plans, specifications, and other information relative to such system are submitted to and reviewed by the Department for conformance with the rules promulgated under this Section, and until a permit for such activity is issued by the Department. As part of the permit application, all new non-transient, non-community water systems must demonstrate technical, financial, and managerial capacity consistent with the federal Safe Drinking Water Act [42 U.S.C. § 300f et seq.].

(c) All private and semi-private water systems shall be constructed in accordance with the rules promulgated by the Department under this Section.

(d) The Department shall promulgate rules for the construction and operation of all non-community and semi-private water systems. Such rules shall include but need not be limited to: the establishment of maximum contaminant levels no more stringent than federally established standards where such standards exist; the maintenance of records; the establishment of requirements for the submission and frequency of submission of water samples by suppliers of water to determine the water quality; and the capacity demonstration requirements to ensure compliance with technical, financial, and managerial capacity provisions of the federal Safe Drinking Water Act [42 U.S.C. § 300f et seq.].

(e) Borings, water monitoring wells, and wells subject to this Act shall, at a minimum, be abandoned and plugged in accordance with the requirements of Sections 16 and 19 of the Illinois Oil and Gas Act [225 ILCS 725/16 and 225 ILCS 725/19], and such rules as are promulgated thereunder. Nothing herein shall preclude the Department from adopting plugging and abandonment requirements which are more stringent than the rules of the Department of Natural Resources where necessary to protect the public health.

(f) The Department shall inspect all non-community water systems for the purpose of determining compliance with the provisions of this Section and the regulations promulgated hereunder.

(g) The Department may inspect semi-private and private water systems for the purpose of determining compliance with the provisions of this Section and the regulations promulgated hereunder.

(h) The supplier of water shall be given written notice of all violations of this Section or the rules promulgated hereunder and all such violations shall be corrected in a manner and time specified by the Department.

(i) The Department may conduct inspections to investigate the construction or water quality of non-community or semi-private water systems, or the construction of private water systems. Upon request of the owner or user, the Department may also conduct investigations of the water quality of private water systems.

(j) The supplier of water for a private, semi-private, or non-community water system shall allow the Department and its authorized agents access to such premises at all reasonable times for the purpose of inspection.

(k) The Department may designate full-time county or multiple-county health departments as its agents to facilitate the implementation of this Section.

(*l*) The Department shall promulgate and publish rules necessary for the enforcement of this Section.

(m) Whenever a non-community or semi-private water system fails to comply with an applicable maximum contaminant level at the point of use, the supplier of water shall give public notification by the conspicuous posting of notice of such failure as long as the failure continues. The notice shall be written in a manner reasonably designed to fully inform users of the system that a drinking water regulation has been violated, and shall disclose all material facts. All non-transient, non-community water systems must demonstrate technical, financial, and managerial capacity consistent with the federal Safe Drinking Water Act [42 U.S.C. § 300f et seq.].

(n) The provisions of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.], are hereby expressly adopted and shall apply to all administrative rules and procedures of the Department of Public Health under this Section, except that in case of conflict between the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.] and this Section the provisions of this Section shall control; and except that Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35] relating to procedures for rulemaking shall not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

(o) All final administrative decisions of the Department issued pursuant to this Section shall be subject to judicial review pursuant to the provisions of the Administrative Review Law [735 ILCS 5/3-101 et seq.] and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure [735 ILCS 5/3-101].

(p) The Director, after notice and opportunity for hearing to the applicant, may deny, suspend, or revoke a permit in any case in which he or she finds that there has been a substantial failure to comply with the provisions of this Section or the standards, rules and regulations established by virtue thereof.

Such notice shall be effected by certified mail or by personal service setting forth the particular reasons

for the proposed action and fixing a date, not less than 15 days from the date of such mailing or service, at which time the applicant shall be given an opportunity to request hearing.

The hearing shall be conducted by the Director or by an individual designated in writing by the Director as Hearing Officer to conduct the hearing. On the basis of any such hearing, or upon default of the applicant, the Director shall make a determination specifying his or her findings and conclusions. A copy of such determination shall be sent by certified mail or served personally upon the applicant.

(q) The procedure governing hearings authorized by this Section shall be in accordance with rules promulgated by the Department. A full and complete record shall be kept of all proceedings, including the notice of hearing, complaint and all other documents in the nature of pleadings, written motions filed in the proceedings, and the report and orders of the Director and Hearing Officer. All testimony shall be reported but need not be transcribed unless review of the decision is sought pursuant to the Administrative Review Law [735 ILCS 5/3-101 et seq.]. Copies of the transcript may be obtained by any interested party on payment of the cost of preparing such copies. The Director or Hearing Officer shall, upon his or her own motion or on the written request of any party to the proceeding, issue subpoenas requiring the attendance and the giving of testimony by witnesses, and subpoenas duces tecum requiring the production of books, papers, records or memoranda. All subpoenas and subpoenas duces tecum issued under the terms of this Section may be served by any person of legal age. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this State, such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the Director or Hearing Officer, such fees shall be paid in the same manner as other expenses of the Department, and when the witness is subpoenaed at the instance of any other party to any such proceeding, the Department may require that the cost of service of the subpoena or subpoena duces tecum and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the Department, in its discretion, may require a deposit to cover the cost of such service and witness fees. A subpoena or subpoena duces tecum so issued shall be served in the same manner as a subpoena issued by a circuit court.

(r) Any circuit court of this State, upon the application of the Director or upon the application of any other party to the proceeding, may, in its discretion, compel the attendance of witnesses, the production of books, papers, records or memoranda and the giving of testimony before the Director or Hearing Officer conducting an investigation or holding a hearing authorized by this Section, by an attachment for contempt or otherwise, in the same manner as production of evidence may be compelled before the court.

(s) The Director or Hearing Officer, or any party in an investigation or hearing before the Department, may cause the depositions of witnesses within the State to be taken in the manner prescribed by law for like depositions in civil actions in courts of this State, and to that end compel the attendance of witnesses and the production of books, papers, records, or memoranda.

(t) Any person who violates this Section or any rule or regulation adopted by the Department, or who violates any determination or order of the Department under this Section, shall be guilty of a Class A misdemeanor and shall be fined a sum not less than $100. Each day's violation constitutes a separate offense. The State's Attorney of the county in which the violation occurs, or the Attorney General of the State of Illinois, may bring such actions in the name of the People of the State of Illinois; or may in addition to other remedies provided in this Section, bring action for an injunction to restrain such violation, or to enjoin the operation of any establishment.

(u) The State of Illinois, and all of its agencies, institutions, offices and subdivisions shall comply with all requirements, prohibitions and other provisions of this Section and regulations adopted thereunder.

(v) No agency of the State shall authorize, permit or license the construction or operation of any potential route, potential primary source, or potential secondary source, as those terms are defined in the Environmental Protection Act [415 ILCS 5/1 et seq.], in violation of any provision of this Section or the regulations adopted hereunder.

(w) This Section shall not apply to any water supply which is connected to a community water supply which is regulated under the Environmental Protection Act [415 ILCS 5/1 et seq.], except as provided in Section 9.1 [415 ILCS 5/9.1].

HISTORY:

P.A. 85-863; 88-45, § 3-112; 89-445, § 9C-22; 92-369, § 5; 92-652, § 5.

415 ILCS 55/9.1 Notification of actual or potential contamination

(a) Whenever the Agency identifies any volatile organic compound in excess of the Board's Groundwater Quality Standards or the Safe Drinking Water Act [42 U.S.C. § 300g-1 et seq.] maximum contaminant level while performing its obligations under Section 7 of this Act, Section 13.1 of the Environmental Protection Act, or the federal Safe Drinking Water Act [42 U.S.C. § 300g-1 et seq.], the Agency shall notify the Department, unless notification has already been provided, and the unit of local government affected.

(b) Within 60 days of receipt of notice provided for in subsection (a) of this Section, the Department, or the Department in coordination with the delegated county health department, shall provide notice to the

public identifying the contaminants of concern. The notice shall be provided by means of electronic or print media and must be designed to inform the owner of any private water system, semi-private water system, or non-community public water system within an area potentially affected by the identified contamination of the need for the system owner to test the system for possible contamination. The notice shall appear in the media for 3 consecutive weeks.

(c) A unit of local government shall take any action that it deems appropriate, such as informing any homeowner who potentially could be adversely affected, within a reasonable time after notification by the Agency under subsection (a) of this Section.

HISTORY:
P.A. 92-652, § 5.

415 ILCS 55/10 Pekin Metro Landfill; pilot projects.

(a) Subject to appropriation, the Agency shall design and implement up to 2 pilot studies of landfills that overlie the Mahomet Aquifer to identify threats to surface and groundwater resources that are posed by the landfills. One of the pilot projects shall be conducted at the Pekin Metro Landfill in Tazewell County. In conducting the pilot projects, the Agency shall:

(1) inspect and identify potential and current contamination threats to the water quality of aquifers in the same watershed as the landfill (for the Pekin Metro Landfill, the Mahomet Aquifer);

(2) use geographic information systems and remote sensing technology to track defects, structures, appliances, and wells for routine inspection and sustainable management;

(3) install or repair groundwater monitoring mechanisms necessary to identify whether contaminants from the landfill are affecting water quality in the Mahomet Aquifer; and

(4) identify and provide cost estimates for any additional response actions necessary or appropriate to reduce or minimize potential threats to human health and the environment resulting from current landfill conditions.

(b) Following the completion of the pilot project response actions, the Agency shall:

(1) evaluate, in consultation with the Prairie Research Institute, the use of aerial photography and other remote sensing technologies, such as Light Detection and Ranging (LiDAR), to identify land erosion, landslides, barren areas, leachate seeps, vegetation, and other relevant surface and subsurface features of landfills to aid in the inspection and investigation of landfills; and

(2) identify additional procedures, requirements, or authorities that may be appropriate or necessary to address threats to human health and the environment from other unregulated or underregulated landfills throughout the State.

HISTORY:
2019 P.A. 101-573, § 10, effective January 1, 2020.

GREEN INFRASTRUCTURE FOR CLEAN WATER ACT [REPEALED]

Section

HISTORY:
Repealed by 2018 P.A. 100-621, § 10-210, effective July 20, 2018.

415 ILCS 56/1 Short title [Repealed]

HISTORY:
P.A. 96-26, § 1; repealed by 2018 P.A. 100-621, § 10-210, effective July 20, 2018.

415 ILCS 56/5 Definitions. [Repealed]

HISTORY:
P.A. 96-26, § 5; repealed by 2018 P.A. 100-621, § 10-210, effective July 20, 2018.

415 ILCS 56/10 Legislative findings [Repealed]

HISTORY:
P.A. 96-26, § 10; repealed by 2018 P.A. 100-621, § 10-210, effective July 20, 2018.

415 ILCS 56/15 IEPA Study. [Repealed]

HISTORY:
P.A. 96-26, § 15; repealed by 2018 P.A. 100-621, § 10-210, effective July 20, 2018.

415 ILCS 56/99 Effective date. [Repealed]

HISTORY:
P.A. 96-26, § 99; repealed by 2018 P.A. 100-621, § 10-210, effective July 20, 2018.

JUNKYARD ACT

Section

415 ILCS 95/0.01 Short title

This Act may be cited as the Junkyard Act.

HISTORY:
P.A. 86-1324.

415 ILCS 95/1 [Legislative declaration]

For the purpose of promoting the public safety, health, welfare, convenience and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways, it is declared to be in the public interest to regulate and restrict the establishment, operation, and maintenance of junkyards or scrap processing facilities in areas adjacent to the Federal-Aid Interstate and Federal-Aid Primary Systems of Highways within this State. Junkyards or scrap processing facilities which do not conform to the requirements of this Act are declared to be public nuisances.

HISTORY:
Laws 1967, p. 1927.

415 ILCS 95/2 [Definitions]

Terms used in this Act, unless the context otherwise requires, are defined as follows:

(1) "junkyard" means an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills;

(2) "junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material;

(3) "automobile graveyard" means any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts;

(4) "scrap processing facility" means any establishment having facilities for processing iron, steel, nonferrous scrap, mineral wastes or slag, and whose principal produce is scrap iron, steel, or nonferrous scrap for sale for remelting purposes only;

(5) "Department" means the Department of Transportation of the State of Illinois.

HISTORY:
P.A. 77-175.

415 ILCS 95/3 [Establishment, operation, or maintenance of junkyard or scrap processing facility]

No person may hereafter establish, operate, or maintain a junkyard or scrap processing facility, any portion of which is within 1,000 feet of the nearest edge of the right of way of any highway on the Federal-Aid Interstate or Federal-Aid Primary Systems, except the following:

a. those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the system, or otherwise removed from sight;

b. those located within areas which are zoned for industrial use, or those located within unzoned areas which are used for industrial activities, as determined by regulations to be promulgated by the Department;

c. those which are not visible from the main-traveled way of the highway system.

HISTORY:
Laws 1967, p. 1927.

415 ILCS 95/4 [Screening]

Any junkyard or scrap processing facility lawfully in existence on the effective date of this Act which is within 1,000 feet of the nearest edge of the right of way and visible from the main-traveled way of any highway on the Federal-Aid Interstate or Federal-Aid Primary Systems, shall be screened, if feasible, by the Department at locations on highway right of way or in areas acquired for such purposes outside the right of way so as not to be visible from the main-traveled way of such highway.

HISTORY:
Laws 1967, p. 1927.

415 ILCS 95/4.5 Automobile graveyards located near canals; inspection by EPA

The Environmental Protection Agency may inspect any automobile graveyard located within 1000 feet of a canal in Illinois to determine if any contaminates are entering canal waters from the automobile graveyard.

HISTORY:
P.A. 88-381, § 10.

415 ILCS 95/5 [Regulations regarding screening or fencing]

The Department shall promulgate regulations governing the location, planting, construction and maintenance, including materials used in screening or fencing required by this Act.

HISTORY:
Laws 1967, p. 1927.

415 ILCS 95/6 [Acquisition for screening; relocation]

When the Department determines that the topography of the land will not permit adequate screening of existing junkyards or scrap processing facilities or junkyards or scrap processing facilities lawfully established but which become nonconforming, the De-

partment may acquire by gift, purchase or by the exercise of the right of eminent domain such junkyards or scrap processing facilities, or portions thereof, necessary to secure compliance with this Act. When it is more economical to move such junkyards or scrap processing facilities, or portions thereof, the Department may acquire by gift, purchase or by the exercise of the right of eminent domain such lands or interest in lands as may be necessary to secure the relocation of such junkyards or scrap processing facilities, or portions thereof, and pay the costs of such relocation. The Department may also acquire by gift, purchase or by the exercise of the right of eminent domain such land or interests in land as is necessary to effectively screen existing junkyards or scrap processing facilities or junkyards or scrap processing facilities lawfully established, but which become nonconforming.

HISTORY:
Laws 1967, p. 1927.

415 ILCS 95/6.5 Eminent domain

Notwithstanding any other provision of this Act, any power granted under this Act to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act (735 ILCS 30/1-1-1 et seq.).

HISTORY:
P.A. 94-1055, § 95-5-670.

415 ILCS 95/7 [Actions to prevent unlawful establishment, operation or maintenance, to restrain, correct or abate violations; penalty]

(a) The Department may, in addition to any other remedies, initiate an appropriate action in the circuit court of the county in which a junkyard or scrap processing facility is located, to prevent the unlawful establishment, operation or maintenance of a junkyard or scrap processing facility which is not in compliance with this Act, or to restrain, correct or abate a violation of this Act, or to prevent any illegal Act, conduct, business or use in or about the premises of such junkyard or scrap processing facility.

(b) Whoever violates any provision of this Act is guilty of a petty offense for a first violation, and of a Class C misdemeanor for second or subsequent violations.

HISTORY:
P.A. 84-1308.

415 ILCS 95/8 [Agreements with Federal authorities]

The Department is authorized to enter into agreements with the designated authority of the United States Government relating to the control of junkyards or scrap processing facility in areas adjacent to the Federal-Aid Interstate and Federal-Aid Primary Systems, and to take such action as may be necessary to comply with the terms of such agreements.

HISTORY:
Laws 1967, p. 1927.

CHAPTER 430

PUBLIC SAFETY

Illinois Public Demonstrations Law
Road Worker Safety Act
Excavation Fence Act

ILLINOIS PUBLIC DEMONSTRATIONS LAW

Section
430 ILCS 70/2 Declaration of purpose
430 ILCS 70/3 Unlawful action — Parade permit
430 ILCS 70/6 Time of holding
430 ILCS 70/7 Conflict with municipal ordinance
430 ILCS 70/8 Sentence

430 ILCS 70/2 Declaration of purpose

It is declared to be the public policy of this State: That the maintenance of good order on highways, as defined in Section 2-202 of the "Illinois Highway Code" [605 ILCS 5/2-202], is a paramount responsibility of democratic government;

That the public health, welfare and safety of the community require that the movement of vehicular traffic on such roadways be lawfully conducted with a minimum of disruption;

That the practice of unhindered or unrestrained picketing or demonstrating on such roadways has caused disruption of police, fire and emergency services, and injury to persons regardless of participation in the march, assembly or demonstration;

That the practice of multiple demonstrations on the same day in different locations in municipalities and unincorporated areas of counties has unreasonably deprived the citizens of the police, fire and emergency services; and

That the provisions herein enacted are necessary for the protection of the health, welfare and safety of the public.

HISTORY:
P.A. 81-840.

430 ILCS 70/3 Unlawful action — Parade permit

It is unlawful for any person, group or organization to conduct or participate in any march, assembly, meeting, parade, or gathering on roadways in more than one specific area of or location in, any municipality or the unincorporated area of a county, on any given day, unless it is acting under authority of a duly issued municipal or county parade or demonstration permit if local ordinance or regulation requires a permit, or, if not, with permission of the principal law enforcement officer for the area. Only the person, group, or organization responsible for organizing the march, assembly, meeting, parade, or gathering is required to obtain a permit or the permission of the principal law enforcement officer, which shall be sufficient to encompass all participants. If a march, assembly, meeting, parade, or gathering on roadways involves the act of crossing or traversing over or upon active railroad tracks, the municipal or county authority or principal law enforcement officer, as part of its permit or permission process, may prohibit any portion of the route that involves the act of crossing or traversing over or upon active railroad tracks.

HISTORY:
Laws 1967, p. 3613; P.A. 98-320, § 5.

430 ILCS 70/6 Time of holding

It is unlawful for any group, organization, or any individual to conduct or participate in any march, assembly, meeting, parade, or gathering on roadways during peak traffic periods unless authorized by the principal law enforcement officer for the area in which the march, assembly, meeting, parade, or gathering is to be held. Peak traffic periods, unless otherwise set by municipal or county authority, are for the purposes of this Act declared to be 7:30 a.m. o'clock to 9:00 a.m. o'clock in the forenoon, and from 4:30 p.m. o'clock to 6:00 p.m. o'clock in the afternoon, Monday through Friday except for State and National holidays.

HISTORY:
Laws 1967, p. 3613; P.A. 98-320, § 5.

430 ILCS 70/7 Conflict with municipal ordinance

Nothing in this Act shall be construed to invalidate or repeal by inference any local or municipal enactment in regard to parades or demonstrations, but if there is an unreconcilable conflict this Act shall prevail as to such portion or portions that are in direct conflict, except as to duly designated peak hours of traffic within its boundaries.

HISTORY:
Laws 1967, p. 3613.

430 ILCS 70/8 Sentence

Violation of this Act is a Class A misdemeanor.

HISTORY:
P.A. 77-2646.

ROAD WORKER SAFETY ACT

Section

430 ILCS 105/0.01 Short title

This Act may be cited as the Road Worker Safety Act.

HISTORY:
P.A. 86-1324.

430 ILCS 105/1 [Maintenance of traffic]

All construction work upon bridges or highways within the State of Illinois shall be so performed and conducted that two-way traffic will be maintained when such is safe and practical, and when not safe and practical, or when any portion of the highway is obstructed, one-way traffic shall be maintained, unless the authorized agency in charge of said construction directs the road be closed to all traffic.

HISTORY:
Laws 1959, p. 2044.

430 ILCS 105/2 [One-way traffic; flagmen, signals; closing of road]

At all times during which men are working where one-way traffic is utilized, the contractor or his authorized agent in charge of such construction will be required to furnish no fewer than two flagmen, one at each end of the portion of highway or bridge on which only one-way traffic is permitted, and at least 100 feet away from the nearest point of the highway or bridge on which only one-way traffic is safe and permitted. The flagmen shall be equipped with safe, suitable, and proper signal devices as prescribed in the Manual on Uniform Traffic Control Devices for Streets and Highways published by the Department of Transportation, and shall so use such devices as to inform approaching motorists to stop or proceed. In addition, safe, suitable, and proper signals and signs as prescribed in the Manual shall be so placed as to warn approaching persons of the existence of any portion of highway or bridge upon which only one-way traffic is safe and permitted. At bridge construction or bridge repair sites, where one-way traffic is utilized, traffic control signals conforming to the Manual may be installed and operated in lieu of, or in addition to, flagmen. Whenever the Department of Transportation or local authorities determine that a bridge or highway construction site requires the closing of a road to through traffic, the contract documents relating to such construction may specify alternate procedures for flagging and controlling traffic, when such procedures have been approved by the Department. When alternate procedures are not included, traffic control and flagging will be as prescribed in the first paragraph of this Section.

HISTORY:
P.A. 82-408.

430 ILCS 105/3 [Drivers to obey]

Drivers of any motor vehicle approaching any section of highway or bridge which is limited to only one-way traffic shall obey warning signs and shall stop their vehicles if signaled to do so by a flagman or a traffic control signal.

HISTORY:
Laws 1967, p. 468.

430 ILCS 105/4 [Highway or bridge closed to traffic]

Any portion of highway or bridge which is closed to all traffic shall be marked at each place where vehicles have accessible approach to such portion of highway or bridge, and at a sufficient distance from the closed portion of such highway or bridge shall be marked with an adequate number of safe, suitable, and proper warning signs, signals or barricades as set forth in the Manual of Uniform Traffic Control Devices for Streets and Highways published by the Department of Transportation so as to give warning to approaching motorists that such portion of bridge or highway is closed and unsafe for travel.

HISTORY:
P.A. 77-176.

430 ILCS 105/5 [Penalty]

Any contractor, subcontractor, or his authorized agent in charge of construction work on highways or bridges within the State of Illinois, or any driver of any motor vehicle, who knowingly or wilfully violates any provision of this Act, is guilty of a petty offense.

HISTORY:
P.A. 77-2242.

430 ILCS 105/6 [Civil liability]

Any contractor, subcontractor, or his or her authorized agent or driver of any motor vehicle who knowingly or wilfully violates any provision of this Act, shall be responsible for any injury to person or property occasioned by such violation, and a right of action shall accrue to any person injured for any damages sustained thereby; and in case of loss of life by reason of such violation, a right of action shall accrue to the surviving spouse of the person so killed, his or her heirs, or to any person or persons who were, before such loss of life, dependent for support

on the person so killed, for a like recovery of damages sustained by reason of such loss of life.

HISTORY:
P.A. 80-1154.

430 ILCS 105/7 [Enforcement]

In case of any failure to comply with any of the provisions of this Act, the Director of Labor may, through the State's Attorney, or any other attorney in case of his failure to act promptly, take the necessary legal steps to enforce compliance therewith.

HISTORY:
Laws 1959, p. 2044.

430 ILCS 105/8 [Exceptions]

The provisions of this Act shall not apply to employees or officials of the State of Illinois or any other public agency engaged in the construction or maintenance of highways and bridges.

HISTORY:
Laws 1959, p. 2044.

EXCAVATION FENCE ACT

Section

Section

430 ILCS 165/0.01 Short title

This Act may be cited as the Excavation Fence Act.

HISTORY:
P.A. 86-1324; 97-1108, § 99-5.

430 ILCS 165/1 [Excavation fencing required]

Any person, corporation or partnership which either owns, or maintains, or uses, or abandons any open well, cesspool, cistern, quarry, recharging basin, catch basin, sump, excavation for the erection of any building structure or excavation created by the razing or removal of any building structure without covering or surrounding such installation with protective fencing is guilty of a Class C misdemeanor. The provisions of this Act shall not apply during the course of repair, construction, removal or filling of any of the structures or conditions herein described while any worker is present at the location thereof either performing services thereon or as a watchman to guard such location.

HISTORY:
P.A. 81-992; 97-1108, § 99-5.

CHAPTER 505

AGRICULTURE

Farmland Preservation Act
Illinois Noxious Weed Law

FARMLAND PRESERVATION ACT

Section

505 ILCS 75/1 Short Title

This Act shall be known and may be cited as the "Farmland Preservation Act."

HISTORY:
P.A. 82-945.

505 ILCS 75/2 Legislative Findings and Intent

The natural resources of Illinois — land, minerals, water, and air — are both finite and fragile. In the absence of wise use and consistent management practices, these resources are threatened by irreversible damage or loss. Protection of the State's natural resources is essential to guard the public health, safety, and welfare, and to assure an adequate natural resource supply and quality for use and enjoyment by future generations.

Since World War II, the amount of Illinois land dedicated to agriculture has steadily declined at an average rate of approximately 100,000 acres per year. This substantial loss of farmlands is the equivalent of eight average-sized Illinois counties. If this trend continues, the State will lose the equivalent of another five or six counties by the end of the century.

The conversion and loss of agricultural land has diminished Illinois' cropland base and affects environmental quality. The supply of land most suitable for farming is finite. Conversion of this land to urban development and other non-farm uses reduces future food production capability and may ultimately undermine agriculture as a major economic activity in Illinois. With less prime farmland available there will tend to be greater reliance on marginally productive land, resulting in greater soil erosion, increased fertilizer requirements and increased environmental damage. Loss of agricultural land can also reduce the beneficial role which the land itself can play. Agricultural land reduces runoff by absorbing precipitation, aids in replenishing groundwater supplies and can buffer environmentally sensitive areas from encroaching development.

The importance of preserving our agricultural land base has been recognized by the Illinois Rural Planning Council, the Task Force on the Future of Illinois, and in the State's "Comprehensive Growth and Resource Conservation Policies." Each of these efforts recommends that the State minimize the conversion of prime farmland that results from the direct or indirect effects of State programs and also encourages the achievement of related goals, such as reducing the loss of soil through erosion.

HISTORY:
P.A. 82-945.

505 ILCS 75/3 [Inter-Agency Committee on Farmland Preservation created]

An Inter-Agency Committee on Farmland Preservation is created. The Directors or Chairpersons of the following agencies, or their representatives, shall serve as members of the Committee:

(a) the Capital Development Board;

(b) the Department of Natural Resources;

(c) the Department of Commerce and Economic Opportunity;

(d) the Environmental Protection Agency;

(e) the Department of Transportation;

(f) the Governor's Office of Management and Budget;

(g) the Illinois Commerce Commission; and

(h) the Department of Agriculture.

The Director of the Department of Agriculture, or his representative, shall serve as chairman.

HISTORY:
P.A. 82-945; 89-445, § 9A-59; 94-793, § 830.

505 ILCS 75/4 [Policy statements; working agreements]

The Inter-Agency Committee on Farmland Preservation shall prepare policy statements and working agreements for each of the agencies named in Section 3 of this Act [505 ILCS 75/3] specifying the policy of that agency toward farmland preservation and the administrative process used to implement that policy. The policy statements and working agreements shall be prepared as rules for the administration of the program. The policy statement shall include, but not be limited to, an analysis of the impact of agricultural land conversions attributed to the agency's programs, regulations, procedures and operations. The policy statement shall also detail measures that can be implemented to mitigate con-

versions to the maximum extent practicable. The State Agency policy statements and working agreements on farmland preservation shall be submitted to the Governor and the General Assembly and shall be updated by the State agency, and reviewed and approved by the Department of Agriculture, every 3 years. State agency policy statements and working agreements prepared in response to Executive Order Number 4 on the Preservation of Farmland and submitted to the Governor shall remain in effect upon this Act becoming law.

HISTORY:
P.A. 82-945.

505 ILCS 75/5 [Capital project; conversion of farmland to nonagricultural purposes]

Except as provided in the working agreement between the Director of Agriculture and each State agency listed in Section 3 of this Act [505 ILCS 75/3], when any State agency participates in a State funded capital project which will lead to conversion of farmland to nonagricultural purposes, the agency shall deliver written notification of the project to the Director of the Department of Agriculture.

The Director of Agriculture shall determine whether the project is in compliance with the agency's policy statements and working agreements on farmland preservation and shall conduct a study of the agricultural impacts if the project is not in compliance.

No agency may commit State funds for land acquisition or construction unless it is provided for in an exception contained in that agency's working agreement or until the study of agricultural impacts has been completed by the Department of Agriculture.

If the Director of Agriculture determines that a study of the agricultural impacts is necessary, the Department of Agriculture shall complete the study within 30 days of written notification by a State agency that it is considering a project which will result in conversion of farmland to a nonagricultural purpose. If the study is not completed within 30 days that agency may proceed with its intended action without the benefit of the study.

A copy of any study of agricultural impacts made pursuant to this Section shall be submitted to the Governor, to the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives, to the Director of each State agency participating in the project, and to each member of the Inter-Agency Committee on Farmland Preservation.

HISTORY:
P.A. 82-945.

505 ILCS 75/6 [Administration of Act; annual report to Governor]

The Department of Agriculture shall administer this Act and report annually to the Governor and to the General Assembly the amount of farmland converted to nonagricultural uses as a result of State action.

The Department may seek the assistance and cooperation of other agencies of State government in compiling the data for this report.

The Department shall formulate rules and regulations for the implementation of this Act.

HISTORY:
P.A. 82-945.

505 ILCS 75/7 [Exemptions]

This Act shall not apply to those projects for which, on the effective date of this Act, (a) a final public hearing has been held or (b) design approval has been given by the responsible State agency or by the federal agency which is providing all or part of the project funds.

HISTORY:
P.A. 82-945.

505 ILCS 75/8 [Effective date]

This Act shall take effect upon becoming law.

HISTORY:
P.A. 82-945.

ILLINOIS NOXIOUS WEED LAW

Section

505 ILCS 100/1 [Short title]

This Act shall be known and may be cited as the Illinois Noxious Weed Law.

HISTORY:
P.A. 77-1037.

505 ILCS 100/2 [Definitions]

As used in this Act:

(1) "Person" means any individual, partnership, firm, corporation, company, society, association, the State or any department, agency, or subdivision thereof, or any other entity.

(2) "Control", "controlled" or "controlling" includes being in charge of or being in possession, whether as owner, lessee, renter, or tenant, under statutory authority, or otherwise.

(3) "Director" means the Director of the Department of Agriculture of the State of Illinois, or his or her duly appointed representative.

(4) "Department" means the Department of Agriculture of the State of Illinois.

(5) "Noxious weed" means any plant which is determined by the Director, the Dean of the College of Agricultural, Consumer and Environmental Sciences of the University of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois, to be injurious to public health, crops, livestock, land or other property. "Noxious weed" does not include industrial hemp as defined and authorized under the Industrial Hemp Act [505 ILCS 89/1 et seq.].

(6) "Control Authority" means the governing body of each county, and shall represent all rural areas and cities, villages and townships within the county boundaries.

(7) "Applicable fund" means the fund current at the time the work is performed or the money is received.

HISTORY:
P.A. 77-1037; 99-539, § 5; 2018 P.A. 100-1091, § 900, effective August 26, 2018.

505 ILCS 100/3 [Individual responsibility]

Every person shall control the spread of and eradicate noxious weeds on lands owned or controlled by him and use such methods for that purpose and at such times as are approved and adopted by the Director of the Department of Agriculture.

HISTORY:
P.A. 77-1037.

505 ILCS 100/4 [Enforcement; List of Noxious Weeds; Rules and Regulations]

The duty of enforcing this Act and carrying out its provisions is vested in the Director, and the authorities designated in this Act acting under the supervision and direction of the Director. If a Control Authority fails to carry out its duties and responsibilities under this Act or fails to follow the Department's rules, the Director shall enforce this Act or rules by sending a Notice of Noncompliance to the Control Authority. The Director, the Dean of the College of Agricultural, Consumer and Environmental Sciences of the University of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois, shall determine what weeds are noxious for the purposes of this Act, and shall compile and keep current a list of such noxious weeds, which list shall be published and incorporated in the rules and regulations of the Department. The Director shall, from time to time, adopt and publish methods as official for control and eradication of noxious weeds and make and publish such rules and regulations as in his judgment are necessary to carry out the provisions of this Act.

HISTORY:
P.A. 77-1037; 99-539, § 5.

505 ILCS 100/5 [Director's powers]

The Director is authorized to investigate the subject of noxious weeds; to require information and reports from any Control Authority as to the presence of noxious weeds and other information relative to noxious weeds and the control and eradication thereof in localities where such Control Authority has jurisdiction; to cooperate with Control Authorities in carrying out other acts administered by him; to cooperate with agencies of Federal and State Governments and persons, in carrying out his duties under this Act, and, with the consent of the Governor, in the conduct of investigations outside this State in the interest of the protection of the agricultural industry of this State from noxious weeds not generally distributed therein; with the consent of the Federal agency involved, to control and eradicate noxious weeds on Federal lands within this State, with or without reimbursement, when deemed by him to be necessary to an effective weed control and eradication program; to advise and confer as to the extent of noxious weed infestations and the methods determined best suited to the control and eradication thereof; to call and attend meetings and conferences dealing with the subject of noxious weeds; to disseminate information and conduct educational campaigns with respect to control and eradication of noxious weeds; to procure materials and equipment and employ personnel necessary to carry out his duties and responsibilities; and to perform such other acts as may be necessary or appropriate to the administration of this Act.

HISTORY:
P.A. 77-1037.

505 ILCS 100/7 [Control Authority; duties and responsibilities]

Each Control Authority shall carry out the duties and responsibilities vested in it under this Act with respect to land under its jurisdiction in accordance with rules and regulations prescribed by the Department. Such duties shall include the establishment, under the general direction of the Control Authority,

of a coordinated program for control and eradication of noxious weeds within the county.

A Control Authority may cooperate with any person in carrying out its duties and responsibilities under this Act.

HISTORY:
P.A. 77-1037.

505 ILCS 100/8 [Weed Control Superintendents; compliance; reports]

Each Control Authority may employ one or more Weed Control Superintendents who shall be certified by the Director to be qualified to detect and treat noxious weeds. The same person may be a Weed Control Superintendent for more than one Control Authority. Such employment may be for such tenure, and at such rates of compensation and reimbursement for travel expenses, as the Control Authority may prescribe. Each Weed Control Superintendent may be bonded for such sum as the Control Authority may prescribe.

Each Control Authority shall examine all land under its jurisdiction for the purpose of determining whether the provisions of this Act and the regulations of the Director have been complied with; compile such data on infested areas and areas eradicated and such other reports as the Director or Control Authority may require; consult and advise upon matters pertaining to the best and most practical methods of noxious weed control and eradication, and render assistance and direction for the most effective control and eradication; investigate or aid in the investigation and prosecution of any violation of this Act. Control Authorities may cooperate and assist one another to the extent practicable in the carrying out of a coordinated control and eradication program within their counties.

HISTORY:
P.A. 77-1037.

505 ILCS 100/9 [Notices for control and eradication of noxious weeds]

Notices for control and eradication of noxious weeds shall be on a form prescribed by the Director and shall consist of 2 kinds: general notices and individual notices. Failure to publish general weed notices or to serve individual notices as provided in this Section does not relieve any person from the necessity of full compliance with this Act and regulations thereunder. In all cases such published notice is legal and sufficient notice.

General notice shall be published by each Control Authority, or any combination of Control Authorities among counties, in one or more legal newspapers of general circulation throughout the area, or areas, over which the Control Authority, or Control Authorities, have jurisdiction at such times as the Director may direct or the Control Authority may determine.

Whenever any Control Authority finds it necessary to secure more prompt or definite control or eradication of noxious weeds than is accomplished by the general published notice, it shall serve individual notices upon the person owning and the person controlling such land, and give notification of such notice to the record owner of any encumbrance thereon, giving specific instructions and methods when and how certain named weeds are to be controlled or eradicated.

HISTORY:
P.A. 77-1037.

505 ILCS 100/10 [Failure to control or eradicate]

Whenever the owner or person in control of the land on which noxious weeds are present has neglected or failed to control or eradicate them as required in this Act and any notice is given pursuant to Section 9 [505 ILCS 100/9], the Control Authority having jurisdiction shall have proper control and eradication methods used on such land, and shall advise the owner, person in control, and record holder of any encumbrance of the cost incurred in connection with such operation. The cost of any such control or eradication shall be at the expense of the owner. If unpaid for 6 months, or longer, the amount of such expense shall become a lien upon the property. Nothing contained in this Section shall be construed to require satisfaction of the obligation imposed hereby in whole or in part from the sale of the property or to bar the application of any other additional remedy otherwise available. Amounts collected under this Section shall be deposited in the Noxious Weed Control Fund or other appropriate general fund of the Control Authority.

HISTORY:
P.A. 77-1037.

505 ILCS 100/11 [Quarantine]

When it appears to a Control Authority that upon any tract of land under its jurisdiction there is an infestation of noxious weeds beyond the ability of the owner and the person in control of such land to eradicate, the Control Authority, with the approval of the Director, may quarantine such land and put into immediate operation the necessary means for the eradication of such noxious weeds. The Control Authority shall, prior to the entry upon such land, serve individual notices on the owner and the person in control thereof and the record owner of any encumbrance thereon of such quarantine and entry, and shall also advise such persons of the completion of the eradication operation, and the cost thereof. The expense of such quarantine and eradication shall be borne as follows: 1/2 from the Noxious Weed Control Fund or other appropriate general fund of the Control Authority; and 1/2 from the person owning such

land, which may be collected and deposited as provided in Section 10 [505 ILCS 100/10].

HISTORY:
P.A. 77-1037.

505 ILCS 100/12 [Cost of controlling and eradicating; payment]

The cost of controlling and eradicating noxious weeds on all land, including highways, roadways, streets, alleys and rights-of-way, owned or controlled by a State department, agency, commission or board shall be paid by the State department, agency, commission or board in control thereof out of funds appropriated to its use.

The cost of controlling and eradicating noxious weeds on all land including highways, roadways, streets, alleys and rights-of-way, owned or controlled by a Control Authority shall be paid by the Control Authority in control thereof out of the Noxious Weed Control Fund, and until the establishment of such Fund, out of the general funds of such Control Authority. Until the establishment of the Noxious Weed Control Fund by a Control Authority, the cost of controlling and eradicating noxious weeds on all land, including highways, roadways, streets, alleys and rights-of-way, owned or controlled by a township or city or other municipal corporation shall be paid by the township or city or other municipal corporation in control thereof out of the general funds of such township or city or other municipal corporation. After the establishment of the Noxious Weed Control Fund of the county in which such township or city is located, such cost shall be paid from the Noxious Weed Control Fund of such county.

HISTORY:
P.A. 77-1037.

505 ILCS 100/13 [Controlling and eradicating without cost to owner]

Notwithstanding any other provisions of this Act relating to payment of cost, when determined by a Control Authority to be justified in the interest of an effective weed control program, such Control Authority may control and eradicate noxious weeds on land under its jurisdiction, without cost to the owner or person in control thereof.

HISTORY:
P.A. 77-1037.

505 ILCS 100/14 [Dissemination of Noxious Weeds Through any Article]

To prevent the dissemination of noxious weeds through any article, including machinery, equipment, plants, materials and other things, the Director, in consultation with the Dean of the College of Agricultural, Consumer and Environmental Sciences of the University of Illinois and the Director of the Agricultural Experiment Station at the University of Illinois, shall, from time to time, publish a list of noxious weeds which may be disseminated through articles and a list of articles capable of disseminating such weeds, and designate treatment of such articles as, in his opinion, would prevent such dissemination. Until such article is treated in accordance with the applicable regulations, it shall not be moved from such premises except under and in accordance with the written permission of the Control Authority having jurisdiction of the area in which such article is located, and the Control Authority may hold or prevent its movement from such premises. The movement of any such article which has not been so decontaminated, except in accordance with such written permission, may be stopped by the Control Authority having jurisdiction over the place in which such movement is taking place and further movement and disposition shall only be in accordance with such Control Authority's direction.

HISTORY:
P.A. 77-1037; 99-539, § 5.

505 ILCS 100/15 [Noxious Weed Control Fund]

A Noxious Weed Control Fund may be established as provided in Section 16 [505 ILCS 100/16] for each Control Authority, without fiscal year limitation, which shall be available for expenses authorized to be paid from such Fund, including the necessary expenses of the Control Authority in carrying out its duties and responsibilities under this Act. The Weed Control Superintendents within the county shall ascertain each year the approximate amount of land within the county infested with noxious weeds, and the location thereof, and transmit such information to the Director and the Control Authority. On the basis of such information the Control Authority shall make payments from the Noxious Weed Control Fund. If a Noxious Weed Control Fund is not established as provided in Section 16, the expenses authorized to be paid from such Fund shall be paid out of any other appropriate general fund of the Control Authority.

HISTORY:
P.A. 77-1037.

505 ILCS 100/17 [Control Authority; purchase of necessary materials and equipment]

Control Authorities, independently or in combination, may purchase or provide for needed or necessary materials, machinery and equipment, including the cost of operation and depreciation of such machinery and equipment, for the control and eradication of weeds as provided in Sections 10 and 11 [505 ILCS 100/10 and 505 ILCS 100/11], whether or not declared noxious on land owned or controlled by them or on other land under their jurisdiction. All funds received from such control and eradication of weeds shall be deposited in the Noxious Weed Con-

trol Fund or other appropriate general fund of the Control Authority. Each Control Authority shall keep a record showing the procurement, sale and rental of materials, machinery and equipment, which record shall be open to inspection by citizens of this State. A Control Authority may use any equipment or material procured as provided for in this Section upon lands owned or directly controlled by it, or owned or controlled by a township or city which is not a Control Authority, for the treatment and eradication of weeds which have not been declared noxious.

HISTORY:
P.A. 77-1037.

505 ILCS 100/18 [Protest]

If any person is dissatisfied with the amount of any charge made against him by a Control Authority for control or eradication work, he may, within 5 days after being advised of the amount of the charge, file a protest with the Director. The Director shall hold a hearing thereon and has the power to adjust or affirm such charge.

HISTORY:
P.A. 77-1037.

505 ILCS 100/19 [Judicial review]

All final administrative decisions of the Director or his representative are subject to judicial review under the Administrative Review Law [735 ILCS 5/3-101 et seq.]. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure [735 ILCS 5/3-101]. The filing for judicial review shall stay the order of the Director or his representative pending disposition of the order on judicial review. The court, upon its own initiative or upon motion by the Director, may in its discretion, when it deems it necessary to protect the interests involved, require the posting of additional bond in an amount it deems advisable, as a prerequisite to judicial review.

HISTORY:
P.A. 82-783.

505 ILCS 100/20 [Authority to enter land and take specimens]

The Director, any Control Authority, Weed Control Superintendent, or anyone authorized thereby, may enter upon all land under their jurisdiction for the purpose of performing their duties and exercising their powers under this Act, including the taking of specimens of weeds or other materials, without the consent of the person owning or controlling such land and without being subject to any action for trespass or damages, if reasonable care is exercised.

HISTORY:
P.A. 77-1037.

505 ILCS 100/21 [Individual notices; service]

All individual notices, service of which is provided for in this Act, shall be in writing. Service of such notices shall be in the same manner as service of a summons in a civil action in the circuit court or by certified mail to the last known address to be ascertained, if necessary, from the last tax list.

HISTORY:
P.A. 77-1037.

505 ILCS 100/22 [Penalty]

Any person violating any provision of this Act or any regulation issued hereunder is guilty of a petty offense and shall be fined not more than $100 for the first offense and not more than $200 for each subsequent offense.

HISTORY:
P.A. 78-255.

505 ILCS 100/23 [Participation in noxious weed control program]

The Director may participate in any noxious weed control program and, when called upon to do so by any such program, may use any funds available to him for the purposes of this Act in the matching of any federal funds made available to this State.

HISTORY:
P.A. 77-1037.

505 ILCS 100/24 [Severability]

If any Section or provision of this Act is declared invalid for any reason, such invalidity shall not affect or impair any of the remaining Sections or provisions of the Act which can be given effect without the invalid Section or provision, and to this end the Sections and provisions of this Act are declared to be severable.

HISTORY:
P.A. 77-1037.

CHAPTER 520

WILDLIFE

Wildlife Code
Illinois Endangered Species Protection Act

WILDLIFE CODE

II. Game Protective Regulations

ARTICLE II. GAME PROTECTIVE REGULATIONS

Additional Provisions

Section
520 ILCS 5/2.31 [Taking wild birds or mammals on highways]
520 ILCS 5/2.33 Prohibitions. [Effective until January 1, 2023]
520 ILCS 5/2.33 Prohibitions. [Effective January 1, 2023]

ADDITIONAL PROVISIONS

520 ILCS 5/2.31 [Taking wild birds or mammals on highways]

Except as provided in Section 2.30 [520 ILCS 5/2.30], it shall be unlawful for any person to take or attempt to take wild birds or wild mammals along, upon, across, or from any public right-of-way or highway in this State.

HISTORY:
P.A. 77-1781; 97-628, § 5.

520 ILCS 5/2.33 Prohibitions. [Effective until January 1, 2023]

(a) It is unlawful to carry or possess any gun in any State refuge unless otherwise permitted by administrative rule.

(b) It is unlawful to use or possess any snare or snare-like device, deadfall, net, or pit trap to take any species, except that snares not powered by springs or other mechanical devices may be used to trap fur-bearing mammals, in water sets only, if at least one-half of the snare noose is located underwater at all times.

(c) It is unlawful for any person at any time to take a wild mammal protected by this Act from its den by means of any mechanical device, spade, or digging device or to use smoke or other gases to dislodge or remove such mammal except as provided in Section 2.37 [520 ILCS 5/2.37].

(d) It is unlawful to use a ferret or any other small mammal which is used in the same or similar manner for which ferrets are used for the purpose of frightening or driving any mammals from their dens or hiding places.

(e) (Blank).

(f) It is unlawful to use spears, gigs, hooks or any like device to take any species protected by this Act.

(g) It is unlawful to use poisons, chemicals or explosives for the purpose of taking any species protected by this Act.

(h) It is unlawful to hunt adjacent to or near any peat, grass, brush or other inflammable substance when it is burning.

(i) It is unlawful to take, pursue or intentionally harass or disturb in any manner any wild birds or mammals by use or aid of any vehicle, conveyance, or unmanned aircraft as defined by the Illinois Aeronautics Act, except as permitted by the Code of Federal Regulations for the taking of waterfowl; except that nothing in this subsection shall prohibit the use of unmanned aircraft in the inspection of a public utility facility, tower, or structure or a mobile service facility, tower, or structure by a public utility, as defined in Section 3-105 of the Public Utilities Act, or a provider of mobile services as defined in Section 153 of Title 47 of the United States Code. It is also unlawful to use the lights of any vehicle or conveyance, any light connected to any vehicle or conveyance, or any other lighting device or mechanism from inside or on a vehicle or conveyance in any area where wildlife may be found except in accordance with Section 2.37 of this Act; however, nothing in this Section shall prohibit the normal use of headlamps for the purpose of driving upon a roadway. For purposes of this Section, any other lighting device or mechanism shall include, but not be limited to, any device that uses infrared or other light not visible to the naked eye, electronic image intensification, active illumination, thermal imaging, or night vision. Striped skunk, opossum, red fox, gray fox, raccoon, bobcat, and coyote may be taken during the open season by use of a small light which is worn on the body or hand-held by a person on foot and not in any vehicle.

(j) It is unlawful to use any shotgun larger than 10 gauge while taking or attempting to take any of the species protected by this Act.

(k) It is unlawful to use or possess in the field any shotgun shell loaded with a shot size larger than lead BB or steel T (.20 diameter) when taking or attempting to take any species of wild game mammals (excluding white-tailed deer), wild game birds, migratory waterfowl or migratory game birds protected by this Act, except white-tailed deer as provided for in Section 2.26 [520 ILCS 5/2.26] and other species as provided for by subsection (l) or administrative rule.

(*l*) It is unlawful to take any species of wild game, except white-tailed deer and fur-bearing mammals,

with a shotgun loaded with slugs unless otherwise provided for by administrative rule.

(m) It is unlawful to use any shotgun capable of holding more than 3 shells in the magazine or chamber combined, except on game breeding and hunting preserve areas licensed under Section 3.27 and except as permitted by the Code of Federal Regulations for the taking of waterfowl. If the shotgun is capable of holding more than 3 shells, it shall, while being used on an area other than a game breeding and shooting preserve area licensed pursuant to Section 3.27, be fitted with a one piece plug that is irremovable without dismantling the shotgun or otherwise altered to render it incapable of holding more than 3 shells in the magazine and chamber, combined.

(n) It is unlawful for any person, except persons who possess a permit to hunt from a vehicle as provided in this Section and persons otherwise permitted by law, to have or carry any gun in or on any vehicle, conveyance or aircraft, unless such gun is unloaded and enclosed in a case, except that at field trials authorized by Section 2.34 of this Act [520 ILCS 5/2.34], unloaded guns or guns loaded with blank cartridges only, may be carried on horseback while not contained in a case, or to have or carry any bow or arrow device in or on any vehicle unless such bow or arrow device is unstrung or enclosed in a case, or otherwise made inoperable unless in accordance with the Firearm Concealed Carry Act [430 ILCS 66/1 et seq.].

(o) (Blank).

(p) It is unlawful to take game birds, migratory game birds or migratory waterfowl with a rifle, pistol, revolver, or air rifle.

(q) It is unlawful to fire a rifle, pistol, revolver, or air rifle on, over, or into any waters of this State, including frozen waters.

(r) It is unlawful to discharge any gun or bow and arrow device along, upon, across, or from any public right-of-way or highway in this State.

(s) It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun.

(t) It is unlawful for any person to take or attempt to take any species of wildlife or parts thereof, or allow a dog to hunt, within or upon the land of another, or upon waters flowing over or standing on the land of another, or to knowingly shoot a gun or bow and arrow device at any wildlife physically on or flying over the property of another without first obtaining permission from the owner or the owner's designee. For the purposes of this Section, the owner's designee means anyone who the owner designates in a written authorization and the authorization must contain (i) the legal or common description of property for such authority is given, (ii) the extent that the owner's designee is authorized to make decisions regarding who is allowed to take or attempt to take any species of wildlife or parts thereof, and (iii) the owner's notarized signature. Before enforcing this Section the law enforcement officer must have received notice from the owner or the owner's designee of a violation of this Section. Statements made to the law enforcement officer regarding this notice shall not be rendered inadmissible by the hearsay rule when offered for the purpose of showing the required notice.

(u) It is unlawful for any person to discharge any firearm for the purpose of taking any of the species protected by this Act, or hunt with gun or dog, or allow a dog to hunt, within 300 yards of an inhabited dwelling without first obtaining permission from the owner or tenant, except that while trapping, hunting with bow and arrow, hunting with dog and shotgun using shot shells only, or hunting with shotgun using shot shells only, or providing outfitting services under a waterfowl outfitter permit, or on licensed game breeding and hunting preserve areas, as defined in Section 3.27, on federally owned and managed lands and on Department owned, managed, leased, or controlled lands, a 100 yard restriction shall apply.

(v) It is unlawful for any person to remove fur-bearing mammals from, or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so.

(w) It is unlawful for any owner of a dog to allow his or her dog to pursue, harass or kill deer, except that nothing in this Section shall prohibit the tracking of wounded deer with a dog in accordance with the provisions of Section 2.26 of this Code.

(x) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in hunting or trapping thereon.

(y) It is unlawful to hunt wild game protected by this Act between one half hour after sunset and one half hour before sunrise, except that hunting hours between one half hour after sunset and one half hour before sunrise may be established by administrative rule for fur-bearing mammals.

(z) It is unlawful to take any game bird (excluding wild turkeys and crippled pheasants not capable of normal flight and otherwise irretrievable) protected by this Act when not flying. Nothing in this Section shall prohibit a person from carrying an uncased, unloaded shotgun in a boat, while in pursuit of a crippled migratory waterfowl that is incapable of normal flight, for the purpose of attempting to reduce the migratory waterfowl to possession, provided that the attempt is made immediately upon downing the migratory waterfowl and is done within 400 yards of the blind from which the migratory waterfowl was downed. This exception shall apply only to migratory game birds that are not capable of normal flight. Migratory waterfowl that are crippled may be taken only with a shotgun as regulated by subsection (j) of this Section using shotgun shells as regulated in subsection (k) of this Section.

(aa) It is unlawful to use or possess any device that may be used for tree climbing or cutting, while hunting fur-bearing mammals, excluding coyotes.

However, coyotes may not be hunted utilizing these devices during open season for deer except by properly licensed deer hunters.

(bb) It is unlawful for any person, except licensed game breeders, pursuant to Section 2.29 [520 ILCS 5/2.29] to import, carry into, or possess alive in this State any species of wildlife taken outside of this State, without obtaining permission to do so from the Director.

(cc) It is unlawful for any person to have in his or her possession any freshly killed species protected by this Act during the season closed for taking.

(dd) It is unlawful to take any species protected by this Act and retain it alive except as provided by administrative rule.

(ee) It is unlawful to possess any rifle while in the field during gun deer season except as provided in Section 2.26 and administrative rules.

(ff) It is unlawful for any person to take any species protected by this Act, except migratory waterfowl, during the gun deer hunting season in those counties open to gun deer hunting, unless he or she wears, when in the field, a cap and upper outer garment of a solid blaze orange color or solid blaze pink color, with such articles of clothing displaying a minimum of 400 square inches of blaze orange or solid blaze pink color material.

(gg) It is unlawful during the upland game season for any person to take upland game with a firearm unless he or she wears, while in the field, a cap of solid blaze orange color or solid blaze pink color. For purposes of this Act, upland game is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern Cottontail and Swamp Rabbit.

(hh) It shall be unlawful to kill or cripple any species protected by this Act for which there is a bag limit without making a reasonable effort to retrieve such species and include such in the bag limit. It shall be unlawful for any person having control over harvested game mammals, game birds, or migratory game birds for which there is a bag limit to wantonly waste or destroy the usable meat of the game, except this shall not apply to wildlife taken under Sections 2.37 or 3.22 of this Code [520 ILCS 5/3.37 or 520 ILCS 5/3.22]. For purposes of this subsection, "usable meat" means the breast meat of a game bird or migratory game bird and the hind ham and front shoulders of a game mammal. It shall be unlawful for any person to place, leave, dump, or abandon a wildlife carcass or parts of it along or upon a public right-of-way or highway or on public or private property, including a waterway or stream, without the permission of the owner or tenant. It shall not be unlawful to discard game meat that is determined to be unfit for human consumption.

(ii) This Section shall apply only to those species protected by this Act taken within the State. Any species or any parts thereof, legally taken in and transported from other states or countries, may be possessed within the State, except as provided in this Section and Sections 2.35, 2.36 and 3.21 [520 ILCS 5/2.35, 520 ILCS 5/2.36 and 520 ILCS 5/3.21].

(jj) (Blank).

(kk) Nothing contained in this Section shall prohibit the Director from issuing permits to paraplegics or to other persons with disabilities who meet the requirements set forth in administrative rule to shoot or hunt from a vehicle as provided by that rule, provided that such is otherwise in accord with this Act.

(ll) Nothing contained in this Act shall prohibit the taking of aquatic life protected by the Fish and Aquatic Life Code [515 ILCS 5/1-1 et seq.] or birds and mammals protected by this Act, except deer and fur-bearing mammals, from a boat not camouflaged or disguised to alter its identity or to further provide a place of concealment and not propelled by sail or mechanical power. However, only shotguns not larger than 10 gauge nor smaller than .410 bore loaded with not more than 3 shells of a shot size no larger than lead BB or steel T (.20 diameter) may be used to take species protected by this Act.

(mm) Nothing contained in this Act shall prohibit the use of a shotgun, not larger than 10 gauge nor smaller than a 20 gauge, with a rifled barrel.

(nn) It shall be unlawful to possess any species of wildlife or wildlife parts taken unlawfully in Illinois, any other state, or any other country, whether or not the wildlife or wildlife parts is indigenous to Illinois. For the purposes of this subsection, the statute of limitations for unlawful possession of wildlife or wildlife parts shall not cease until 2 years after the possession has permanently ended.

HISTORY:

P.A. 86-920; 86-1039; 86-1354; 86-1475; 87-114; 87-296; 87-297; 87-895; 88-468, § 5; 88-598, § 5; 89-341, § 5; 90-743, § 5; 91-654, § 5; 92-325, § 5; 92-651, § 76; 93-807, § 5; 94-764, § 5; 95-196, § 5; 95-329, § 5; 95-876, § 290; 96-390, § 5; 97-645, § 5; 97-907, § 5; 98-119, § 5; 98-181, § 5; 98-183, § 5; 98-290, § 5; 98-756, § 645; 98-914, § 5; 99-33, § 5; 99-143, § 860; 99-642, § 520; 2017 P.A. 100-489, § 5, effective September 8, 2017; 2018 P.A. 100-949, § 5, effective January 1, 2019; 2021 P.A. 102-237, § 27, effective January 1, 2022; 2022 P.A. 102-837, § 25, effective May 13, 2022.

520 ILCS 5/2.33 Prohibitions. [Effective January 1, 2023]

(a) It is unlawful to carry or possess any gun in any State refuge unless otherwise permitted by administrative rule.

(b) It is unlawful to use or possess any snare or snare-like device, deadfall, net, or pit trap to take any species, except that snares not powered by springs or other mechanical devices may be used to trap fur-bearing mammals, in water sets only, if at least one-half of the snare noose is located underwater at all times.

(c) It is unlawful for any person at any time to take a wild mammal protected by this Act from its den by means of any mechanical device, spade, or digging device or to use smoke or other gases to dislodge or remove such mammal except as provided in Section 2.37 [520 ILCS 5/2.37].

(d) It is unlawful to use a ferret or any other small mammal which is used in the same or similar man-

ner for which ferrets are used for the purpose of frightening or driving any mammals from their dens or hiding places.

(e) (Blank).

(f) It is unlawful to use spears, gigs, hooks or any like device to take any species protected by this Act.

(g) It is unlawful to use poisons, chemicals or explosives for the purpose of taking any species protected by this Act.

(h) It is unlawful to hunt adjacent to or near any peat, grass, brush or other inflammable substance when it is burning.

(i) It is unlawful to take, pursue or intentionally harass or disturb in any manner any wild birds or mammals by use or aid of any vehicle or conveyance, except as permitted by the Code of Federal Regulations for the taking of waterfowl. It is also unlawful to use the lights of any vehicle or conveyance or any light from or any light connected to the vehicle or conveyance in any area where wildlife may be found except in accordance with Section 2.37 of this Act; however, nothing in this Section shall prohibit the normal use of headlamps for the purpose of driving upon a roadway. Striped skunk, opossum, red fox, gray fox, raccoon, bobcat, and coyote may be taken during the open season by use of a small light which is worn on the body or hand-held by a person on foot and not in any vehicle.

(j) It is unlawful to use any shotgun larger than 10 gauge while taking or attempting to take any of the species protected by this Act.

(k) It is unlawful to use or possess in the field any shotgun shell loaded with a shot size larger than lead BB or steel T (.20 diameter) when taking or attempting to take any species of wild game mammals (excluding white-tailed deer), wild game birds, migratory waterfowl or migratory game birds protected by this Act, except white-tailed deer as provided for in Section 2.26 [520 ILCS 5/2.26] and other species as provided for by subsection (l) or administrative rule.

(*l*) It is unlawful to take any species of wild game, except white-tailed deer and fur-bearing mammals, with a shotgun loaded with slugs unless otherwise provided for by administrative rule.

(m) It is unlawful to use any shotgun capable of holding more than 3 shells in the magazine or chamber combined, except on game breeding and hunting preserve areas licensed under Section 3.27 and except as permitted by the Code of Federal Regulations for the taking of waterfowl. If the shotgun is capable of holding more than 3 shells, it shall, while being used on an area other than a game breeding and shooting preserve area licensed pursuant to Section 3.27, be fitted with a one piece plug that is irremovable without dismantling the shotgun or otherwise altered to render it incapable of holding more than 3 shells in the magazine and chamber, combined.

(n) It is unlawful for any person, except persons who possess a permit to hunt from a vehicle as provided in this Section and persons otherwise permitted by law, to have or carry any gun in or on any vehicle, conveyance or aircraft, unless such gun is unloaded and enclosed in a case, except that at field trials authorized by Section 2.34 [520 ILCS 5/2.34] of this Act, unloaded guns or guns loaded with blank cartridges only, may be carried on horseback while not contained in a case, or to have or carry any bow or arrow device in or on any vehicle unless such bow or arrow device is unstrung or enclosed in a case, or otherwise made inoperable unless in accordance with the Firearm Concealed Carry Act [430 ILCS 66/1 et seq.].

(o) (Blank).

(p) It is unlawful to take game birds, migratory game birds or migratory waterfowl with a rifle, pistol, revolver or airgun.

(q) It is unlawful to fire a rifle, pistol, revolver or airgun on, over or into any waters of this State, including frozen waters.

(r) It is unlawful to discharge any gun or bow and arrow device along, upon, across, or from any public right-of-way or highway in this State.

(s) It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun.

(t) It is unlawful for any person to take or attempt to take any species of wildlife or parts thereof, intentionally or wantonly allow a dog to hunt, within or upon the land of another, or upon waters flowing over or standing on the land of another, or to knowingly shoot a gun or bow and arrow device at any wildlife physically on or flying over the property of another without first obtaining permission from the owner or the owner's designee. For the purposes of this Section, the owner's designee means anyone who the owner designates in a written authorization and the authorization must contain (i) the legal or common description of property for such authority is given, (ii) the extent that the owner's designee is authorized to make decisions regarding who is allowed to take or attempt to take any species of wildlife or parts thereof, and (iii) the owner's notarized signature. Before enforcing this Section the law enforcement officer must have received notice from the owner or the owner's designee of a violation of this Section. Statements made to the law enforcement officer regarding this notice shall not be rendered inadmissible by the hearsay rule when offered for the purpose of showing the required notice.

(u) It is unlawful for any person to discharge any firearm for the purpose of taking any of the species protected by this Act, or hunt with gun or dog, or intentionally or wantonly allow a dog to hunt, within 300 yards of an inhabited dwelling without first obtaining permission from the owner or tenant, except that while trapping, hunting with bow and arrow, hunting with dog and shotgun using shot shells only, or hunting with shotgun using shot shells only, or providing outfitting services under a waterfowl outfitter permit, or on licensed game breeding and hunting preserve areas, as defined in Section 3.27, on federally owned and managed lands and on

Department owned, managed, leased, or controlled lands, a 100 yard restriction shall apply.

(v) It is unlawful for any person to remove fur-bearing mammals from, or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so.

(w) It is unlawful for any owner of a dog to knowingly or wantonly allow his or her dog to pursue, harass or kill deer, except that nothing in this Section shall prohibit the tracking of wounded deer with a dog in accordance with the provisions of Section 2.26 of this Code.

(x) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in hunting or trapping thereon.

(y) It is unlawful to hunt wild game protected by this Act between one half hour after sunset and one half hour before sunrise, except that hunting hours between one half hour after sunset and one half hour before sunrise may be established by administrative rule for fur-bearing mammals.

(z) It is unlawful to take any game bird (excluding wild turkeys and crippled pheasants not capable of normal flight and otherwise irretrievable) protected by this Act when not flying. Nothing in this Section shall prohibit a person from carrying an uncased, unloaded shotgun in a boat, while in pursuit of a crippled migratory waterfowl that is incapable of normal flight, for the purpose of attempting to reduce the migratory waterfowl to possession, provided that the attempt is made immediately upon downing the migratory waterfowl and is done within 400 yards of the blind from which the migratory waterfowl was downed. This exception shall apply only to migratory game birds that are not capable of normal flight. Migratory waterfowl that are crippled may be taken only with a shotgun as regulated by subsection (j) of this Section using shotgun shells as regulated in subsection (k) of this Section.

(aa) It is unlawful to use or possess any device that may be used for tree climbing or cutting, while hunting fur-bearing mammals, excluding coyotes.

(bb) It is unlawful for any person, except licensed game breeders, pursuant to Section 2.29 [520 ILCS 5/2.29] to import, carry into, or possess alive in this State any species of wildlife taken outside of this State, without obtaining permission to do so from the Director.

(cc) It is unlawful for any person to have in his or her possession any freshly killed species protected by this Act during the season closed for taking.

(dd) It is unlawful to take any species protected by this Act and retain it alive except as provided by administrative rule.

(ee) It is unlawful to possess any rifle while in the field during gun deer season except as provided in Sections 2.25 and 2.26 and administrative rules.

(ff) It is unlawful for any person to take any species protected by this Act, except migratory waterfowl, during the gun deer hunting season in those counties open to gun deer hunting, unless he or she wears, when in the field, a cap and upper outer garment of a solid blaze orange color or solid blaze pink color, with such articles of clothing displaying a minimum of 400 square inches of blaze orange or solid blaze pink color material.

(gg) It is unlawful during the upland game season for any person to take upland game with a firearm unless he or she wears, while in the field, a cap of solid blaze orange color or solid blaze pink color. For purposes of this Act, upland game is defined as Bobwhite Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern Cottontail and Swamp Rabbit.

(hh) It shall be unlawful to kill or cripple any species protected by this Act for which there is a bag limit without making a reasonable effort to retrieve such species and include such in the bag limit. It shall be unlawful for any person having control over harvested game mammals, game birds, or migratory game birds for which there is a bag limit to wantonly waste or destroy the usable meat of the game, except this shall not apply to wildlife taken under Sections 2.37 or 3.22 of this Code [520 ILCS 5/3.37 or 520 ILCS 5/3.22]. For purposes of this subsection, "usable meat" means the breast meat of a game bird or migratory game bird and the hind ham and front shoulders of a game mammal. It shall be unlawful for any person to place, leave, dump, or abandon a wildlife carcass or parts of it along or upon a public right-of-way or highway or on public or private property, including a waterway or stream, without the permission of the owner or tenant. It shall not be unlawful to discard game meat that is determined to be unfit for human consumption.

(ii) This Section shall apply only to those species protected by this Act taken within the State. Any species or any parts thereof, legally taken in and transported from other states or countries, may be possessed within the State, except as provided in this Section and Sections 2.35, 2.36 and 3.21 [520 ILCS 5/2.35, 520 ILCS 5/2.36 and 520 ILCS 5/3.21].

(jj) (Blank).

(kk) Nothing contained in this Section shall prohibit the Director from issuing permits to paraplegics or to other persons with disabilities who meet the requirements set forth in administrative rule to shoot or hunt from a vehicle as provided by that rule, provided that such is otherwise in accord with this Act.

(ll) Nothing contained in this Act shall prohibit the taking of aquatic life protected by the Fish and Aquatic Life Code [520 ILCS 5/2.35, 520 ILCS 5/2.36 and 520 ILCS 5/3.21].or birds and mammals protected by this Act, except deer and fur-bearing mammals, from a boat not camouflaged or disguised to alter its identity or to further provide a place of concealment and not propelled by sail or mechanical power. However, only shotguns not larger than 10 gauge nor smaller than .410 bore loaded with not more than 3 shells of a shot size no larger than lead

BB or steel T (.20 diameter) may be used to take species protected by this Act.

(mm) Nothing contained in this Act shall prohibit the use of a shotgun, not larger than 10 gauge nor smaller than a 20 gauge, with a rifled barrel.

(nn) It shall be unlawful to possess any species of wildlife or wildlife parts taken unlawfully in Illinois, any other state, or any other country, whether or not the wildlife or wildlife parts is indigenous to Illinois. For the purposes of this subsection, the statute of limitations for unlawful possession of wildlife or wildlife parts shall not cease until 2 years after the possession has permanently ended.

(oo) It is unlawful while deer hunting:

(1) to possess or be in close proximity to a rifle that is not centerfire; or

(2) be in possession of or in close proximity to a magazine that is capable of making a rifle not a single shot.

HISTORY:

P.A. 86-920; 86-1039; 86-1354; 86-1475; 87-114; 87-296; 87-297; 87-895; 88-468, § 5; 88-598, § 5; 89-341, § 5; 90-743, § 5; 91-654, § 5; 92-325, § 5; 92-651, § 76; 93-807, § 5; 94-764, § 5; 95-196, § 5; 95-329, § 5; 95-876, § 290; 96-390, § 5; 97-645, § 5; 97-907, § 5; 98-119, § 5; 98-181, § 5; 98-183, § 5; 98-290, § 5; 98-756, § 645; 98-914, § 5; 99-33, § 5; 99-143, § 860; 99-642, § 520; 2017 P.A. 100-489, § 5, effective September 8, 2017; 2018 P.A. 100-949, § 5, effective January 1, 2019; 2021 P.A. 102-237, § 27, effective January 1, 2022; 2022 P.A. 102-837, § 25, effective May 13, 2022; 2022 P.A. 102-932, § 5, effective January 1, 2023.

ILLINOIS ENDANGERED SPECIES PROTECTION ACT

Section

520 ILCS 10/1 [Short title]

This Act shall be known and may be cited as the "Illinois Endangered Species Protection Act".

HISTORY:

P.A. 77-2186.

520 ILCS 10/2 [Definitions]

As used in this Act the following words have the following meanings:

"Board" means the Endangered Species Protection Board created by this Act.

"Conservation" means to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation and transplantation.

"Department" means the Department of Natural Resources and "Director" means the Director of that Department.

"Endangered Species" means any species of plant or animal classified as endangered under the Federal Endangered Species Act of 1973, P.L. 93-205, and amendments thereto [16 U.S.C. § 1531 et seq.], plus such other species which the Board may list as in danger of extinction in the wild in Illinois due to one or more causes including but not limited to, the destruction, diminution or disturbance of habitat, overexploitation, predation, pollution, disease, or other natural or manmade factors affecting its prospects of survival.

"Threatened Species" means any species of plant or animal classified as threatened under the Federal Endangered Species Act of 1973, P.L. 93-205, and amendments thereto, plus such other species which the Board may list as likely to become endangered in the wild in Illinois within the foreseeable future.

"Animal" means those organisms commonly included in the science of zoology and generally distinguished from plants by possession of a nervous system and the ability to move from place to place, including all invertebrates such as sponges and mollusks as well as vertebrates such as fishes, amphibians, reptiles, birds, and mammals.

"Animal Product" means the fur, hide, skin, teeth, feathers, tusks, claws, eggs, nests or the body or any portion thereof whether in a green or raw state or as a product manufactured or refined from an animal protected under this Act or under rules issued pursuant to this Act.

"Plant" means any organism not considered to be an animal, and shall include such organisms as algae, fungi, bryophytes, and ferns, as well as flowering plants and conifers.

"Plant Product" means any plant body or part thereof removed from natural habitat, including seeds, fruits, roots, stems, flowers, leaves, or products made from any of these, including extracts or powders.

"Essential Habitat" means the specific ecological conditions required by an endangered or threatened species for its survival and propagation, or physical examples of these conditions.

"Take" means, in reference to animals and animal products, to harm, hunt, shoot, pursue, lure, wound, kill, destroy, harass, gig, spear, ensnare, trap, capture, collect, or to attempt to engage in such conduct. "Take" means, in reference to plants and plant products, to collect, pick, cut, dig up, kill, destroy, bury, crush, or harm in any manner.

"Illinois List" means a list of species of animals and plants listed by the Board as endangered or threatened.

"Person" means any individual, firm, corporation, partnership, trust, association, private entity, government agency, or their agents, and representatives.

HISTORY:
P.A. 84-1065; 89-445, § 9A-63.

520 ILCS 10/3 [Unlawful acts; permit required]

It is unlawful for any person:

(1) to possess, take, transport, sell, offer for sale, give or otherwise dispose of any animal or the product thereof of any animal species which occurs on the Illinois List, unless otherwise authorized by law;

(2) to deliver, receive, carry, transport or ship in interstate or foreign commerce plants listed as endangered by the federal government without a permit therefor issued by the Department as provided in Section 4 of this Act [520 ILCS 10/4];

(3) to take plants on the Illinois List without the express written permission of the landowner; or

(4) to sell or offer for sale plants or plant products of endangered species on the Illinois List.

HISTORY:
P.A. 84-1065; 91-357, § 221; 2021 P.A. 102-315, § 10, effective January 1, 2022.

520 ILCS 10/4 [Issuance of permit]

Upon receipt of proper application and approval of the same, the Department may issue to any qualified person a permit which allows the taking, possession, transport, purchase, or disposal of specimens or products of an endangered or threatened species of animal or federal endangered plant after the effective date of this Act for justified purposes, that will enhance the survival of the affected species by zoological, botanical or educational or for scientific purposes only. Rules for the issuance and maintenance of permits shall be promulgated by the Department after consultation with and written approval of the Board. The Department shall, upon notice and hearing, revoke the permit of any holder thereof upon finding that the person is not complying with the terms of the permit, the person is knowingly providing incorrect or inadequate information, the activity covered by the permit is placing the species in undue jeopardy, or for other cause.

HISTORY:
P.A. 84-1065; 98-752, § 900-10; 2021 P.A. 102-315, § 10, effective January 1, 2022.

520 ILCS 10/5 [Issuance of limited permit]

(a) Upon receipt of proper application and approval of same, the Department may issue a limited permit authorizing the possession, purchase or disposition of animals or animal products of an endangered or threatened species, or federal endangered plants to any person which had in its possession prior to the effective date of this Act such an item or which obtained such an item legally out-of-state. Such permit shall specifically name and describe each pertinent item possessed by the permit holder and shall be valid only for possession, purchase or disposition of the items so named. The Department may require proof that acquisition of such items was made before the effective date of this Act. The Department may also issue a limited permit authorizing the possession, purchase or disposition of live animals or such item to any person to whom a holder of a valid permit issued pursuant to this section gives, sells, or otherwise transfers the item named in the permit. Limited permits issued pursuant to this section shall be valid only as long as the item remains in the possession of the person to whom the permit was issued.

(b) The limited permit shall be revoked by the Department if it finds that the holder has received it on the basis of false information, is not complying with its terms, or for other cause.

HISTORY:
P.A. 84-1065; 98-752, § 900-10; 2021 P.A. 102-315, § 10, effective January 1, 2022.

520 ILCS 10/5.5 Incidental taking

(a) The Department may authorize, under prescribed terms and conditions, any taking otherwise prohibited by Section 3 [520 ILCS 10/3] if that taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. No taking under this Section shall be authorized by the Department unless the applicant submits to the Department a conservation plan.

(b) The conservation plan shall include but not be limited to the following:

(1) a description of the impact that the proposed taking is likely to have on one or more species on the Illinois list;

(2) the steps the applicant or other parties will take to minimize and mitigate that impact and the funding that will be available to implement those steps, including but not limited to bonds, insurance, or escrow;

(3) what alternative actions to the taking the applicant considered and the reasons why those alternatives will not be used;

(4) data and information to assure that the proposed taking will not reduce the likelihood of the survival or recovery of the endangered species or threatened species in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois;

(5) an implementing agreement that specifically names, and describes the obligations and responsibilities of, all the parties that will be involved in the taking as authorized by the permit; and

(6) any other measures that the Department may require as being necessary or appropriate for purposes of the plan.

(c) After reviewing the application for incidental taking and the conservation plan, the Department may authorize the incidental taking if the Department finds, in a written decision explaining its conclusions, that the taking will meet all of the following requirements:

(1) the taking will not be the purpose of, but will be only incidental to, the carrying out of an otherwise lawful activity;

(2) the parties to the conservation plan will, to the maximum extent practicable, minimize and mitigate the impact caused by the taking;

(3) the parties to the conservation plan will ensure that adequate funding for the conservation plan will be provided;

(4) based on the best available scientific data, the Department has determined that the taking will not reduce the likelihood of the survival or recovery of the endangered species or threatened species in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois;

(5) any measures required under paragraph (6) of subsection (b) of this Section will be performed; and

(6) the public has received notice of the application and has had the opportunity to comment before the Department made any decision regarding the application.

(d) The Department may require that a party to the conservation plan make additional assurances that the requirements under items (b)(1) through (b)(6) of this Section will be met before authorizing incidental taking.

(e) The Department shall impose on the authorization for incidental taking any terms or conditions that the Department finds necessary to ensure that the requirements under items (b)(1) through (b)(6) of this Section will be met. These terms or conditions may include but are not limited to reporting or monitoring requirements.

(f) If an applicant is party to a Habitat Conservation Plan approved by the U.S. Fish and Wildlife Service pursuant to Section 10 of the Endangered Species Act of 1973, P.L. 93-205, and amendments thereto, the Department may authorize taking that is incidental to the carrying out of an otherwise lawful activity. Authorization shall be issued only if the provisions of the Habitat Conservation Plan are found to meet the requirements set forth in subsection (c) of this Section.

(g) If an applicant has been authorized to take an endangered or threatened species under the terms of a biological opinion issued by the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act of 1973, P.L. 93-205, and amendments thereto or regulations implementing Section 7 (50 CFR Part 402), the Department may authorize taking that is incidental to the carrying out of an otherwise lawful activity. Authorization shall be issued only if the Department finds that the taking will not reduce the likelihood of the survival or recovery of the endangered species or threatened species in the wild within the State of Illinois, the biotic community of which the species is a part, or the habitat essential to the species' existence in Illinois.

HISTORY:
P.A. 91-556, § 5.

520 ILCS 10/6 [Endangered Species Protection Board]

There is created the Endangered Species Protection Board whose duties include listing, delisting, or change of listing status of species for the Illinois List, in consultation with and written approval by the Department, in accordance with the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.], on rules for listing species of animals or plants as endangered or threatened and delisting species of animals or plants as endangered or threatened, or changing their status.

The Board shall also advise the Department on methods of assistance, protection, conservation and management of endangered and threatened species and their habitats, and on related matters.

The Board shall be composed of 9 persons appointed by the Governor, and the Director as a non-voting member. Of the 9 appointed members at least 6 shall be persons who are recognized as naturalists by training, avocation or vocation. At least two of these shall be zoologists, at least one a botanist, and at least two ecologists. In making Board appointments, the Governor shall give consideration to recommendations of conservation groups.

Initially, 3 members shall be appointed for terms of 3 years, 3 for 2 years and 3 for 1 year. Thereafter, the terms of all appointive members shall be 3 years. Members shall serve until their successors are appointed. Any vacancy occurring in the position of an appointive member shall be filled by the Governor for the unexpired term.

Board meetings shall be called at regular intervals set by the Board, on the request of the Department, or upon written notice signed by at least 5 members of the Board, but in no event less than once quarterly. The place of the meeting shall be determined at the convenience of the Board and the Department. A quorum shall consist of 5 appointed members.

Members of the Board shall serve without compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

The Board may without regard to the Personnel Code [20 ILCS 415/1 et seq.], employ and fix the compensation of necessary staff.

The Board shall select from its membership a chairman and such other officers as it considers necessary, and may name an Executive Committee to which it may grant specific powers.

The Board shall review and revise the Illinois List as warranted but in no case less frequently than

every 5 years. It shall prepare and make available a report of its accomplishments biennially.

HISTORY:
P.A. 84-1065.

520 ILCS 10/7 [Listing of endangered or threatened species]

Any species or subspecies of animal or plant designated as endangered or threatened by the Secretary of the Interior of the United States pursuant to the Endangered Species Act of 1973, P.L. 93-205, as amended [16 U.S.C. § 1531 et seq.], shall be automatically listed as an endangered or threatened species under this Act and thereby placed on the Illinois List by the Board without notice or public hearing. The Board may list, as endangered or threatened, species of animals or plants which have reproduced in or otherwise significantly used, as in migration or overwintering, the area which is now the State of Illinois, if there is scientific evidence that the species qualify as endangered or threatened as these terms are defined in this Act. The Board may delist any non-federally-listed species for which it finds satisfactory scientific evidence that its wild or natural populations are no longer endangered or threatened. Listing, delisting or change of listing status shall be made only after a public hearing.

Notice of such hearing shall be published at least 7 days before the hearing in a newspaper of general circulation throughout the state and shall be mailed to any person who has, in writing requested such notice from the agency holding the hearing. All persons heard or represented at a hearing and all persons who requested from the responsible agency notice of such hearing, shall be given a written summary of any action taken by the Board or Department relative to the hearing subject.

Upon listing or delisting or change of listing status by the Board, the Director shall file a certified copy of the names of the species so listed, delisted or changed with the Secretary of State as provided in "The Illinois Administrative Procedure Act", approved September 22, 1975, as amended [5 ILCS 100/1-1].

HISTORY:
P.A. 84-1065.

520 ILCS 10/8 [Search and seizure]

Any officer or agent authorized by the Department or any police officer of the State or of any unit of local government within the State of Illinois, may execute any warrant to search for and seize any goods, merchandise or animals, plants, or animal or plant products sold or offered for sale in violation of this Act, or any property or item used in connection with a violation of this Act, or to examine premises for determination of actions in violation of this Act. Seized goods, merchandise, animals, plants or their products shall be held pending proceedings in the circuit court. Upon conviction, such seized goods, merchandise or animals, plants, or their products shall be forfeited and, upon forfeiture, either offered to a recognized institution for scientific or educational purposes, or if a suitable depository is not located for such items, they shall be destroyed.

HISTORY:
P.A. 84-1065.

520 ILCS 10/9 [Criminal penalty]

Any person who violates any provision of this Act shall be guilty of a Class A misdemeanor.

HISTORY:
P.A. 77-2830.

520 ILCS 10/10 [Program under department; payment of fines]

The Endangered and Threatened Species Program shall be located within the Department of Conservation. All fines collected under this Act shall be paid to the State Treasurer and deposited in the Nongame Wildlife Conservation Fund.

HISTORY:
P.A. 84-1065.

520 ILCS 10/11 Conservation program; public policy; rules

(a) The Department, with the advice of the Board, shall actively plan and implement a program for the conservation of endangered and threatened species, by means which should include published data search, research, management, cooperative agreements with other agencies, identification, protection and acquisition of essential habitat, support of beneficial legislation, issuance of grants from appropriated funds, and education of the public.

(b) It is the public policy of all agencies of State and local governments to utilize their authorities in furtherance of the purposes of this Act by evaluating through a consultation process with the Department whether actions authorized, funded, or carried out by them are likely to jeopardize the continued existence of Illinois listed endangered and threatened species or are likely to result in the destruction or adverse modification of the designated essential habitat of such species, which policy shall be enforceable only by writ of mandamus; and where a State or local agency does so consult in furtherance of this public policy, such State or local agency shall be deemed to have complied with its obligations under the "Illinois Endangered Species Act" [520 ILCS 10/1 et seq.], provided the agency action shall not result in the killing or injuring of any Illinois listed animal species, or provided that authorization for taking a listed species has been issued under Section 4, 5, or 5.5 of this Act [520 ILCS 10/4, 520 ILCS 10/5, or 520 ILCS 10/5.5]. This paragraph (b) shall not apply to any project of a State agency on which a biological opinion has been issued (in accordance with Section 7 of

the Federal Endangered Species Act [16 U.S.C. § 1536]) prior to the effective date of this amendatory Act of 1985 stating that the action proposed by said project will not jeopardize the continued existence of any federal listed endangered or threatened species.

(c) The Department shall have the authority to adopt such rules as are reasonable and necessary to implement the provisions of this Act.

HISTORY:
P.A. 84-1065; 91-556, § 5.

CHAPTER 605

ROADS AND BRIDGES

ILLINOIS HIGHWAY CODE

ARTICLE 1.

SHORT TITLE, LEGISLATIVE INTENT AND APPLICATION OF CODE

605 ILCS 5/1-101 [Short title]

This Act shall be known and may be cited as the Illinois Highway Code.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/1-102 [Legislative declaration] [Effective until July 1, 2023]

It is the intent and declared policy of the legislature that an integrated system of highways and streets is essential to the general welfare and to the agricultural, industrial, recreational, and social development of the State. In view of the rapid growth of the State's economy and increased use of public highways, the provision of safe and efficient highway transportation is a matter of public concern. It is the declared and continuous policy of the legislature to provide for improvement of highways and the highway transportation system as well as the preservation of investment in highways. To that end it is intended to provide for integrated and systematic planning and orderly development in accordance with actual needs. It is further declared that the provision of such a system with efficient management, operation, and control, and the elimination of congestion, accident reduction, and safety is an urgent problem and proper objective of highway legislation. It is further declared that highway transportation system development requires the cooperation of State, county, township, and municipal highway agencies and coordination of their activities on a continuous and partnership basis and the legislature intends such cooperative relationships to accomplish this purpose.

It is also the intent and declared policy of the legislature that no public moneys derived from fees, excises or license taxes relating to registration, operation and use of vehicles on public highways or to fuels used for the propulsion of such vehicles, shall be appropriated or expended other than for costs of administering the laws imposing such fees, excises and license taxes, statutory refunds and adjustments allowed thereunder, highway administrative costs, payment of debts and liabilities incurred in construction and reconstruction of public highways and bridges, acquisition of rights-of-way for, and the cost of construction, reconstruction, maintenance, repair and operation of public highways and bridges under the direction and supervision of the State, political subdivision or municipality collecting such moneys, and the costs for patrolling and policing the public highways (by State, political subdivision or municipality collecting such money) for enforcement of traffic laws. The separation of grades of such highways with railroads and costs associated with protection of at-grade highway and railroad crossings shall also be permissible.

HISTORY:
P.A. 81-2nd S.S.-3.

605 ILCS 5/1-102 [Legislative declaration] [Effective July 1, 2023]

It is the intent and declared policy of the legislature that an integrated system of highways and

streets is essential to the general welfare and to the agricultural, industrial, recreational, and social development of the State. In view of the rapid growth of the State's economy and increased use of public highways, the provision of safe and efficient highway transportation is a matter of public concern. It is the declared and continuous policy of the legislature to provide for improvement of highways and the highway transportation system as well as the preservation of investment in highways. To that end it is intended to provide for integrated and systematic planning and orderly development in accordance with actual needs. It is further declared that the provision of such a system with efficient management, operation, and control, and the elimination of congestion, crash reduction, and safety is an urgent problem and proper objective of highway legislation. It is further declared that highway transportation system development requires the cooperation of State, county, township, and municipal highway agencies and coordination of their activities on a continuous and partnership basis and the legislature intends such cooperative relationships to accomplish this purpose.

It is also the intent and declared policy of the legislature that no public moneys derived from fees, excises or license taxes relating to registration, operation and use of vehicles on public highways or to fuels used for the propulsion of such vehicles, shall be appropriated or expended other than for costs of administering the laws imposing such fees, excises and license taxes, statutory refunds and adjustments allowed thereunder, highway administrative costs, payment of debts and liabilities incurred in construction and reconstruction of public highways and bridges, acquisition of rights-of-way for, and the cost of construction, reconstruction, maintenance, repair and operation of public highways and bridges under the direction and supervision of the State, political subdivision or municipality collecting such moneys, and the costs for patrolling and policing the public highways (by State, political subdivision or municipality collecting such money) for enforcement of traffic laws. The separation of grades of such highways with railroads and costs associated with protection of at-grade highway and railroad crossings shall also be permissible.

HISTORY:
P.A. 81-2nd S.S.-3; 2022 P.A. 102-982, § 90, effective July 1, 2023.

605 ILCS 5/1-103 [Applicability of Code]

This Code applies to all public highways in the State of Illinois, except highways under the exclusive jurisdiction (1) of any department, board, commission or agency of this State other than the Department of Transportation or (2) of any municipal corporation other than a city, village or incorporated town.

HISTORY:
P.A. 77-173.

ARTICLE 2.

SYSTEMS OF HIGHWAYS — DEFINITIONS

Division 1. Systems of Highways

Division 2. Definitions

DIVISION 1.

SYSTEMS OF HIGHWAYS

605 ILCS 5/2-101 [State highway system]

The State highway system includes the following rural highways together with their municipal extensions except those not designated by a State highway route number and for which an agreement initiated by a local authority has been executed between the Department and the local authority providing for other jurisdictional responsibility:

(a) Highways constructed under the provisions of "An Act in relation to the construction by the State of Illinois of a state-wide system of durable hard surfaced roads upon public highways, of the State and the provision of means for the payment of the cost thereof by an issue of bonds of the State of Illinois", approved June 22, 1917, and under the provisions of "An Act in relation to the construction by the State of Illinois, of durable hard surfaced roads upon public highways of the State along designated routes, and the provision of means for the payment of the cost thereof by an issue of bonds of the State of Illinois", approved June 29, 1923;

(b) Highways constructed by the State as federal aid interstate highways or federal aid primary

highways under the provisions of "An Act in relation to the construction and maintenance of Federal-aid roads under and in accordance with an Act of Congress entitled, 'An Act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes', approved July 11, 1916, and known as the Federal Aid Road Act, as heretofore or hereafter amended by Congress and all Acts supplemental thereto", approved June 27, 1917, as amended.

(c) Highways constructed as federal aid secondary highways under the provisions of Section 11a of "An Act in relation to State highways", approved June 24, 1921, as amended, and for which maintenance responsibility has not been delegated to a county pursuant to an agreement between the Department and a county under the provisions of that Act.

(d) Highways constructed as State aid roads under the provisions of "An Act to revise the law in relation to roads and bridges", approved June 27, 1913, as amended, and accepted by the Department for maintenance under the provisions of Section 32 of that Act;

(e) Highways constructed under the provisions of Section 9 of the "Motor Fuel Tax Law", approved March 25, 1929, as amended, which the Department was directed to maintain by such Section 9;

(f) Highways constructed by the Department under the provisions of authority granted by any Act of the General Assembly prior to the effective date of this Code;

(g) Highways on which construction is completed after the effective date of this Code and which under the provisions of this Code become a part of the State highways system;

(h) Highways added to the State Highway system under the provisions of this Code.

HISTORY:
Laws 1967, p. 3065.

605 ILCS 5/2-102 [County highway system]

The county highway system includes the following highways:

(a) Highways which were State aid roads under the provisions of "An Act to revise the law in relation to roads and bridges", approved June 27, 1913, as amended, immediately prior to the effective date of this Code together with municipal extensions thereof constructed prior to such effective date and for which the county was responsible for maintenance, in whole or in part, under the provisions of Section 32 of that Act, Section 12 of "An Act in relation to State highways", approved June 24, 1921, as amended, or Section 9 of the "Motor Fuel Tax Law", approved March 25, 1929, as amended.

(b) Highways selected and improved as federal aid secondary highways under the provisions of Section 11a of "An Act in relation to State highways", approved June 24, 1921, as amended, which a county has agreed to maintain pursuant to an agreement between the Department and a county under the provisions of that Act.

(c) Highways on which construction is completed after the effective date of this Code and which under the provisions of this Code become a part of the county highway system.

(d) Highways added to the county highway system under the provisions of this Code.

(e) Any access road constructed under Section 10-22.36A of The School Code [105 ILCS 5/10-22.36A] and connecting school grounds with any highway described in the preceding paragraphs of this Section.

HISTORY:
P.A. 76-1500.

605 ILCS 5/2-103 [Township and district road system]

The township and district road system includes all rural roads to which this Code applies under Section 1-103 [605 ILCS 5/1-103] and which are not a part of the State highway system, county highway system or municipal street system, and includes any access road constructed under Section 10-22.36A of The School Code [105 ILCS 5/10-22.36A] which connects school grounds with such a rural road. The township and district road system also includes such nondedicated subdivision roads as have been maintained or improved, under Section 6-701.8 [605 ILCS 5/6-701.8], with motor fuel tax funds allocated for use in road districts.

HISTORY:
P.A. 78-1252; 78-1274.

605 ILCS 5/2-104 [Municipal street system]

The municipal street system of the several municipalities includes existing streets and streets hereafter established in municipalities which are not a part of the State highway system or county highway system, together with roads outside their corporate limits over which they have jurisdiction pursuant to this Code or any other statute, and includes any access road constructed under Section 10-22.36A of The School Code [105 ILCS 5/10-22.36A] which connects school grounds with such a street or road.

HISTORY:
P.A. 76-1500.

DIVISION 2.
DEFINITIONS

605 ILCS 5/2-201 [Terms used]

The terms used in this Code shall, for the purposes of this Code have the meanings ascribed to them in

this Division of this Article, except when the context otherwise requires.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/2-202 [Highway defined]

Highway-any public way for vehicular travel which has been laid out in pursuance of any law of this State, or of the Territory of Illinois, or which has been established by dedication, or used by the public as a highway for 15 years, or which has been or may be laid out and connect a subdivision or platted land with a public highway and which has been dedicated for the use of the owners of the land included in the subdivision or platted land where there has been an acceptance and use under such dedication by such owners, and which has not been vacated in pursuance of law.

The term "highway" includes rights of way, bridges, drainage structures, signs, guard rails, protective structures, shared-use paths for nonvehicular public travel, sidewalks, bike paths, and all other structures and appurtenances necessary or convenient for vehicular traffic. A highway in a rural area may be called a "road", while a highway in a municipal area may be called a "street".

HISTORY:
Laws 1959, p. 196; 2021 P.A. 102-452, § 10, effective August 20, 2021.

605 ILCS 5/2-203 [State highway defined]

State highway — any highway that is part of the State highway system described in Section 2-101 [605 ILCS 5/2-101].

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/2-204 [County highway defined]

County highway — any highway that is part of the county highway system described in Section 2-102 [605 ILCS 5/2-102].

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/2-205 [Township road defined]

Township road — any highway that is part of the township and district road system described in Section 2-103 [605 ILCS 5/2-103] and which, under the provisions of this Code, is under the immediate jurisdiction of a road district comprised of a single township in a county having township organization.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/2-206 [District road defined]

District road — any highway that is part of the township and district road system described in Section 2-103 [605 ILCS 5/2-103] and which, under the provisions of this Code, is under the immediate jurisdiction of a road district other than a road district comprised of a single township in a county having township organization.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/2-207 [Street defined]

Street — any highway that is part of the municipal street system described in Section 2-104 [605 ILCS 5/2-104].

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/2-208 [Federal aid highway defined]

Federal aid highway — any highway heretofore or hereafter designated by the Department and approved by the appropriate authority of the federal government as such under the Federal Aid Road Act [23 U.S.C. § 101 et seq.].

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/2-209 [Federal Aid Road Act defined]

Federal Aid Road Act — An Act of congress, approved July 11, 1916, entitled "An Act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes", as heretofore or hereafter amended by Congress and all Acts heretofore or hereafter enacted by Congress which are supplemental thereto [23 U.S.C. § 101 et seq.].

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/2-210 [Construct defined; Construction defined]

Construct — Construction — The performance of all things necessary to build, rebuild or improve a highway, or part thereof, on an existing location or on a new location established pursuant to this Code.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/2-211 [Department defined]

Department — The Department of Transportation of this State and its predecessor.

HISTORY:
P.A. 77-173.

605 ILCS 5/2-212 [Freeway defined]

Freeway — A highway or street especially designed for through traffic, and to, from, or over which owners

of or persons having an interest in abutting land or other persons have no right or easement or only a limited right or easement of access, crossing, light, air, or view by reason of the fact that such property abuts upon such highway or street or for any other reason.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/2-213 [Highway authority or highway authorities defined]

Highway authority or highway authorities — The Department with respect to a State highway; the county board with respect to a county highway or a county unit district road if a discretionary function is involved and the county superintendent of highways if a ministerial function is involved; the highway commissioner with respect to a township or district road not in a county unit road district; or the corporate authorities of a municipality with respect to a municipal street.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/2-214 [Maintain defined; Maintenance defined]

Maintain — Maintenance — The performance of all things necessary to keep a highway in serviceable condition for vehicular traffic.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/2-215 [Municipality defined]

Municipality — Any city, village or incorporated town organized under the laws of this State, and does not include any other political subdivision or municipal corporation.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/2-216 [Person defined]

Person — Any person, firm, partnership, association, public or private corporation, organization or business or charitable trust.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/2-217 [Right-of-way defined]

Right-of-way — The land, or interest therein, acquired for or devoted to a highway.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/2-218 [Rural highway or rural road defined]

Rural highway or rural road — Any highway or road outside the corporate limits of any municipality.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/2-219 [State funds defined]

State funds — Any funds appropriated for highway purposes by the General Assembly.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/2-220 [Maintenance of property adjacent to and between divided lands of State highways in forested lands]

The Department, after consultation with the Department of Natural Resources, shall, where appropriate, maintain in forested lands, rather than grasslands, Department-controlled property adjacent to and between divided lanes of State highways. In determining where such forestation is appropriate, the Department shall consider whether such forestation would:

(a) enhance the scenic quality of the highway;

(b) provide additional habitat for wildlife;

(c) result in a financial savings from reduced grassland maintenance;

(d) enhance air quality;

(e) serve as a deterrent to soil erosion;

(f) not hinder drivers' visibility or otherwise create a traffic hazard; and

(g) be fiscally prudent considering the availability of low cost or no cost nursery stock as provided by the Department of Natural Resources.

HISTORY:
P.A. 86-779; 89-445, § 9A-76.

ARTICLE 3.

FEDERAL AID

Section

605 ILCS 5/3-101 [Assent to Federal Aid Road Act]

The General Assembly, constituting the Legislature of the State of Illinois, assents to the provisions, terms, conditions and purposes of the Federal Aid Road Act [23 U.S.C. § 101 et seq.] as defined in this Code.

In the location of highways which will be part of the National System of Interstate and Defense Highways referred to in the Federal Aid Highway Act of 1956 (public law 627 of the 84th Congress), existing highways of the State highway system as defined in this Code shall be used to the extent as the Department finds such use is practicable, suitable and feasible. The selection of such locations shall be made as provided in Section 3-103 of this Code [605 ILCS 5/3-103].

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/3-102 [Selection of additional mileage to be added to network]

In accordance with the provisions of such Federal Aid Road Act [23 U.S.C. § 101 et seq.], as soon as the State has made provision for the completion and maintenance of 90% of the network or primary or interstate and secondary or intercounty federal aid highways equal to 7% of the total public highway mileage of the State specified in the Federal Aid Road Act, the Department may, with the approval of the designated authority of the United States Government, increase the mileage of such primary or interstate and secondary or intercounty network by additional mileage equal to not more than 1% of the total public highway mileage of the State, and thereafter may make like increases in the mileage of such network whenever provision has been made for the completion and maintenance of 90% of the mileage of such network previously authorized in accordance herewith, and may construct and improve highways so selected in accordance with this Code and any other laws applicable, as moneys are appropriated for this purpose and made available by Acts of Congress and Acts of this State.

When selecting highways to be added to such network by and with the approval of the designated authority of the United States Government, as heretofore provided, the Department shall, so far as is practicable and consistent with the Acts of Congress, distribute in the several counties the mileage proposed to be added, and, as nearly as may be, so as to provide simultaneously for additional highways in the different sections of this State.

When designating the projects on such network of highways which are to be improved with the current allotments of federal funds made available by Acts of Congress and with funds made available by Acts of this State to be used with such federal funds, the Department shall distribute such federal aid projects equitably and fairly among the different sections of the State and, so far as is practicable and consistent with Acts of Congress, among the several counties.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/3-103 [Agreements with United States; consideration of local needs]

The Department is authorized and instructed to enter into all agreements with the designated authority of the United States Government relating to the selection, construction and maintenance of highways under the provisions of the Federal Aid Road Act [23 U.S.C. § 101 et seq.], to submit such scheme or project of selection, construction and maintenance as may be required by the designated authority of the United States Government, and to do all things necessary fully to carry out and make effective the cooperation contemplated and provided for by such Act.

In locating and constructing a highway which will be a part of the National System of Interstate and Defense Highways local needs, to the extent practicable, suitable and feasible, shall be given equal consideration with the needs of interstate commerce, so that such highway will not unduly discommode or interfere with local traffic or will not destroy reasonable access to schools, churches, markets, trade or community centers.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/3-104 [Federal aid secondary highways]

The Department in cooperation with the county boards and Federal Highway Administration is authorized to select and designate a network of federal aid secondary highways consisting of not more than 25,000 miles to be known as the federal aid secondary network. The highways included in such network shall be selected and designated in accordance with the provisions of the Federal Aid Road Act [23 U.S.C. § 101 et seq.], and shall consist of highways not included in the federal aid primary or federal aid urban networks.

Any highway included in the approved federal aid secondary network may be constructed jointly at the

expense of the federal government and the State of Illinois, or jointly at the expense of the federal government and a county or counties, or jointly at the expense of the federal government, the State of Illinois, and a county or counties, in accordance with the provisions of the Federal Aid Road Act.

The local highway authorities having jurisdiction over a highway or street prior to its selection and designation as a part of the federal aid secondary network shall continue to be responsible for its maintenance until such time as it has been constructed as provided herein. After a highway has been so constructed, the Department is authorized to maintain it, or, with the approval of the Federal Highway Administration, to enter into a formal agreement with the appropriate officials of the county in which such highway is located, either prior to or after construction, for its maintenance at the expense of such county. If at any time the Department finds that the highway is not being properly maintained by such county, the Department shall call such fact to the attention of the county and if within 90 days after receipt of such notice the highway has not been put in a condition of maintenance satisfactory to the Department and the Federal Highway Administration, then the Department, with the consent of the Federal Highway Administration, shall withhold approval of any further federal aid secondary projects in such county until such highway has been so restored.

HISTORY:
P.A. 79-511.

605 ILCS 5/3-104.1 [Federal aid urban system of streets and highways]

The Department in cooperation with the municipal corporate authorities or county authorities is authorized to select and designate separate networks of municipal streets to be known as the federal aid urban system of streets and highways in urban areas. The highways included in such networks shall be selected and designated in accordance with the provisions of the Federal Aid Road Act [23 U.S.C. § 101 et seq.].

Any street or highway included in the federal aid urban system may be constructed jointly at the expense of the federal government and the State of Illinois, or jointly at the expense of the federal government, a municipality or municipalities, or a county or counties, or jointly at the expense of the federal government, the State of Illinois, a municipality or municipalities or a county or counties, in accordance with the provisions of the Federal Aid Road Act.

The authority having jurisdiction over a street or highway prior to its improvement as a federal aid urban project shall be responsible for maintenance, at its own expense. If at any time the Department finds that a street or highway improved as a federal aid project is not being properly maintained by such municipality or county, the Department shall call such fact to the attention of the corporate authorities or county authorities, and if within 90 days after receipt of such notice the street or highway has not been put in a condition of proper maintenance satisfactory to the Department and the Federal Highway Administration, then the Department shall immediately proceed to have such street or highway placed in proper condition of maintenance and charge the costs thereof against the municipality's allotment or the county's allotment of motor fuel tax funds.

HISTORY:
P.A. 79-511.

605 ILCS 5/3-104.2 [Funds for construction or improvement of roads not on Federal-aid system; joint projects]

The Department, or the Department in cooperation with municipal corporate authorities or county authorities, is authorized to receive and expend, by agreement or otherwise, federal funds for the construction, reconstruction and improvement of public roads not on any Federal-aid system, being improved under the Federal Aid Road Act [23 U.S.C. § 101 et seq.].

Any Federal-aid project as authorized in this Section may be undertaken jointly at the expense of the federal government and the State of Illinois, or jointly at the expense of the federal government, a municipality or municipalities, or a county or counties, or jointly at the expense of the federal government, the State of Illinois, a municipality or municipalities or a county or counties, or any of the above jointly with any other public or private entity or public utility.

The authority having jurisdiction over a public road not on any federal-aid system prior to its improvement as a federal-aid project shall continue to be responsible for maintenance, at its own expense.

For the purposes of this Section, "public road" means any road under the jurisdiction of and maintained by a public authority and open to public travel and which is not on a federal-aid system.

HISTORY:
P.A. 84-298.

605 ILCS 5/3-104.3 [Great River Road; improvement and maintenance]

The Department or, by agreement with the Department, the highway authority of any county or township or road district of this State may, as a federal-aid project, construct, reconstruct, or improve any road or highway under its jurisdiction which has been selected and designated by the Department as a part of the national scenic and recreational highway known as the Great River Road under 23 U.S.C. 148, and all of the provisions of that Section shall apply.

Any county or township or road district may use any funds available to it for highway purposes to pay its share of any project under this Section.

Except for the maintenance of recreational facilities and rest areas constructed adjacent to the road, the highway authority having jurisdiction over a road or highway prior to its improvement as a part of such national scenic and recreational highway shall continue to be responsible for maintenance, at its own expense.

HISTORY:
P.A. 80-691.

605 ILCS 5/3-105 [Road Fund; use to retire Expressway bonds]

Except as otherwise provided in the Treasurer as Custodian of Funds Act [15 ILCS 515/0.01 et seq.], all money received by the State of Illinois from the federal government for aid in construction of highways shall be placed in the Road Fund in the State treasury. For the purposes of this Section, money received by the State of Illinois from the federal government under the Recreational Trails Program for grants or contracts obligated on or after October 1, 2017 shall not be considered for use as aid in construction of highways, and shall be placed in the Park and Conservation Fund in the State treasury.

Whenever any county having a population of 500,000 or more inhabitants has incurred indebtedness and issued Expressway bonds as authorized by Division 5-34 of the Counties Code [55 ILCS 5/5-34001 et seq.] and has used the proceeds of such bonds for the construction of Expressways in accordance with the provisions of Section 15d of "An Act to revise the law in relation to roads and bridges", approved June 27, 1913, as amended (repealed) or of Section 5-403 of this Code [605 ILCS 5/5-403] in order to accelerate the improvement of the National System of Interstate Highways, the federal aid primary highway network or the federal aid highway network in urban areas, the State shall appropriate and allot, from the allotments of federal funds made available by Acts of Congress under the Federal Aid Road Act and as appropriated and made available to the State of Illinois, to such county or counties a sum sufficient to retire the bonded indebtedness due annually arising from the issuance of those Expressway bonds issued for the purpose of constructing Expressways in the county or counties. Such funds shall be deposited in the Treasury of such county or counties for the purpose of applying such funds to the payment of the Expressway bonds, principal and interest due annually, issued pursuant to Division 5-34 of the Counties Code [55 ILCS 5/5-34001 et seq.].

HISTORY:
P.A. 86-1475; 2017 P.A. 100-127, § 10, effective January 1, 2018; 2018 P.A. 100-863, § 530, effective August 14, 2018.

605 ILCS 5/3-105.1 [Placement of federal funds in Road Fund]

Except as otherwise provided in "An Act in relation to the receipt, custody and disbursement of money allotted by the United States of America or any agency thereof for use in this State," approved July 3, 1939, as heretofore or hereafter amended [15 ILCS 515/0.01 et seq.], all money received by the State of Illinois from the Federal Highway Administration for the implementation of the provisions of the Federal "Commercial Motor Vehicle Safety Act of 1986," Title XII, Public Law 99-570 [49 U.S.C. § 2701 et seq.], shall be placed in the "Road Fund" in the State Treasury.

HISTORY:
P.A. 85-853.

605 ILCS 5/3-106 [Maintenance of highways]

The Department shall take whatever steps may be necessary, after such federal aid highways have been completed, to cause such highways to be properly maintained in accordance with the requirements of the Federal Aid Road Act [23 U.S.C. § 101 et seq.].

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/3-107 [Relocation of utility facilities]

Whenever in the judgment of the Department it is necessary as an incident to the construction of a project on the National System of Interstate and Defense Highways, including extensions thereof within urban areas, or any State highway constructed under the provisions of Section 2 of the "Transportation Bond Act", approved July 2, 1971, as now or hereafter amended [30 ILCS 415/2], to relocate utility facilities, wherever located and whenever constructed, the cost of such relocation may be deemed to be one of the costs of constructing such project and the Department may, on behalf of the State, pay such costs. For the purposes of this Section, the term "utility" includes publicly, municipally, privately, and cooperatively owned utilities; the term "cost of such relocation" includes the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility; and the term "National System of Interstate and Defense Highways" includes any highway which now is or shall hereafter be a part of the National System of Interstate and Defense Highways, as provided in the Federal Aid Highway Act of 1956, and any acts supplemental thereto or amendatory thereof [23 U.S.C. § 101 et seq.].

HISTORY:
P.A. 77-2752.

605 ILCS 5/3-107.1 [Payment to persons displaced by highway project]

The Department or any county is authorized to pay, as part of the cost of construction of any project

on a State highway or federal aid highway, to any person displaced by the highway project (1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property; (2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the Department or any county; (3) actual reasonable expenses in searching for a replacement business or farm; and (4) actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed $10,000.

HISTORY:
P.A. 85-1407.

605 ILCS 5/3-107.1a [Expense and dislocation allowance to person displaced from dwelling]

In lieu of the payments authorized to be paid in Section 3-107.1 of this Code [605 ILCS 5/3-107.1], the Department or any county may pay any person displaced from a dwelling, who elects to accept such payment, an expense and dislocation allowance, which shall be determined according to a schedule established by the Department.

HISTORY:
P.A. 85-1407.

605 ILCS 5/3-107.1b [Relocation payment for business or farm operation]

In lieu of the payments authorized to be paid in Section 3-107.1 of this Code [605 ILCS 5/3-107.1], the Department or any county may pay any person who moves or discontinues his business or farm operation, who elects to accept such payment, a fixed relocation payment in an amount equal to the average annual net earnings of the business or the farm operation, except that such payment shall be not less than $1,000 nor more than $20,000.

HISTORY:
P.A. 85-1407.

605 ILCS 5/3-107.1c [Additional payment to person displaced from dwelling]

In addition to the amounts authorized to be paid in Sections 3-107.1, 3-107.1a, and 3-107.1b of this Code [605 ILCS 5/3-107.1, 605 ILCS 5/3-107.1a, and 605 ILCS 5/3-107.1b] by the Department or any county, the Department or any county may, as a part of the cost of construction, make a payment not to exceed $22,500 to any displaced person who is displaced from a dwelling acquired for a State highway or federal aid highway project actually owned and occupied by such displaced person for not less than 180 days prior to the initiation of negotiations for the acquisition of such property. Such payment shall include the following elements:

(A) The amount, if any, which, when added to the acquisition cost of the dwelling acquired equals the reasonable cost of a comparable replacement dwelling determined in accordance with standards established by the Department to be a decent, safe and sanitary dwelling adequate to accommodate the displaced person, reasonably accessible to public services and places of employment and available on the private market.

(B) The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired by the Department or any county was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of such dwelling.

(C) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

The additional payment authorized by this Section, which shall not exceed the sum of $22,500, shall be made only to such a displaced person who purchases and occupies a replacement dwelling that meets the standards established by the Department to be decent, safe and sanitary, not later than the end of the one year period beginning on the date on which he receives from the Department or any county final payment of all costs of the acquired dwelling, or on the date on which he moves from the dwelling acquired for the highway project, whichever is the later date.

Any displaced person not eligible to receive such payment, who is displaced from any dwelling which dwelling was actually and lawfully occupied by such displaced person for not less than 90 days prior to the initiation of negotiations for acquisition of such dwelling, may be paid by the Department or any county, either (1) an amount necessary to enable such displaced person to lease or rent for a period not to exceed 42 months, a decent, safe and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities and reasonably accessible to his place of employment, but not to exceed the sum of $5,250, or (2) the amount necessary to enable such person to make a down payment (including incidental expenses described in part (C) of this Section) on the purchase of a decent, safe and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed the amount payable under (1) of this paragraph except that in the case of a homeowner who

owned and occupied the displaced dwelling for at least 90 days, but not more than 180 days immediately prior to the initiating of negotiations, the down payment cannot exceed the amount payable under 3-107.1c [605 ILCS 5/3-107.1c] for the persons who owned and occupied the property for 180 days prior to the initiation of negotiations.

If comparable replacement sale or rental housing is not available within the limitations of this Section, the Department or any county may make a payment in excess of the maximum payments authorized by this Section as required to provide such replacement housing.

HISTORY:
P.A. 85-1407.

605 ILCS 5/3-107.1d [Reimbursement to owners of real property]

In addition to the amounts authorized to be paid in Sections 3-107.1, 3-107.1a, 3-107.1b, and 3-107.1c of this Code [605 ILCS 5/3-107.1, 605 ILCS 5/3-107.1a, 605 ILCS 5/3-107.1b, and 605 ILCS 5/3-107.1c], the Department or any county may reimburse the owner of real property acquired for a State highway or federal aid highway project the reasonable and necessary expenses incurred for (1) recording fees, transfer taxes, and similar expenses incidental to conveying such real property; and (2) penalty costs for prepayment of any pre-existing recorded mortgages entered into in good faith encumbering such real property.

HISTORY:
P.A. 77-1577.

605 ILCS 5/3-107.1e [Rules and regulations]

The Department is authorized to adopt rules and regulations as may be determined necessary to implement any payments authorized by Sections 3-107.1 through 3-107.1d of this Code [605 ILCS 5/3-107.1 through 605 ILCS 5/3-107.1d].

HISTORY:
P.A. 76-623.

605 ILCS 5/3-107.1f [Eminent domain; damages]

Nothing contained in this amendatory Act creates in any proceedings brought under the power of eminent domain any element of damages not in existence as of the date of enactment of this amendatory Act.

HISTORY:
P.A. 76-623.

605 ILCS 5/3-108 [Federal aid highways; part of systems]

Any highway constructed as a federal aid highway under the provisions of the Federal Aid Road Act [23 U.S.C. § 101 et seq.] shall be a part of the State highway system unless, under the provisions of Section 3-104 or 3-104.1 [605 ILCS 5/3-104 or 605 ILCS 5/3-104.1] or similar provisions of this Code, there is an agreement or provision made for its maintenance by the county or municipality, in which case it shall be a part of the county highway system or municipal street system.

HISTORY:
P.A. 77-1409.

ARTICLE 4.

STATE ADMINISTRATION OF HIGHWAYS

Division 1. General Powers of Department

Division 2. State Highways

DIVISION 1.

GENERAL POWERS OF DEPARTMENT

605 ILCS 5/4-101 [Powers and duties of Department]

The Department shall have the powers and duties stated in Sections 4-101.1 to 4-101.16, inclusive [605 ILCS 5/4-101.1 to 605 ILCS 5/4-101.16].

HISTORY:
P.A. 78-315.

605 ILCS 5/4-101.1 [General supervision of highways]

To have general supervision of highways to which this Code applies under the provisions of Section 1-103 [605 ILCS 5/1-103] heretofore or hereafter constructed or thereafter maintained in whole or in part with State funds.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-101.2 [Rules and regulations relating to examination and qualification of county superintendent of highways]

To prescribe rules and regulations not inconsistent with law, relating to the examination and qualifications of candidates for the office of county superintendent of highways. Such rules and regulations shall, before taking effect, be printed for distribution by the Department.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-101.3 [Aid to county superintendents of highways]

To aid county superintendents of highways in establishing grades, preparing suitable systems of drainage and advise them as to the construction and maintenance of highways.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-101.4 [Plans and specifications for bridges and culverts]

To cause plans, specifications and estimates to be prepared for the construction and repair of bridges and culverts when requested so to do by a county superintendent of highways.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-101.5 [Construction and maintenance for different sections of State]

To investigate and determine the various methods of highway construction adapted to different sections of the State and as to the best methods of maintenance of highways.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-101.6 [Statistics relating to highways]

To compile statistics relating to highways throughout the State and collect such information in regard thereto as it shall deem expedient.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-101.7 [Approval of final plans, specifications and estimates]

To approve and determine the final plans, specifications and estimates for all highways to which this Code applies under the provisions of Section 1-103 [605 ILCS 5/1-103] on which State funds may be expended.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-101.8 [Letting of contracts]

To let contracts in accordance with law for the construction of highways.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-101.9 [Auditing and accounting]

To prescribe a system of auditing and accounting for all highway moneys for the use of all county and road district officials, which shall be adopted and used by such officials, and which system shall be as nearly uniform as practically possible.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-101.10 [Consultation with other highway authorities]

To consult with other highway authorities relative to any question involving highways.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-101.11 [Investigations to determine future need]

To make investigations to determine reasonably anticipated future need for federal aid highways and State highways.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-101.12 [Aid in promoting highway improvement; other duties]

To aid at all times in promoting highway improvement throughout the State and perform such other duties and have such other powers in respect to highways as may be imposed or conferred upon it by law.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-101.13 [Publication of maps]

To publish maps in convenient forms showing State and other highways for use by the public and, in its discretion, to fix a charge therefor not in excess of the cost of publication.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-101.14 [Employees]

To obtain, subject to the provisions of the "Personnel Code", approved July 18, 1955, as heretofore or hereafter amended [20 ILCS 415/1 et seq.], all employees necessary in the administration of its powers and duties under this Code.

However, persons assigned as highway maintenance employees who are not subject to jurisdiction B of the "Personnel Code" and who operate snow removal equipment shall not be discharged except for cause between October 31 of any year and May 1 of the following year.

HISTORY:
Laws 1961, p. 3226.

605 ILCS 5/4-101.15 [Public liability insurance]

The Department of Central Management Services shall procure for or in behalf of each State highway employee, without cost to him, public liability insurance protecting him against any liability arising out of his employment to the extent of the insurance policy limits not exceeding $100,000 or include each such employee under a self-insurance plan implemented under Section 405-105 of the Department of Central Management Services Law (20 ILCS 405/405-105).

HISTORY:
P.A. 82-789; 91-239, § 5-520.

605 ILCS 5/4-101.16 [Schedule of priority of needs in separation of railroad-highway grade crossings]

To prepare or cause to be prepared and maintain or cause to be maintained a schedule of priority of needs in the selection of railroad-highway grade crossings

to be separated without regard to whether the highway is maintained by the State or any county, township or municipality. Such schedule shall be based on current and projected vehicular traffic and train movements over the railroad-highway grade crossing, the frequency and duration of interruptions to vehicular traffic, and the impact of separating the railroad-highway grade crossing on adjacent residential, economic and governmental interests.

HISTORY:
P.A. 78-315.

605 ILCS 5/4-102 [Plans for federal aid highways; construction and labor]

The Department may prepare, in accordance with the regulations of the designated authority of the United States Government, the project statements, sketch maps, surveys, plans, specifications, estimates, bid forms, contracts and bonds to be used in connection with the construction of any of the federal aid highways in this State. The Department may construct any federal aid work provided for in Article 3 [605 ILCS 5/3-101 et seq.] and purchase and supply any labor, tools, machinery, supplies and materials needed for any such work. Such construction work and labor shall be performed in accordance with the general laws of this State, and under the direct supervision of the Department, subject to the inspection and approval of the designated authority of the United States Government, and in accordance with its rules and regulations.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-103 [Letting of contracts; bids; trust agreements]

Any contracts that may be entered into for the construction of highways shall be let after due public advertisement to the lowest responsible bidder, or bidders, upon terms and conditions to be fixed by the Department, and the Department shall also require the successful bidder, or bidders, to furnish good and sufficient bonds to insure proper and prompt completion of such work in accordance with the provisions of such contracts.

Partial payments may be made for the work as it progresses provided that the Department retains an amount as required by the Standard Specifications for Road and Bridge construction.

At the request of the contractor and with the approval of the Department the retainage of the contract may be deposited under a trust agreement with an Illinois financial institution, whose deposits are insured by an agency or instrumentality of the federal government, of the contractor's choice and subject to the approval of the Department.

The contractor shall receive any interest thereon.

Pursuant to application by the contractor, a trust agreement by the financial institution and the Department shall contain as a minimum, the following provisions:

a. The amount to be deposited subject to the trust;

b. The terms and conditions of payment in case of default of the contractor;

c. The termination of the trust agreement upon completion of the contract.

The contractor shall be responsible for obtaining the written consent of the financial institution trustee, and any costs or service fees shall be borne by the contractor.

The trust agreement may, at the discretion of the Department and upon request of the contractor, become operative at the time of the first partial payment in accordance with existing statutes and Department procedures.

The provisions of this Section shall apply to all contracts in effect on and after the effective date of this amendatory Act of 1981.

HISTORY:
P.A. 84-1263.

605 ILCS 5/4-104 Subcontractors' trust agreements

This Section applies to subcontractors' retainage amounts expected to be equal to or greater than $20,000. Upon the contractor's receipt of the first partial or progress payment from the Department, at the request of the subcontractor and with the approval of the contractor, the retainage of the subcontract shall be deposited under a trust agreement with an Illinois financial institution, whose deposits are insured by an agency or instrumentality of the federal government, of the subcontractor's choice and subject to the approval of the contractor. The subcontractor shall receive any interest on the amount deposited.

Upon application by the subcontractor, a trust agreement by the financial institution and the contractor must contain, at a minimum, the following provisions:

(1) The amount to be deposited subject to the trust.

(2) The terms and conditions of payment in case of default of the subcontractor.

(3) The termination of the trust agreement upon completion of the subcontract.

The subcontractor is responsible for obtaining the written consent of the financial institution trustee. Any costs or service fees must be borne by the subcontractor. The trust agreement may, at the discretion of the contractor and upon request of the subcontractor, become operative at the time of the first partial payment in accordance with existing statutes and Department procedures. Subcontractors' trust agreements are voluntary and supersede any prohibition regarding retainage that may be adopted by any transportation agency.

This Section applies to all subcontracts in effect on and after the effective date of this amendatory Act of the 92nd General Assembly [P.A. 92-270].

HISTORY:
P.A. 92-270, § 5.

605 ILCS 5/4-105 Naming of interstate highways and State highways; State Troopers [Repealed]

HISTORY:
P.A. 96-358, § 5; Repealed by P.A. 98-877, § 5, effective August 11, 2014.

605 ILCS 5/4-106 Preservation of bridge infrastructure.

(a) The Department may adopt rules governing all corrosion prevention projects carried out on eligible bridges. Rules may include a process for ensuring that corrosion prevention and mitigation methods are carried out according to corrosion prevention industry standards adopted by the Department for eligible bridges that include:

(1) a plan to prevent environmental degradation that could occur as a result of carrying out corrosion prevention and mitigation methods including the careful handling and containment of hazardous materials; and

(2) consulting and interacting directly with, for the purpose of utilizing trained personnel specializing in the design and inspection of corrosion prevention and mitigation methods on bridges.

(b) As used in this Section:

"Corrosion" means a naturally occurring phenomenon commonly defined as the deterioration of a metal that results from a chemical or electrochemical reaction with its environment.

"Corrosion prevention and mitigation methods" means:

(1) the preparation, application, installation, removal, or general maintenance as necessary of a protective coating system including the following:

(A) surface preparation and coating application on an eligible bridge, but does not include gunite or similar materials; or

(B) shop painting of structural steel fabricated for installation as part of an eligible bridge.

"Corrosion prevention project" means carrying out corrosion prevention and mitigation methods during construction, alteration, maintenance, repair work on permanently exposed portions of an eligible bridge, or at any other time necessary on an eligible bridge. "Corrosion prevention project" does not include traffic control or clean-up related to surface preparation or the application of any curing compound or other substance onto or into any cement, cementitious substrate, or bituminous material.

"Eligible bridge" means a bridge or overpass the construction, alteration, maintenance, or repair work on which is funded directly by, or provided other assistance through, a municipality, a public-private partnership, the State, the federal government, or some combination thereof. "Eligible bridge" does not include a bridge or overpass that is being demolished, removed, or replaced.

(c) The requirements of this Section do not apply to an individual licensed under the Professional Engineering Practice Act of 1989 [225 ILCS 325/1 et seq.] or the Structural Engineering Act of 1989.

HISTORY:
2017 P.A. 99-923, § 10, effective July 1, 2017; 2019 P.A. 101-226, § 10, effective June 1, 2020.

DIVISION 2.

STATE HIGHWAYS

605 ILCS 5/4-201 [Powers of Department]

The Department, in addition to, and not in limitation of, its general powers has the powers stated in Sections 4-201.1 through 4-201.20 [605 ILCS 5/4-201.1 through 605 ILCS 5/4-201.20].

HISTORY:
P.A. 83-957.

605 ILCS 5/4-201.1 [Rules and regulations]

To determine and adopt rules, regulations and specifications for State highways not inconsistent with this Code.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-201.2 [Designation and construction of connecting highways]

For serving through or State traffic, to designate as part of the State highway system and to locate, construct and maintain highways to connect highways in the State highway system.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-201.3 [Relocation of highways]

To relocate any highway, or a part thereof, in the State highway system on a new location or on a different highway. For the purpose of relocating such State highway the Department is authorized to lay out, open, alter, widen, extend or locate a new highway.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-201.4 [Contracts; relocation of railroad or utility facilities]

To enter into contracts covering all matters and things incident to the location, relocation, construction, repair and maintenance of State highways; including, subject to approval by the Illinois Commerce Commission, agreements with a railroad or

railway company or other public utility concerning a relocation of its line, tracks, wires, poles, pipes or other facilities, where the same are not then located in a public street or highway, and such relocation is necessary as an incident to the construction of a new State highway or to the relocation, reconstruction, extension, widening, straightening, alteration, repair, maintenance or improvement of an existing State highway (including extensions of a new or existing State highway through or into a municipality upon a new or existing street). Nothing contained in this Section shall be construed as requiring the Department to furnish site or right-of-way for railroad or railway lines or tracks or other public utility facilities required to be removed from a public street or highway.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-201.5 [Highways and entrances to State parks and other facilities]

To lay out, construct and maintain, as a part of the State highway system, highways and entrances which will connect any State highway, now existing or hereafter constructed, with any State park, State forest, State wildlife or fish refuge, the grounds of any State institution or any recreational, scenic or historic place owned or operated by the State; any national cemetery; and to any tax supported airport constructed in part by State and federal funds; and, with the consent of the Department of Natural Resources, to construct, maintain and repair that part of any road or bridge, not otherwise under the jurisdiction of the Department, which lies within any State park, State conservation area, State forest, State wildlife and fish refuge, or any other recreational scenic area owned and operated by the Department of Natural Resources. With the consent of the Department of Natural Resources, to construct, maintain and repair that part of any road or bridge, not otherwise under the jurisdiction of the Department, which lies within any State Historic Site owned and operated by the Department of Natural Resources.

HISTORY:
P.A. 84-25; 89-445, § 9A-76; 2018 P.A. 100-695, § 120, effective August 3, 2018.

605 ILCS 5/4-201.6 [Division into sections or districts]

To divide the State highway system into sections or districts for the purpose of repair and maintenance and to repair and maintain such sections or districts either by patrol repair system or by gang repair system.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-201.7 [Acquisition of equipment and material]

To purchase, rent, acquire and maintain all equipment and material incident to or necessary in the location, relocation, construction, repair and maintenance of State highways.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-201.8 [Acquisition of quarries, sand or gravel pits, or other road material]

To purchase and acquire quarries, gravel pits, sand pits, cement rock or other natural deposits of road material to be used in the construction and maintenance of State highways, and to quarry, dig, manufacture, prepare and use such material or deposits in such construction and maintenance or to sell, furnish and supply the same to contractors engaged in constructing, improving or maintaining highways within the State and to erect such buildings and to purchase such machinery, utensils, tools, and equipment as may be necessary or essential for the proper prosecution of such work.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-201.9 [Ferries]

To construct, purchase, lease or otherwise acquire and to operate without charge to the public, ferries over rivers and other waters upon any State highway, whether permanently or temporarily located, until such time as it is deemed feasible and desirable to construct bridges at such places.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-201.10 [Lighting]

To provide for the lighting of State highways or portions thereof, when in the Department's opinion it is necessary for the convenience or safety of the public.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-201.11 [Numbering or renumbering]

To number or renumber all State highways; and each State highway shall always be designated by a number.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-201.12 [Traffic control devices and signs; bicycle routes or bikeways]

Except as provided in the Illinois

Adopt-A-Highway Act [605 ILCS 120/1 et seq.], to place, erect and maintain on highways all traffic control devices and signs authorized by this Code or by Chapter 11, Article III of the Illinois Vehicle Code [625 ILCS 5/11-301 et seq.].

To place, erect and maintain on highways signs or surface markings or both to indicate officially designated bicycle routes. Whenever the Department is going to permanently remove route markings from a State highway within a municipality, it shall notify that municipality at least 90 days before such removal.

To acquire right-of-way, plan, locate, relocate, construct, reconstruct, maintain, alter, improve, vacate and regulate the use of officially designated bikeways, as defined in Section 2 of the Bikeway Act [605 ILCS 30/2].

HISTORY:
P.A. 79-473; 87-1118, § 95.

605 ILCS 5/4-201.13 [Bridges]

To construct, maintain, and operate bridges, on State highways a part of the Federal-aid highway network, across any stream between this State and any adjoining state where such bridge is necessary to connect the Federal-aid highway network in this and such adjoining state; and to enter into agreements with adjoining states, persons, and the United States government in conjunction therewith.

HISTORY:
Laws 1959, p. 1569.

605 ILCS 5/4-201.14 [Rest areas]

(a) To construct, maintain and operate rest areas on State highways.

In the operation of rest areas, the Department is authorized to prescribe reasonable rules and regulations not inconsistent with law, limiting the duration of rest stops and promulgating instructions and restrictions for the use and enjoyment of the rest area.

(b) To construct rest areas on highways not on the State highway system when such highways are constructed under Section 3-104.3 of this Code [605 ILCS 5/3-104.3].

HISTORY:
P.A. 80-691.

605 ILCS 5/4-201.15 [Natural beauty; scenic easements; forestation]

(a) To provide for the preservation of the natural beauty of areas through which State highways are constructed, and to acquire the fee simple title, or such lesser interest as may be desired, including scenic easements, to any land, rights or other property necessary therefor and, in cooperation with the Department of Natural Resources, to provide for forestation or reforestation of any of these areas that are Department-controlled lands, where appropriate.

(b) To acquire the fee simple title or such lesser interest as may be desired, including scenic easements, to any land, rights or other property and to make such improvements thereon as may be necessary to provide for the preservation of the natural beauty of areas through which highways not on the State highway system are constructed, reconstructed or improved under Section 3-104.3 of this Code [605 ILCS 5/3-104.3].

HISTORY:
P.A. 86-779; 89-445, § 9A-76.

605 ILCS 5/4-201.16 [Rental of land before acquisition; annual report]

Land acquired for highway purposes, including buildings or improvements upon such property, may be rented between the time of acquisition and the time when the land is needed for highway purposes.

The Department shall file an annual report with the General Assembly, by October 1 of each year, which details, by county, the number of rented parcels, the total amount of rent received from these parcels, and the number of parcels which include buildings or improvements.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act [25 ILCS 5/3.1], and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act [15 ILCS 320/7].

HISTORY:
P.A. 84-1438; 2018 P.A. 100-1148, § 260, effective December 10, 2018.

605 ILCS 5/4-201.17 [Leasing from Illinois Highway Trust Authority]

To lease as lessee from the Illinois Highway Trust Authority any project at any time constructed or made available for public use by the Authority, and any property, real, personal, or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority; and to pay rentals for such leases from appropriations to be made by the General Assembly from the Road Fund.

HISTORY:
P.A. 76-375.

605 ILCS 5/4-201.18 [Publicly owned parking facilities; fees for use; joint projects]

To acquire land adjacent to the right-of-way on a federal aid system outside the central business district in an urban area of 50,000 population or more as provided by the Federal Aid Road Act [23 U.S.C. § 101 et seq.] and to construct and operate a publicly owned parking facility thereon or within the right-

of-way, including the use of air space above and below the established grade line of the highway pavement. Such parking facility shall be (1) based on a continuing comprehensive transportation planning process as defined in the Federal Aid Road Act, and (2) located and designed in conjunction with existing or planned public transportation facilities.

Fees charged for the use of such facility shall not be in excess of that amount required for maintenance and operation, including compensation to any person for operating such facility, and shall be used for such purposes before any other funds may be used for maintenance and operation.

Any federal aid project constructed under this Section may be constructed by agreement and jointly at the expense of the federal government and the State of Illinois or jointly at the expense of the federal government, the State of Illinois, a municipality or municipalities or a county or counties, in accordance with the provisions of the Federal Aid Road Act.

For the purposes of this Section, the term "parking facilities" shall include access roads, buildings, structures, equipment, improvements, and interests in the lands.

HISTORY:
P.A. 77-1410.

605 ILCS 5/4-201.19 [Telephone service at rest areas]

To issue permits for the establishment of telephone service at rest areas on the State Highway System where proper access to and from the main traveled lanes has been established and where such service will enhance the safety and welfare of the highway users.

HISTORY:
P.A. 78-377.

605 ILCS 5/4-201.20 [Demonstration projects]

To conduct demonstration projects on public streets and highways designed to test and develop new technology for road and curb construction, reconstruction and maintenance.

HISTORY:
P.A. 83-957.

605 ILCS 5/4-202 [Addition of mileage to State highway system]

Additional mileage may be added to the State highway system in the manner provided by this Code.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-203 [Laying out new highways; taking over highways]

The Department may, in its discretion and as funds become available for construction and maintenance, add additional highways to the State highway system by laying out new highways or taking over highways from the county highway system, the township and district road system or the municipal street system; but such highways so taken over into the State highway system shall be highways which form a logical part of the State highway system for traffic purposes. Before any such highway is taken over the Department shall notify the proper local officials in writing of its intention to do so and the date when it will assume the maintenance and care of such highway. Whenever any part or portion of any such highway which is situated within the corporate limits of any municipality is hereafter or has heretofore been taken over, the Department shall have exclusive jurisdiction and control over only that part of such highway which the Department has constructed, or which the local authority has constructed and which has been taken over by the Department, and for the maintenance of which the Department is responsible, including the hard-surfaced slab, shoulders and drainage ditches. Whenever any municipality shall construct with a durable hard surface the remaining portion of a street, a part of which has been improved with a durable hard surface by the Department, or taken over by it, then in that case the Department shall have jurisdiction and control over only that portion of the street over which it did construct the durable hard surface or that part which it took over from the municipality.

HISTORY:
Laws 1959, p. 196; P.A. 89-683, § 910; 90-6, § 2.

605 ILCS 5/4-204 [Filing of description of changes and additions to State highway system]

Whenever any highway becomes a part of the State highway system, the Department shall file in its office a description of such State highway. All changes in and additions to the State highway system shall also be noted by so filing a description of such changes and/or additions. A copy of such description shall be filed in the office of the county clerk of each county in which the highway is located.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-205 [Formation of continuous routes through municipalities]

In all cases where State or through traffic upon a State highway runs through a municipality, the Department shall locate a route upon existing streets or upon a new street to be laid out through such municipality as a part of such State highway, so as to form a continuous route to serve the needs of through or State traffic upon such State highway. If a municipality is the terminus of such a highway, the Department shall extend the State highway to such point in the municipality upon existing streets or upon a new

street to be laid out in such municipality, as will in the discretion of the Department best serve the needs of State or through traffic. For the purpose of locating or extending such State highway through or into such municipality the Department is authorized to lay out, establish, open, alter, widen, extend or relocate necessary streets therein.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-206 [Relocation of route through municipality]

When advisable to serve traffic needs, any State highway route in or through a municipality may be relocated upon other streets in the municipality and the jurisdiction, maintenance and control of the streets upon the abandoned route shall be assumed by the city, town, village, park district or other municipal corporation. If any municipal corporation notifies the Department that it is about to construct a subway for railway or motor vehicle transportation along and under any street upon which any State highway route is located and that its use as a State highway route will interfere with such construction, the Department shall relocate such route or such portion thereof as is necessary to prevent such interference. Except as allowed by Sections 4-407, 4-408 [605 ILCS 5/4-407, 605 ILCS 5/4-408] and this Section no State highway route shall be relocated except to better serve traffic demands and the route abandoned must be left in reasonable condition for traffic.

HISTORY:
Laws 1959, p. 1189.

605 ILCS 5/4-207 [Erection and maintenance of mailboxes]

On all State highways the Department shall construct and maintain all-weather surfaces at boxes used for the receipt of United States mail.

The Department shall adopt and publish specifications detailing the kind and type of all-weather surface to be constructed and maintained and shall adopt and publish reasonable rules, regulations, and specifications governing the place of erection and maintenance of boxes for the receipt of United States mail on State highways.

No person shall erect or maintain a box for the receipt of the United States mail on any highway under the jurisdiction of the Department in violation of the rules, regulations, and specifications, adopted by the Department governing the erection and maintenance of such boxes. Violation of this provision is a petty offense.

HISTORY:
P.A. 77-2238.

605 ILCS 5/4-208 [Guide signs upon municipal streets]

The Department may select streets in municipalities to form routes leading from business centers therein to State highways running through such municipalities and may erect and maintain suitable guide signs upon them. However, such streets shall not thereby become part of the State highway system but shall remain part of the municipal street system; but any such street may be made part of the State highway system as provided by Section 4-203 [605 ILCS 5/4-203].

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-209 [Cutting, excavation or damage; permit required; bond]

No person shall wilfully cut, excavate or otherwise damage that portion of any highway under the jurisdiction and control of the Department, including the hard-surfaced slab, shoulders and drainage ditches, either within or without the corporate limits of a municipality without a permit so to do from the Department. The Department shall issue its permit when such cutting, excavating or damaging is reasonably necessary, but it is the duty of the person securing a permit to make such repairs to the highway as will restore it to substantially the same condition as it was originally. Permits with regard to entrances to and exits from State highway rights-of-way and roadways shall also be subject to the provisions of Sections 4-210, 4-211 and 4-212 [605 ILCS 5/4-210, 605 ILCS 5/4-211, and 605 ILCS 5/4-212]. To insure the proper repair, the Department may, before issuing its permit, require the person applying for a permit, to enter into a bond payable to the People of the State of Illinois in a sum commensurate, in the opinion of the Department, with the injury to be done to the highway, conditioned for its proper restoration within such time as the Department may prescribe. The violation of this section is a petty offense.

HISTORY:
P.A. 77-2238.

605 ILCS 5/4-210 [Ingress and egress to State highway from abutting property]

Except where the right of access has been limited by or pursuant to law every owner or occupant of property abutting upon any State highway shall have reasonable means of ingress from and egress to the State highway consistent with the use being made of such property and not inconsistent with public safety or with the proper construction and maintenance of the State highway for purposes of travel, drainage and other appropriate public use. The Department is authorized to adopt and to amend reasonable and necessary rules, regulations and specifications covering standard entrance or exit driveways to serve residential, farm, commercial, industrial, and roadside service establishments and other uses of property abutting upon State highways including specifications for drainage and other structures

appurtenant to such driveways. No permit shall be issued by the Department for the construction of any such driveway which does not conform to the applicable standard prescribed by the Department unless the application therefor is accompanied by drawings of and specifications for the proposed construction and a showing of reasonable need for departure from the applicable standard type of driveway prescribed by the Department nor unless it is made to appear that the proposed construction and the use thereof will not be inconsistent with public safety and use nor with the proper construction and maintenance of the highway and its drainage and other facilities.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-211 [Entrance or exit permits; judicial review]

Any permit issued by the Department to construct an entrance or exit, or both, under the provisions of Section 4-209 [605 ILCS 5/4-209] shall designate the location and design of such construction. All such permits shall be subject to the right of the Department to relocate, at the Department's expense, any entrance or exit when reasonably required for public safety or because of highway reconstruction or changed traffic conditions. The Department shall make frequent inspections and take such action as is necessary to require compliance with such rules, regulations and specifications and the provisions of Sections 4-209, 4-210 and 4-211 of this Code [605 ILCS 5/4-209, 605 ILCS 5/4-210 and 605 ILCS 5/4-211].

Any entrance or exit which was in place on July 10, 1953 which does not conform to the rules, regulations and specifications adopted by the Department may be made to conform to such rules, regulations and specifications by the Department at the expense of the Department.

If any entrance or exit is constructed after July 10, 1953, for which no permit has been secured the adjoining landowner or occupant, or his authorized representative, whose property such entrance or exit serves shall within 30 days following notification by the Department apply for a permit. The permit issued as a result of such application shall specify that the existing entrance shall be made to conform to the provisions of the permit within 90 days from the date of issuance of the permit or, if no permit is granted, be removed at the expense of the landowner or occupant.

Any entrance or exit constructed after July 10, 1953 for which a permit has been secured but which does not conform to the provisions of the permit issued for its construction shall within 90 days of notification by the Department to the adjoining property owner or occupant, or his authorized representative, whose property such exit or entrance serves be made to conform to the provisions of the permit.

Any person adversely affected by any rule, regulation, specification or decision of the Department issued pursuant to Sections 4-209, 4-210 or 4-211 or by any failure of the Department to act upon an application for a permit thereunder shall be entitled to judicial review under the provisions of the Administrative Review Law [735 ILCS 5/3-101 et seq.].

HISTORY:
P.A. 85-559.

605 ILCS 5/4-212 [Failure to comply with provisions; penalty]

Failure to comply with the provisions of Sections 4-210 and 4-211 [605 ILCS 5/4-210 and 605 ILCS 5/4-211] and the permits issued thereunder is a petty offense for which an additional fine of $10 for each day such failure continues may be imposed. Where the violation is prosecuted by the State's Attorney 25% of the fine or penalty recovered shall be paid to the State's Attorney as a fee of his office. Such penalty shall be in addition to any penalty which may be assessed under Section 4-209 [605 ILCS 5/4-209].

HISTORY:
P.A. 77-2238.

605 ILCS 5/4-213 [Construction of all weather surfaces; permits; violation; penalty]

Any person or an agency of this State which operates a motor vehicle designed or used for the carriage of more than seven passengers may apply to the Department for a permit to construct an all weather surface adjacent to and connected with the traveled way of a State highway and located on the right-of-way of a State highway for the purpose of making temporary stops in order to receive or discharge passengers. Any permit issued under this Section shall designate the location and design of and type of material to be used in any such construction and the construction shall be in conformity with the requirements of the permit. No such construction shall be initiated without first securing a permit to do so from the Department.

Whoever violates any provision of this Section shall be guilty of a petty offense.

HISTORY:
P.A. 77-2238.

605 ILCS 5/4-214 [Recording of plats]

Whenever any highway is laid out, widened or altered in accordance with this Article, the Department shall cause a plat thereof to be made and recorded in the office of the recorder of the county (or in the office of the registrar of titles for the county if appropriate) in accordance with the provisions of Section 9 of "An Act to revise the law in relation to

plats", approved March 21, 1874, as amended [765 ILCS 205/9].

HISTORY:
P.A. 83-358.

605 ILCS 5/4-215 [Territorial maps]

The Department may file with the governing body of any municipality or county a map of any territory within ½ mile on either or both sides of a State highway routing in which territory the Department believes subdivision development would have an effect upon an existing State highway or a future State highway the route of which has been adopted by the Department.

The clerk of the governing body of the municipality or county shall issue a receipt for the territorial map, and within 3 days after receiving such map, shall transmit to the Department one copy of each tentative map of any subdivision located wholly or partly within the territory outlined by the territorial map.

The Department, upon receiving a copy of the territorial map, may, within 15 days after receipt, make recommendations to the appropriate agency of the municipality or county in connection therewith regarding the effect of the proposed subdivision upon the State highway or State highway route.

HISTORY:
Laws 1959, p. 786.

605 ILCS 5/4-216 [Removal of snow so as to leave driveways open]

If, as a result of the removal of snow from the travelway of any State highway, snow is deposited along the shoulder or edge of such highway where any public or private entrance or exit driveway connects with such State highway, the Department shall also remove the snow from the highway right-of-way so as to leave such driveways open for vehicular travel.

HISTORY:
Laws 1961, p. 2720.

605 ILCS 5/4-217 [Standing strips of crops as snow breaks]

The Department may contract with persons growing row crops on land adjacent to State highways to buy standing strips of such crops to remain in place to act as snow breaks along such highways in those places where experience shows that drifting snow has been an obstruction to traffic. The contract price to be paid by the Department in any such case shall be the market price of such crop at the time of contracting or the September price of such crop on the Chicago Board of Trade, whichever is higher.

HISTORY:
P.A. 81-1156.

605 ILCS 5/4-218 [Use of calcium magnesium acetate made from corn for snow removal]

The Department shall establish a pilot program to evaluate the use of calcium magnesium acetate made from corn for the purpose of clearing roadways of snow and ice. Such pilot program shall be implemented by the Department as suitable quantities of calcium magnesium acetate become available and shall include any one of the following counties: Champaign, Douglas, Grundy, Iroquois, Kankakee, LaSalle, Vermilion, or Will. If the pilot program is successful, the Department shall endeavor to expand its use of calcium magnesium acetate made from corn for road clearing throughout the State.

HISTORY:
P.A. 85-1209.

605 ILCS 5/4-219 Context sensitivity

(a) It is the intent of the General Assembly to ensure that Department of Transportation projects adequately meet the State's transportation needs, exist in harmony with their surroundings, and add lasting value to the communities they serve.

(b) To support this objective, the Department of Transportation shall embrace principles of context sensitive design and context sensitive solutions in its policies and procedures for the planning, design, construction, and operation of its projects for new construction, reconstruction, or major expansion of existing transportation facilities.

(c) A hallmark of context sensitive design and context sensitive solutions principles for the Department of Transportation shall be early and ongoing collaboration with affected citizens, elected officials, interest groups, and other stakeholders to ensure that the values and needs of the affected communities are identified and carefully considered in the development of transportation projects.

(d) Context sensitive design and context sensitive solutions principles shall promote the exploration of innovative solutions, commensurate with the scope of each project, that can effectively balance safety, mobility, community, and environmental objectives in a manner that will enhance the relationship of the transportation facility with its setting.

(e) The Department shall report to the Governor and the General Assembly no later than April 1, 2004 on its efforts to implement context sensitive design criteria.

HISTORY:
P.A. 93-545, § 5.

605 ILCS 5/4-220 Bicycle and pedestrian ways.

(a) Bicycle and pedestrian ways shall be given full consideration in the planning and development of transportation facilities, including the incorporation of such ways into State plans and programs.

(b) In or within one mile of a municipality with a population of over 1,000 people, and subject to the Department's option in subsection (e), the Department shall establish and solely fund bicycle and pedestrian ways in conjunction with the construction, reconstruction, or other change of any State transportation facility except:

(1) in pavement resurfacing projects that do not widen the existing traveled way or do not provide stabilized shoulders;

(2) where approved by the Secretary of Transportation based upon documented safety issues, excessive cost, or absence of need; or

(3) where the municipality passes a resolution stating that a bicycle or pedestrian way does not fit within its development plan.

(c) Bicycle and pedestrian ways may be included in pavement resurfacing projects when local support is evident or the bicycling and walking accommodations can be added within the overall scope of the original roadwork.

(d) The Department shall establish design and construction standards for bicycle and pedestrian ways. Beginning July 1, 2007, this Section shall apply to planning and training purposes only. Beginning July 1, 2008, this Section shall apply to construction projects.

(e) If programmed funds identified in Section 2705-615 of the Department of Transportation Law [20 ILCS 2705/2705-615] are not expended for 5 years, the Department has the option to use those funds to pay the cost of bicycle and pedestrian ways in roadway projects affected by this Section.

HISTORY:
P.A. 95-665, § 5; 2021 P.A. 102-660, § 5, effective January 1, 2022.

605 ILCS 5/4-221 Mix designs

To the extent allowed by federal law, the Department specifications shall allow the use of recycled asphalt roofing shingles received from facilities authorized to process asphalt roofing shingles for recycling into asphalt pavement in accordance with (i) permits issued pursuant to Section 39 of the Environmental Protection Act [415 ILCS 5/39] or (ii) beneficial use determinations issued pursuant to Section 22.54 of the Environmental Protection Act [415 ILCS 5/22.54]. In creating the mix designs used for construction and maintenance of State highways, it shall be the goal of the Department, through its specifications, to maximize the percentage of recycled asphalt roofing shingles and binder replacement and to maximize the use of recycled aggregates and other lowest-cost constituents in the mix so long as there is no detrimental impact on life-cycle costs.

HISTORY:
P.A. 97-314, § 10.

605 ILCS 5/4-222 Recycled asphalt roofing shingles; cost savings; prohibitions on use in asphalt paving

(a) It shall be the goal of the Department, with regard to its asphalt paving projects and to the extent possible, to reduce the carbon footprint and reduce average costs by maximizing the percentage use of recycled materials or lowest cost alternative materials and extending the paving season so long as there is no detrimental impact on life-cycle costs. In furtherance of these goals, the Department shall provide to the Chairpersons of the Transportation Committee in each legislative chamber, within 60 days after the completion of each fiscal year, a written report of the activities initiated or abandoned in each district or region within the Department to meet those goals during the previous year. The report shall also include an analysis of the cost savings directly or indirectly attributed to those activities within each district or region. Upon review of the annual report, the Transportation Committees in each chamber may conduct hearings and provide recommendations to the Department regarding the performance of each district or region.

(b) No producer of asphalt pavement, operating pursuant to an air permit issued by the Illinois Environmental Protection Agency, shall use recycled asphalt roofing shingles in its pavement product unless the shingles have been processed for recycling into asphalt pavement in accordance with (i) permits issued pursuant to Section 39 of the Environmental Protection Act [415 ILCS 5/39] or (ii) beneficial use determinations issued pursuant to Section 22.54 of the Environmental Protection Act [415 ILCS 5/22.54]. The prohibition in this subsection (b) shall apply in addition to any other rules, specifications, or other requirements adopted by the Department regarding the use of asphalt roofing shingles in pavement product.

HISTORY:
P.A. 97-314, § 10.

605 ILCS 5/4-223 Electric vehicle charging stations

By January 1, 2016 or as soon thereafter as possible, the Department may provide for at least one electric vehicle charging station at each Interstate highway rest area where electrical service will reasonably permit and if these stations and charging user fees at these stations are allowed by federal regulations.

The Department may adopt and publish specifications detailing the kind and type of electric vehicle charging station to be provided and may adopt rules governing the place of erection, user fees, and maintenance of electric vehicle charging stations.

HISTORY:
P.A. 98-442, § 10; 98-756, § 655.

605 ILCS 5/223 Electric vehicle charging stations [Renumbered]

HISTORY:
Former § 605 ILCS 5/223 was renumbered to be 605 ILCS 5/4-223, by P.A. 98-756, § 655, effective July 16, 2014.

DIVISION 3.

PLANNING AND PROGRAMMING

605 ILCS 5/4-303 [Investigations to determine future need]

Investigations made by the Department to determine the reasonably anticipated future need for federal aid highways and State highways may include, but shall not be limited to, the making of traffic surveys, the study of transportation facilities, research concerning the development of the several areas within this State and contiguous territory as affected by growth and changes in population and economic activity and the collection and review of data relating to all factors affecting the judicious planning of construction, improvement and maintenance of highways. Such investigations may also be conducted in cooperation with counties, municipalities, the United States, sister states, agencies of any such governments or other persons in pursuance of agreements to share the cost thereof. The Department is authorized to enter into such agreements.

HISTORY:
Laws 1959, p. 196.

DIVISION 4.

CONSTRUCTION AND MAINTENANCE

605 ILCS 5/4-401 [Widths]

All State highways shall be constructed of sufficient widths to meet the requirements of the reasonably expected traffic thereon. The widths of travel ways shall be not less than 18 feet.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-402 [Supervision of municipality]

When any State highway route through a municipality has been designated, the Department shall supervise any construction performed on such streets by the municipality with funds received from the State. Such construction shall be either with or without continuous grade separation and of such type and width as is required, in the judgment of the Department, to care for traffic and parking needs.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-403 [Belt-lines]

Whenever local traffic conditions within any municipality through which or to the corporate limits of which any State highway is located, in the discretion of the Department, are such as to interfere with or impede through or State traffic, the Department is authorized and directed to locate and construct a durable hard-surfaced highway in the nature of a belt-line to connect State highway routes entering such municipality, so as to avoid congested traffic districts in the municipality. Such belt-line routes may be wholly without the corporate limits of the municipality or partly within and partly without such limits.

The type of construction and width of such belt-line routes shall be sufficient to care for present or reasonably expected future needs of through or State traffic.

Such belt-line routes shall be a part of the State highway system.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-404 [Change in width or type]

By agreement between the Department and the proper authority of any municipality, park district or other municipal corporation, the construction of any street upon which a State highway route is located may be of greater width or different type than that determined upon by the Department. In such cases the excess cost of such construction shall be paid by the municipal corporation.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-405 [Lines]

The Department shall maintain all highways in the State highway system either with its own forces or pursuant to an agreement or contract entered into pursuant to this Code.

In the course of its other maintenance work, the Department shall paint and maintain a line not less than 2 ½ inches in width on the edges of uncurbed roadways of all State highways having an Illinois or U.S. route traffic marking and which carry an average daily traffic of more than 1000 vehicles. The Department may paint and maintain such lines on such other State highways as it deems desirable.

HISTORY:
P.A. 78-283.

605 ILCS 5/4-406 [Maintenance contracts]

The Department is authorized to enter into contracts with any municipal corporation, terminable in the discretion of the Department, for the municipal corporation to maintain any State highway, or any part thereof, located within such municipal corporation, such maintenance to be under the supervision of the Department and at the expense of the State.

The Department is authorized to enter into similar contracts with any county for the county to maintain any State highway, or any part thereof, which was

originally constructed by the county, such maintenance to be under the supervision of the Department and at the expense of the State.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-406.1 [Surrender of jurisdiction]

The Department may surrender jurisdiction over the right-of-way and improvements of all or part of a State highway, street or road to a municipality by agreement as provided in Section 11-91.2-1 of the Illinois Municipal Code, as now or hereafter amended [24 ILCS 11-91.2-1].

HISTORY:
P.A. 85-1421.

605 ILCS 5/4-407 [Temporary closing; detour]

The Department may temporarily close to traffic any portion of a State highway for the purpose of constructing, repairing or making improvements thereon.

When a portion of a State highway with a route marking is so closed, the Department shall arrange with local authorities or otherwise to maintain efficient detours around the portion of the State highway which is closed and, except for an unanticipated emergency as determined by the Department, shall post notice of the detour locations on the Department's website no later than 10 days before the detour becomes active. Such detour shall be plainly and conspicuously marked with signs by which traffic may be guided around that part of the highway so closed.

HISTORY:
P.A. 84-873; 2017 P.A. 100-473, § 5, effective June 1, 2018.

605 ILCS 5/4-408 [Permit for temporary closing]

The Department may, upon application by the proper authorities of any local governmental agency, issue a permit to such agency to temporarily close to traffic any portion of a State highway for any public purpose or for any temporary needs of such agency.

Such permit shall be issued only upon the explicit agreement of the local governmental agency to assume all liabilities and pay all claims for any damages which shall be occasioned by such closing and such agreement shall be made a part of every such permit. When a State highway is closed by a local governmental agency under the terms of a permit, the agency shall maintain efficient detours satisfactory to the Department around the portion of the closed highway. Except for an unanticipated emergency as determined by the Department, the Department and the local governmental agency shall post notice of the detour locations on the Department's website and the local governmental agency's website no later than 10 days before the detour becomes active. A hyperlink on a local governmental agency's website to posted notices on the Department's website shall satisfy the requirements under this Section. A local governmental agency that does not have a website maintained by a full-time staff or a municipality with 1,000,000 or more inhabitants shall not be required to post detour locations under this Section. Such detour shall be plainly and conspicuously marked with signs by which traffic may be guided around that part of the State highway so closed.

HISTORY:
Laws 1959, p. 196; 2017 P.A. 100-473, § 5, effective June 1, 2018.

605 ILCS 5/4-409 [Contracts with highway authorities]

The Department may enter into a written contract with any other highway authority for the jurisdiction, maintenance, administration, engineering or improvement of any highway or portion thereof. The Department may also, upon application of any highway authority, authorize the highway authority to enter into a written contract with any other highway authority for the jurisdiction, maintenance, administration, engineering or improvement of any highway or portion thereof.

HISTORY:
P.A. 79-417.

605 ILCS 5/4-410 Demonstration project

The Department shall implement a demonstration project, under which 20 of the contracts arising out of the Department's 5-year project program for fiscal years 2000 through 2004 shall have a performance-based warranty of at least 5 years, and 10 of those contracts shall be designed for a 30-year life cycle.

HISTORY:
P.A. 91-37, § 38.

DIVISION 5.

PROPERTY ACQUISITION AND DISPOSAL

605 ILCS 5/4-501 [Eminent domain]

The Department, in its name, or any county may acquire the fee simple title, or such lesser interest as may be desired, to any land, rights, or other property necessary for the construction, maintenance or operation of State highways, or necessary for locating, relocating, extending, widening or straightening any State highway, or necessary for locating, relocating, extending, widening or straightening an existing street or for laying out, establishing or opening a new street within the corporate limits of any municipality which has been designated by the Department as a street to form a part of or to connect with a State highway leading up to the corporate limits of such

municipality, or necessary for any other purpose or use contemplated by this Code by purchase or by the exercise of the right of eminent domain under the eminent domain laws of this State and the Department shall not be required, in any case, to furnish bond.

When, in the judgment of the acquiring agency, it is more practical and economical to acquire the fee to the inaccessible remnants of the tracts of land from which rights-of-way are being acquired than to pay severance damages, such agency may do so by purchase or by an eminent domain proceeding.

When a part of a parcel of land is to be taken for State highway purposes and the accessible remnant is to be left in a shape or condition rendering it of little value to the owner or giving rise to claims for severance or other damages, upon written request of the owner, the acquiring agency may take the whole parcel and may sell or exchange the part not needed for highway purposes.

When acquiring land for a highway on a new location, and when a parcel of land one acre or less in area contains a single family residence, which is in conformance with existing zoning ordinances, and only a part of that parcel is required for State highway purposes causing the remainder of the parcel not to conform with the existing zoning ordinances, or when the location of the right of way line of the proposed highway reduces the distance from an existing single family residence to the right of way line to 10 feet or less, the acquiring agency shall, if the owner so demands, take the whole parcel by negotiation or condemnation. The part not needed for highway purposes may be rented, sold or exchanged by the acquiring agency.

When any farm land is acquired for State highway purposes by the exercise of the right of eminent domain, the rate of compensation to be paid by the acquiring agency shall be computed by taking into consideration the total acreage originally involved in the farm land parcel, including that portion of such parcel already part of a right of way for highway purposes but for which legal title lies in the owner of the parcel.

HISTORY:
P.A. 81-536.

605 ILCS 5/4-501.5 Eminent domain

Notwithstanding any other provision of this Code, any power granted under this Code to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.].

HISTORY:
P.A. 94-1055, § 95-5-745.

605 ILCS 5/4-502 [Eminent domain; ditches, drains, watercourses]

When the Department deems it necessary to build, widen, alter, relocate or straighten any ditch, drain or watercourse in order to drain or protect any highway or highway structure it is authorized to construct, maintain or operate, it may acquire the necessary property, or such interest or right therein as may be required, by gift or purchase or, if the compensation or damages cannot be agreed upon, by the exercise of the right of eminent domain under the eminent domain laws of this State. The Department shall not be required to furnish bond in any eminent domain proceeding.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-503 [Entry on property]

For the purpose of making subsurface soil surveys, preliminary surveys and determinations of the amount and extent of such land, rights or other property required, the Department, or any county, by its officers, agents or employees, after written notice to the known owners and occupants, if any, may enter upon the lands or waters of any person, but subject to responsibility for all damages which shall be occasioned thereby.

HISTORY:
P.A. 84-713.

605 ILCS 5/4-504 [Authority to take state land]

Subject to the approval of the Governor and the consent of any department, board, commission, officer or other agency of the State government having control and custody of any land now or hereafter owned by the State, the Department is authorized to take and use such portion as may be deemed necessary for State highway purposes over such land, provided such taking and use by the Department does not interfere with the use of such land by the agency so having control and custody.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/4-505 [Eminent domain; railroads and public utilities]

In addition to whatever powers the Department may by law now possess, whenever it is necessary as an incident to the construction of a new State highway or the relocation, reconstruction, extension, widening, straightening, alteration, repair, maintenance or improvement of an existing State highway (including extensions of a new or existing State highway through or into a municipality upon a new or existing street) that the line or tracks of a railroad or railway company or the wires, poles, pipes or other facilities of a public utility, which are not then located in or upon a public street or highway, be relocated, and the Department and such company or public utility have entered into an agreement, approved by the Illinois Commerce Commission, concerning such relocation, the Department is authorized to purchase, or to

acquire through the exercise of the right of eminent domain under the eminent domain law of the State, such easements, rights, lands or other property as may be necessary for the relocation of said railroad or railway line or tracks or other public utility facilities.

The Department is authorized to convey such easements, rights, lands or other property it has so purchased or acquired for said relocation of the said railroad, railway company or other public utility by deed executed by the Director of the Department.

HISTORY:
Laws 1965, p. 428.

605 ILCS 5/4-508 [Sale of land] [Effective until January 1, 2023]

(a) Except as provided in paragraphs (c) and (d) of this Section, and subject to the written approval of the Governor, the Department may dispose of, by public sale, at auction or by sealed bids, any land, rights or other properties, real or personal, acquired for but no longer needed for highway purposes or remnants acquired under the provisions of Section 4-501 [605 ILCS 5/4-501], provided that no such sale may be made for less than the fair appraised value of such land, rights, or property.

(b) Except as provided in paragraphs (c) and (d) of this Section, and subject to the written approval of the Governor, the Department may exchange any land, rights or property no longer needed for highway purposes or remnants acquired under the provisions of Section 4-501 of this Code for equivalent interests in land, rights or property needed for highway purposes. Where such interests are not of equivalent value cash may be paid or received for the difference in value.

(c) If at the time any property previously determined by the Department to be needed for highway purposes is declared no longer needed for such purposes, and the person from whom such property was acquired still owns and has continuously owned land abutting such property since the acquisition by the Department, the Department before making any disposition of that property shall first offer in writing that property to the person from whom such property was acquired at the current appraised value of the property. If the offer is accepted in writing within 60 days of the date of the written offer, the Department, subject to the written approval of the Governor, is authorized to dispose of such property to the person from whom such property was acquired upon payment of the appraised value. If the offer is not accepted in writing within 60 days of the date of the written offer, all rights under this paragraph shall terminate.

(d) If the Department enters into or currently has a written contract with another highway authority for the transfer of jurisdiction of any highway or portion thereof, the Department is authorized to convey, without compensation, any land, dedications, easements, access rights, or any interest in the real estate that it holds to that specific highway or portion thereof to the highway authority that is accepting or has accepted jurisdiction. However, no part of the transferred property can be vacated or disposed of without the approval of the Department, which may require compensation for non-public use.

(e) Except as provided in paragraph (c) of this Section, if the Department obtains or obtained fee simple title to, or any lesser interest, in any land, right, or other property and must comply with subdivision (f)(3) of Section 6 of Title I of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 1-8(f)(3)), the Historic Bridge Program established under Title 23, United States Code, Section 144, subsection (o) (23 U.S.C. 144(o)), the National Historic Preservation Act (16 U.S.C. Sec. 470), the Interagency Wetland Policy Act of 1989 [20 ILCS 830/1-1 et seq.], or the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420/1 et seq.], the Department, subject to the written approval of the Governor and concurrence of the grantee, is authorized to convey the title or interest in the land, right, or other property to another governmental agency, or a not-for-profit organization that will use the property for purposes consistent with the appropriate law.

The Department may retain rights to protect the public interest.

HISTORY:
P.A. 83-312; 90-573, § 5; 90-755, § 10; 91-357, § 225; 95-331, § 1000.

605 ILCS 5/4-508 [Sale of land] [Effective January 1, 2023]

(a) Except as provided in paragraphs (c) and (d) of this Section, and subject to the written approval of the Governor and, if required by federal law or regulation, the Federal Highway Administration, the Department may dispose of, by public sale, at auction or by sealed bids, any land, dedications, easements, access rights, or any interest in the real estate that it holds, or other properties, real or personal, acquired for but no longer needed for highway purposes or remnants acquired under the provisions of Section 4-501 [605 ILCS 5/4-501].Such sale may be made at the fair market value of such land, rights, or property, as determined by the Department. The fair market value of the land, rights, or property may be based on one or more appraisals completed by a qualified appraiser approved by the Department or a valuation waiver prepared by the Department. A sale below the fair market value, as established by this Section, shall be justified, in writing, by Department staff, which shall include consideration of all relevant information, including, but not limited to, findings regarding the best interests of the Department, other public benefits such as divestment of liabilities, or changed circumstances. The Department shall develop a policy to assign a monetary value of all such considerations in valuation determi-

nations. An appraisal may be paid for by any interested party. The form of the conveyance or release shall be in a form approved by the Department.

(b) Except as provided in paragraphs (c) and (d) of this Section, and subject to the written approval of the Governor, the Department may exchange any land, rights or property no longer needed for highway purposes or remnants acquired under the provisions of Section 4-501 of this Code for equivalent interests in land, rights or property needed for highway purposes. Where such interests are not of equivalent value cash may be paid or received for the difference in value.

(c) If at the time any property previously determined by the Department to be needed for highway purposes is declared excess and no longer needed for the Department's purposes, and before making the property available for public sale as provided in subsection (a), the Department shall offer that real property as follows:

(1) To the person from whom such real property was acquired that still owns and has continuously owned land adjacent to or abutting such real property since the acquisition by the Department, the Department shall first offer the property, in writing, for the fair market value of the property. If the Department's offer to such a person is accepted, in writing, within 60 days of the date of the written offer, the Department, subject to the written approval of the Governor, is authorized to dispose of such property to that person. If the offer is not accepted, in writing, within 60 days of the date of the written offer, all rights under this paragraph shall terminate.

(2) If the option in paragraph (1) does not exist or an offer is made and not accepted, or a sale otherwise is not consummated, the Department shall offer, in writing, at the value determined by the Department, the real property declared excess to the local municipality in which the property is situated and located, or, if the property is situated and located in an unincorporated area, to the county and township, if applicable, in which the property is situated and located. If a letter of intent to accept the offer is received by the Department, in writing, within 15 days of the date of the offer, the local governmental entity shall have 45 days from the date on the offer to accept the offer formally by resolution of its governing body. If the offer is formally accepted within 45 days of the date of the written offer, the Department, subject to the written approval of the Governor, is authorized to convey the property to the governing body upon payment of the value stated in the offer and may include a reversion for failure to continue public ownership and use if conveyed for less than fair market value. If a timely letter of intent to accept and a formal acceptance is received from a county and a township, the county shall be given priority. If a letter of intent is not received within 15 days of the offer, all rights under this paragraph shall terminate. If the letter of intent is received within the 15 days, but the formal acceptance is not received within 45 days of the date of the written offer, all rights under this paragraph shall terminate. If the unit of local government does not tender the funds in the full amount of the accepted offer within 90 days of the date of the offer, all rights under this paragraph shall terminate. If a county fails to tender the funds in the full amount of the written accepted offer and a township tenders the full amount of a timely accepted offer within 15 days of the county's failure to timely tender, the Department shall sell the land, rights, or property to the township. The Department shall have the right to revoke, in writing, any offer made under this paragraph at any time before the funds in the full amount of the offer are tendered to the Department.

(3) If the option in paragraph (1) or (2) does not exist or a sale is not otherwise consummated, the Department shall offer, in writing, at fair market value, the real property declared excess to an adjacent or abutting property owner if the property owner is the only reasonable party as determined by the Department. If the Department's offer is accepted by the property owner, in writing, within 60 days of the date of the written offer, the Department, subject to the written approval of the Governor, is authorized to convey the property to the property owner upon payment of the fair market value. If the offer is not accepted, in writing, within 60 days of the date of the written offer, all rights under this paragraph shall terminate.

(d) If the Department enters into or currently has a written contract with another highway authority for the transfer of jurisdiction of any highway or portion thereof, the Department is authorized to convey, subject to the written approval of the Governor, without compensation, any land, dedications, easements, access rights, or any interest in the real estate that it holds to that specific highway or portion thereof to the highway authority that is accepting or has accepted jurisdiction. However, no part of the transferred property can be vacated or disposed of without the approval of the Department, which may require compensation for non-public use.

(e) Except as provided in paragraph (c) of this Section, if the Department obtains or obtained fee simple title to, or any lesser interest, in any land, right, or other property and must comply with subdivision (f)(3) of Section 6 of Title I of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 l-8(f)(3)), the Historic Bridge Program established under Title 23, United States Code, Section 144, subsection (o) (23 U.S.C. 144(o)), the National Historic Preservation Act (16 U.S.C. Sec. 470), the Interagency Wetland Policy Act of 1989 [20 ILCS 830/1-1 et seq.], or the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420/1 et seq.], the Department, subject to the written approval of the Governor and concurrence of the grantee, is autho-

rized to convey the title or interest in the land, right, or other property to another governmental agency, or a not-for-profit organization that will use the property for purposes consistent with the appropriate law.

The Department may retain rights to protect the public interest.

HISTORY:
P.A. 83-312; 90-573, § 5; 90-755, § 10; 91-357, § 225; 95-331, § 1000; 2022 P.A. 102-974, § 5, effective January 1, 2023.

605 ILCS 5/4-508.1 [Federal highway project]

In the event the Department obtains or has obtained fee simple title to, or any lesser interest in, any land, rights or other property under the provisions of Section 4-508 of this Code [605 ILCS 5/4-508] in connection with a project involving the planned construction of a federal-aid highway and that project ceases to be a federal-aid project, the Department is authorized to convey title to, or any lesser interest in, all such land, rights or property, regardless of whether any construction has taken place, to the Illinois State Toll Highway Authority without compensation when such conveyance is approved in writing by the Governor.

HISTORY:
P.A. 83-1258.

605 ILCS 5/4-509 [Replacement of public property]

In addition to other powers of the Department, whenever it is necessary as an incident to the construction of a new State highway or the relocation, reconstruction, extension, widening, straightening, alteration, repair, maintenance or improvement of an existing State highway (including extensions of a new or existing State highway through or into a municipality upon a new or existing street) that property already devoted to a public use be acquired, and the Department and the public agency having jurisdiction over such property have entered into an agreement concerning the acquisition of such property, the Department is authorized to purchase, or to acquire through the exercise of the right of eminent domain, such easements, rights, lands or other property as may be necessary to replace the public property being acquired. The Department is authorized to convey to such public agency such easements, rights, lands or other property it so purchases or acquires for such replacement by deed executed by the Director of the Department.

HISTORY:
Laws 1965, p. 2921.

605 ILCS 5/4-510 [Establishment of future locations]

The Department may establish presently the approximate locations and widths of rights of way for future additions to the State highway system to inform the public and prevent costly and conflicting development of the land involved.

The Department shall hold a public hearing whenever approximate locations and widths of rights of way for future highway additions are to be established. The hearing shall be held in or near the county or counties where the land to be used is located and notice of the hearing shall be published in a newspaper or newspapers of general circulation in the county or counties involved. Any interested person or his representative may be heard. The Department shall evaluate the testimony given at the hearing.

The Department shall make a survey and prepare a map showing the location and approximate widths of the rights of way needed for future additions to the highway system. The map shall show existing highways in the area involved and the property lines and owners of record of all land that will be needed for the future additions and all other pertinent information. Approval of the map with any changes resulting from the hearing shall be indicated in the record of the hearing and a notice of the approval and a copy of the map shall be filed in the office of the recorder for all counties in which the land needed for future additions is located.

Public notice of the approval and filing shall be given in newspapers of general circulation in all counties where the land is located and shall be served by registered mail within 60 days thereafter on all owners of record of the land needed for future additions.

The Department may approve changes in the map from time to time. The changes shall be filed and notice given in the manner provided for an original map.

After the map is filed and notice thereof given to the owners of record of the land needed for future additions, no one shall incur development costs or place improvements in, upon or under the land involved nor rebuild, alter or add to any existing structure without first giving 60 days notice by registered mail to the Department. This prohibition shall not apply to any normal or emergency repairs to existing structures. The Department shall have 45 days after receipt of that notice to inform the owner of the Department's intention to acquire the land involved; after which, it shall have the additional time of 120 days to acquire such land by purchase or to initiate action to acquire said land through the exercise of the right of eminent domain. When the right of way is acquired by the State no damages shall be allowed for any construction, alteration or addition in violation of this Section unless the Department has failed to acquire the land by purchase or has abandoned an eminent domain proceeding initiated pursuant to the provisions of this paragraph.

Any right of way needed for additions to the highway system may be acquired at any time by the

State or by the county or municipality in which it is located. The time of determination of the value of the property to be taken under this Section for additions to the highway system shall be the date of the actual taking, if the property is acquired by purchase, or the date of the filing of a complaint for condemnation, if the property is acquired through the exercise of the right of eminent domain, rather than the date when the map of the proposed right-of-way was filed of record. The rate of compensation to be paid for farm land acquired hereunder by the exercise of the right of eminent domain shall be in accordance with Section 4-501 of this Code [605 ILCS 5/4-501].

Not more than 10 years after a protected corridor is established under this Section regardless of whether the corridor is established before or after the effective date of this amendatory Act of the 97th General Assembly [P.A. 97-279], and not later than the expiration of each succeeding 10 year period, the Department shall hold public hearings to discuss the viability and feasibility of the protected corridor. In the case of a protected corridor established prior to 10 years before the effective date of this amendatory Act of the 97th General Assembly, the hearing shall be conducted within 6 months of the effective date of this amendatory Act of the 97th General Assembly. The Department shall retain the discretion to maintain any protected corridor established under this Section, but shall give due consideration to the information obtained at the hearing and, if the Department in its discretion determines that construction of the roadway is no longer feasible, the Department shall abolish the protected corridor.

HISTORY:
P.A. 83-358; 91-357, § 225; 97-279, § 5.

605 ILCS 5/4-511 [Property occupied by structure]

In addition to whatever powers the Department may by law now possess whenever it is necessary for the Department as an incident to the construction of a new State highway or the relocation, reconstruction, extension, widening, straightening, alteration, repair, maintenance or improvement of an existing highway (including extension of a new or existing State highway through or into a municipality upon a new or existing street) to acquire property occupied by a structure which must be removed or demolished in order to construct such highway, then the Department may acquire within a one mile radius of such structure such other unimproved or improved but unoccupied easements, rights, lands or other property by purchase or through the exercise of the right of eminent domain, for the purpose of:

(a) Providing a site on which such structure may be replaced or relocated by the Department in order that the structure or its replacement thereof may continue to be used in conformance with the use previously made thereof, provided that the use of such site shall be in accordance with applicable zoning requirements and building codes. The Department is authorized to replace, restore and rehabilitate such site and structure in its entirety including but not limited to providing a suitable foundation, installing heating, lighting, water, sewage and other necessary facilities and appurtenances. After the construction of the replacement structure or relocation, restoration and rehabilitation of any existing structure, the Department may sell or exchange such structure and site on which it is located in the manner provided by Section 4-508 of this Code [605 ILCS 5/4-508] and may insert in any instrument or deed covering such sale or exchange, such covenants and agreements insuring compliance with this Section which covenants and agreements shall run with the land.

(b) Providing a site on which such structure may be replaced, relocated, restored or rebuilt by the owner thereof in order that the structure or its replacement thereof may continue to be used in conformance with the use previously made thereof provided that the use of such site shall be in accordance with applicable zoning requirements and building codes. The Department is authorized to exchange such easements, rights, lands or other property with the owner of the property required for the highway construction in a manner provided by Section 4-508 of this Code and may insert in any instrument or deed covering such exchange, such covenants and agreements insuring compliance with this Section which covenants and agreements shall run with the land.

The Department may enter into an agreement or agreements with any department, board, commission, officer or agency of federal or state government, its political subdivisions and municipal corporations or with any private person, firm or corporation in order to carry out the purpose of this Section.

HISTORY:
P.A. 77-1577.

605 ILCS 5/4-512 Street closing or relocating

The Department shall not, under any circumstance, give its approval to any plan or request that would permanently close or relocate that portion of 55th Street lying between East Avenue and Joliet Road, located within Cook County.

HISTORY:
P.A. 88-242, § 5.

ARTICLE 5.

COUNTY ADMINISTRATION OF HIGHWAYS

Division 1. General Powers of County — Designation of County Highways

Section

Section

Division 2. County Superintendent of Highways

Division 3. Planning and Programming

Division 4. Construction and Maintenance

Division 5. Drainage and Other Highway Structures — Construction or Repair at Joint Expense of Counties, or a County and Road District or Municipality

Section

Division 6. Taxation

Division 7. Use of Motor Fuel Tax Funds

Division 8. Property Acquisition

Division 9. Road Improvement Impact Fees

DIVISION 1.

GENERAL POWERS OF COUNTY — DESIGNATION OF COUNTY HIGHWAYS

605 ILCS 5/5-101 [Powers and duties of county boards]

The county board of each county shall have the powers and duties stated in Sections 5-101.1 to 5-101.11 [605 ILCS 5/5-101.1 to 605 ILCS 5/5-101.11], inclusive.

HISTORY:
Laws 1965, p. 1000.

605 ILCS 5/5-101.1 [General supervision]

To have general supervision of all county highways in the county, subject to the provisions of Section 4-101.1 [605 ILCS 5/4-101.1].

HISTORY:
P.A. 85-853.

605 ILCS 5/5-101.2 [Tax and spend]

To levy taxes and expend funds, either general or special, in accordance with law for highway purposes.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-101.3 [Construction]

To construct any county highway, including the lighting thereof, in the discretion of the county board out of any funds available for such purpose, and to construct State highways, provided that any construction of a State highway shall be according to plans and specifications approved by the Department.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-101.4 [Appropriate funds]

To appropriate funds to aid in the construction of township and district highways in any part of the county.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-101.5 [Bond proceeds]

When in any county of 500,000 inhabitants or more bonds of the county have been authorized by vote of the people of the county for the purpose of aiding in the construction of highways, to employ the proceeds of such bonds in aiding in the construction or widening of any highways in such county, including State and county highways therein.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-101.6 [Appointment of superintendent]

To appoint a county superintendent of highways in the manner provided by Division 2 of this Article [605 ILCS 5/5-201 et seq.].

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-101.7 [Accept and use funds]

To accept, receive and use as county funds for the purpose of constructing county highways money turned over to the county by a road district as provided by Section 5-606 of this Code [605 ILCS 5/5-606], or by a municipality, or by any person; and to accept and use donations from any source for the purpose of constructing any highway within the county.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-101.8 [Plat making and recordation]

Whenever any county highway is laid out, widened or altered in accordance with this Article, to cause a plat thereof to be made and recorded in the office of the recorder of the county (or in the office of the registrar of titles for the county if appropriate) in accordance with the provisions of Section 9 of "An Act to revise the law in relation to plats", approved March 21, 1874, as amended [765 ILCS 205/9].

HISTORY:
P.A. 83-358.

605 ILCS 5/5-101.9 [Other powers and duties]

To exercise any other power and perform any other duty prescribed in this Code.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-101.10 [Traffic control devices and signs]

To place, erect and maintain on county highways all traffic control devices and signs authorized by this Code or by "The Illinois Vehicle Code", approved September 29, 1969, as amended [625 ILCS 5/1-100 et seq.].

HISTORY:
P.A. 83-333.

605 ILCS 5/5-101.11 [Purchase and lease of equipment]

Whenever it considers such purchase or lease advisable, to purchase or lease highway construction and maintenance equipment under contracts providing for payment in installments over a period of time of not more than 10 years with interest on the unpaid balance owing not to exceed the amount permitted pursuant to "An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as amended [30 ILCS 305/0.01 et seq.].

HISTORY:
P.A. 85-293.

605 ILCS 5/5-102 [County highway system]

Upon the effective date of this Code the highways comprising the county highway system in each county are those highways that, on such date, are defined as county highways by Section 2-102 and 2-204 of this Code [605 ILCS 5/2-102 and 605 ILCS 5/2-204].

Additions to and deletions from the county highway system may be made in the manner prescribed in this Code. Highways added to the county highway system shall be as nearly as possible highways connecting the principal municipalities and trading points in each county with each other, and also with the principal municipalities and trading points in other counties.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-103 [Map of highways]

Immediately after the effective date of this Code, the Department shall indicate the highways in each county highway system under the provisions of this Code on such effective date by marking them upon a map which shows the public roads and section lines in the county and shall file such map with the county clerk. The county clerk shall enter the map among his official records, and no changes in the county highway routes indicated thereon shall be made except when a change has been made in the county highway system in accordance with the provisions of Section 5-105 of this Code [605 ILCS 5/5-105] or when a county highway or part of it is vacated or relocated in accordance with Sections 5-109 or 5-110 of this Code [605 ILCS 5/5-109 or 605 ILCS 5/5-110].

HISTORY:
Laws 1967, p. 3388.

605 ILCS 5/5-104 [Mileage]

Except as otherwise provided in this Code, no mileage shall be added to a county highway system after the effective date of this Code, if such addition causes the total mileage of highways in the county highway system of the county to exceed 35% of the total rural public highway mileage in a county having less than 500,000 inhabitants or 75% of the total rural public highway mileage in a county having 500,000 inhabitants or more. When 80% of the maximum permissible county highway system mileage in a county is of proper width and alignment and has been satisfactorily improved with oiled earth, gravel, macadam, portland cement concrete, bituminous concrete or brick on a portland cement concrete base, or other hard-surfaced type of pavement, patented or otherwise, (including surface or subsurface drainage, grading, bridges and culverts thereon having adequate design and roadway width and satisfactory horizontal and vertical alignment and capable of sustaining highway traffic with safety), as determined by the Department, such county may, in the manner provided by Section 5-105 [605 ILCS 5/105], add to its existing highways in the county highway system, additional highway mileage to the extent of 10% of the permissible highway mileage of county highways in the county.

The total rural public highway mileage in a county shall be determined and published by the Department.

In determining the maximum permissible county highway system mileage of any county under this Section the mileage of county highways within the corporate limits of a municipality shall not be considered.

HISTORY:
P.A. 85-784; 85-832; 85-854.

605 ILCS 5/5-105 [Temporary closings and changes]

Temporary closings of county highways, or changes in highways making up a part of the county highway system, including additions to and deletions from such system, may be made by resolution of the county board, subject to the approval of the Department. Highways permanently removed from the county highway system which do not become part of the State highway system shall become part of the township and district road system if in a rural area, or the municipal street system if in a municipality. Such permanent changes shall be indicated on the map provided for by Section 5-103 of this Code [605 ILCS 5/5-103] or a corrected map may be substituted therefor. The provisions of this Section do not apply to the vacation or relocation of a county highway or part of it pursuant to Sections 5-107, 5-109 or 5-110 of this Code [605 ILCS 5/5-107, 605 ILCS 5/5-109 or 605 ILCS 5/5-110]. However, a change occasioned by the vacation or relocation of a county highway or part of it pursuant to Sections 5-107, 5-109 or 5-110 of this Code shall be indicated on the map provided for by Section 5-103 in the same manner as changes made under this Section.

HISTORY:
Laws 1967, p. 3388.

605 ILCS 5/5-106 [Municipal extensions]

The county board may, by resolution approved by the Department, designate a route on existing streets in a municipality as a municipal extension of a county highway or may designate a route for a municipal extension of a county highway on a new location in a municipality. Such designation shall be made so as to form a continuous route for a county highway through the municipality or so as to end a route for a county highway at a point within the municipality, as the case may be, as will best serve traffic needs.

Routes designated as municipal extensions of a county highway as provided in this Section shall not, by virtue of such designation, become a part of the county highway system. However, for the purposes of preparing plans and specifications, acquisition of right-of-way, the performance of all things necessary to the commencement of a construction or improvement project on a part or all of such a route by the county and the use of county highway or motor fuel tax funds therefor, such route shall be treated and considered as though it were then a part of the county highway system.

Upon the commencement by the county of a construction or improvement project on a part or all of a route so designated as such a municipal extension, the part so to be constructed or improved shall thereupon become a part of the county highway system.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-107 [Relocations]

Relocations of county highways may be made during the improvement thereof according to plans approved by the county board and the Department. Upon completion of the relocated highway and its opening to public travel, the new location shall become the location of the county highway and the county shall have full authority over the relocated highway and that portion of the original location not incorporated into the new location. For any portion of the original location not incorporated into the new location, the county board, by the process established by law, may transfer road jurisdiction to another highway authority or vacate, transfer, or sell the property interest.

Pending the completion and opening of the relocation, the county board shall have full authority over the existing county highway and shall also have power to lay out the relocation, acquire rights-of-way, by condemnation or otherwise, and take whatever action is necessary to effect the laying out, improving, and opening of the county highway upon the relocation.

HISTORY:
Laws 1959, p. 196; P.A. 96-1001, § 5.

605 ILCS 5/5-108 [Highway numbers]

The Department shall assign a number to each county highway in each county and all county highways shall always be designated by a number. The Department may from time to time renumber such county highways.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-109 [Vacating a highway]

When the county board determines that the public and economic interest is served by vacating a county highway or part of it, it may vacate that highway or part of it by resolution adopted by the favorable vote of ⅔ of the members of the county board, subject to the approval of the Department. The vote of each member shall be entered on the records of the county board. Prior to acting on such vacation resolution, the county board shall give at least 10 days' notice of the time and place of the county board meeting at which said resolution is to be considered, by publication in at least one newspaper published in the township or road district, or in the absence of such published newspaper, in at least one newspaper of general circulation in the township or road district, or in the absence of such generally circulated newspaper at the time prescribed for notice, by posting notices in 5 of the most public places in the township or road district in the vicinity of the road to be vacated.

The resolution may provide that it is not effective until the owners of property abutting on the highway or part of it to be vacated pay compensation in an amount which, in the judgment of the county board, is not in excess of the fair market value of a similar acreage abutting the highway. If there are public service facilities on the highway or part of it, the resolution shall reserve to the public body or public utility owning the facilities, the property, rights of way and easements existing at the time of vacating the highway for the maintenance, renewal and reconstruction of the same.

The determination of the county board that the nature and extent of the public and economic interest to be served warrants the vacation, reconstruction or relocation pursuant to this Section or Section 5-110 of the Code [605 ILCS 5/5-110] of any county highway or part of it, is conclusive, and the passage of the resolution is sufficient evidence of that determination, whether recited in the resolution or not. The relief to the public from further burden and responsibility of maintaining a highway or part of it constitutes a public and economic interest authorizing the vacation or relocation.

When property is damaged by the vacation of a county highway or part of it, the damage shall be ascertained and paid as provided by law.

HISTORY:
Laws 1967, p. 3388.

605 ILCS 5/5-110 [Recording a vacation]

Upon the vacation of a county highway or part of it, the county board shall cause a legal description of the highway or the part of it vacated to be recorded in the office of the recorder. The recorder shall mark any recorded plat of the highway in a manner that shows the vacation and indicates the book and page number where the description is recorded.

The provisions of Section 5-109 [605 ILCS 5/5-109] and this Section 5-110 shall not apply where the county board has ordered a highway or part thereof to be closed for a specified period of time, to be reconstructed thereafter. The provisions of Section 5-109 shall not apply where the county board has ordered a highway or part thereof to be vacated permanently to be reconstructed and dedicated in a new location.

HISTORY:
P.A. 83-358.

DIVISION 2.

COUNTY SUPERINTENDENT OF HIGHWAYS

605 ILCS 5/5-201 [Superintendent; engineer]

In each county with a population greater than 3,000,000, there shall be a county superintendent of highways. In each county with a population less than 3,000,000, there shall be a county engineer. On the effective date of this amendatory Act of 1991, in every county with a population less than 3,000,000, the county engineer shall succeed to all the powers and duties enjoyed by the county superintendent of highways immediately before that date. On and after the effective date of this amendatory Act of 1991, "county superintendent of highways" means "county engineer" or "county superintendent of highways" wherever it appears in this Code, unless a contrary intention is clearly indicated.

In the appointment of a county engineer or superintendent of highways, the county board and the Department shall proceed as follows:

(1) Should the board desire to reappoint the incumbent, it shall do so within 100 days before or after his term of office expires; however, prior to each reappointment, the board shall request and receive the consent of the Department to such reappointment, and the Department shall not withhold such consent except for incompetence or neglect of duty.

(2) Should the board desire to appoint someone other than the incumbent, it shall, within 100 days before or after the incumbent's term expires or a vacancy occurs, submit to the Department a list of not more than 5 persons, residents of the State, who are candidates for the office.

Each candidate shall hold a currently valid certificate of registration as a registered professional engineer issued under the provisions of the Professional Engineering Practice Act of 1989 [225 ILCS 325/1 et seq.], except that any candidate who holds the office of county superintendent of highways in any county on January 1, 1980, shall not be required to hold a certificate.

Each candidate shall also have at least one of the following qualifications:

(a) a baccalaureate degree in engineering from a reputable school and at least 2 years experience in civil and highway engineering or in the construction and maintenance of streets or highways, or both; or

(b) at least 10 years practical experience in civil and highway engineering or in the construction and maintenance of streets or highways, or both, at least 2 years of which shall be administrative experience of a scope comparable to that of the office for which he is a candidate; however, each of the first 3 academic years attendance at a reputable engineering school shall be considered as equivalent to 2 years practical experience in civil and highway engineering or experience in the construction and maintenance of streets or highways.

Upon the submission of a list of candidates by a county board, the Department shall proceed to determine if each candidate meets either of the above qualifications. The Department shall thereupon hold an appropriate examination for the candidates which it has found to meet one of the qualifications, and shall certify to the county board the names of the candidates who made satisfactory grades in the examination. The County board shall then appoint as county engineer or superintendent of highways one of the candidates so certified by the Department. If no candidate makes a satisfactory grade, the Department shall so certify to the county board, and the county board and Department shall proceed in like manner until an appointment is made.

(3) Should the board desire to consider for appointment both the incumbent and other candidates, the procedure shall be as above outlined in this Section except that final action of the county board on the question of reappointing the incumbent shall be delayed until the county board receives the first certification of results of the examination from the Department. In case no candidate on the first list submitted by the county board made a satisfactory grade in the examination, the county board shall not submit a second list but shall proceed to reappoint the incumbent.

As between persons equally competent and qualified to hold the office of county engineer or superintendent of highways, preference in the appointment shall be given residents of the county.

Any 2 or more counties may, with the approval of the Department, appoint the same person as county engineer or superintendent of highways for each of

the counties and may by agreement provide for the proportionate share of the salary and expenses of the appointee to be borne by each county. However, if a county board desires to appoint as county engineer or superintendent of highways of that county a person who at that time is the county engineer or superintendent of highways of another county, the person shall not be required to take the examination given by the Department and shall not be required to accept the appointment without his consent.

No part of any moneys appropriated by the State for the building and maintaining of county highways shall be apportioned to any county unless a county engineer or superintendent of highways has been appointed.

HISTORY:
P.A. 86-1475; 87-217; 87-895.

605 ILCS 5/5-201.1 [Division of transportation; director]

In each county of more than 600,000 inhabitants but less than 3,000,000 inhabitants, there shall be a County Division of Transportation with a county director of the Division of Transportation.

The chairman of the county board, with the advice and consent of the county board, shall appoint a director from a list of qualified applicants. The appointee shall have demonstrated experience in the area of management and administration.

The county board shall notify the Department of the appointment of the director.

HISTORY:
P.A. 84-756.

605 ILCS 5/5-202 [Term of superintendent]

(a) Except as provided under subsection (b) of this Section the term of office of each county superintendent of highways is 6 years and until his successor is appointed and qualified. He shall receive a salary fixed by the county board, and shall also be allowed his actual traveling and other expenses incurred in the discharge of the duties of his office, his salary and expenses to be payable out of any general or highway funds of the county. The county board shall provide all equipment and personnel reasonably required by the county superintendent of highways in the discharge of the duties of his office.

(b) Each county superintendent of highways appointed in a county of more than 600,000 inhabitants but less than 3,000,000 inhabitants shall serve at the pleasure of the county board beginning with the first appointee to take office after the expiration of the remaining term of the county superintendent of highways in office on the effective date of this amendatory Act of 1985.

HISTORY:
P.A. 84-756.

605 ILCS 5/5-202.1 [Director shall be employee of county board]

In counties of more than 600,000 inhabitants but less than 3,000,000 inhabitants, the county director of the Division of Transportation shall hold the position as an employee of the county board.

HISTORY:
P.A. 84-756.

605 ILCS 5/5-203 [Superintendent; removal from office]

Any county superintendent of highways may be removed from office by the county board for incompetence, neglect of duty or malfeasance in office. In any proceeding to remove a county superintendent of highways from office a petition shall be filed with the county board naming such officer as respondent and setting forth the particular facts upon which the request for removal is based. The county board shall set the matter for hearing not earlier than 5 days after service upon the respondent, which service shall be the same as in civil actions. The county board shall thereupon proceed to a determination of the charges and shall enter an order either dismissing the charge against the county superintendent of highways or removing him from office.

The decision of the county board is subject to judicial review under the Administrative Review Law as now or hereafter amended [735 ILCS 5/3-101 et seq.].

HISTORY:
P.A. 82-783.

605 ILCS 5/5-203.1 [Director]

In counties of more than 600,000 inhabitants but less than 3,000,000 inhabitants, any county director of the Division of Transportation shall serve at the pleasure of the appointing authority.

HISTORY:
P.A. 84-756.

605 ILCS 5/5-204 [Superintendent; vacancy]

Whenever the office of county superintendent of highways is vacant, the county board may with the consent in writing of the Department appoint any competent person as acting county superintendent of highways until the vacancy is filled in the manner provided in Section 5-201 [605 ILCS 5/5-201].

The office shall not be deemed vacant except at the end of the incumbent's 6 year term or in case of his death, his removal from office in accordance with the provisions of section 5-203 [605 ILCS 5/5-203], or his resignation submitted in writing to the county board. However, if the incumbent enters the military service of the United States, the county board may, with the approval of the Department, appoint any competent person as acting county superintendent of highways

to perform the duties of the office until the end of the incumbent's 6 year term or the discharge of the incumbent from such service, whichever shall first occur.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-204.1 [Appointment of acting director]

In any county of more than 600,000 inhabitants but less than 3,000,000 inhabitants, the county board chairman may appoint any competent person as acting director whenever a vacancy exists and until such vacancy is filled as in Section 5-201.1 [605 ILCS 5/5-201.1].

HISTORY:
P.A. 84-756.

605 ILCS 5/5-205 Functions generally

The county superintendent of highways shall, subject to the general supervision of the county board and to the rules and regulations of the Department, perform the functions stated in the following Sections preceding Division 3.

HISTORY:
Laws 1959, p. 196; P.A. 88-572, § 80.

605 ILCS 5/5-205.1 [Plans for bridges and culverts]

Prepare or cause to be prepared, plans, specifications and estimates for all bridges and culverts to be built by the county, or by one or more road districts, and supervise the construction of all such bridges and culverts. When the clear span length of the bridge or culvert is more than 30 feet, the plans and specifications, before being finally adopted, shall be submitted to the Department for approval.

HISTORY:
Laws 1965, p. 2719.

605 ILCS 5/5-205.2 [Supervision of construction and maintenance]

Act for the county in all matters relating to the supervision of the construction or maintenance of any highway constructed or maintained in whole or in part at the expense of the county.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-205.3 [Advise on construction; repair and maintenance]

Advise the highway commissioners of the road districts in his county, when requested in writing, and direct, as otherwise provided in this code, the highway commissioners of the road districts in his county, as to the best methods of construction, repair, or maintenance of township and district roads. The grades of such roads in such road districts shall be constructed according to plans approved by the county superintendent of highways.

HISTORY:
P.A. 80-1444.

605 ILCS 5/5-205.4 [Preparation of maps, plans, specifications and estimates]

Upon the request of the highway commissioner of any road district in the county, prepare or cause to be prepared all maps, plans, specifications and estimates of cost needed in order to comply with the provisions of Section 6-701.1 of this Code [605 ILCS 5/6-701.1].

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-205.5 [Supervision of construction and maintenance]

Supervise the construction or maintenance of all county highways within the county.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-205.6 [Record of contracts and purchases]

Keep a record of all contracts or purchases of materials, machinery or apparatus to be used in road construction in excess of $5,000 approved by him in any road district as hereinafter provided in this Code.

HISTORY:
P.A. 81-693.

605 ILCS 5/5-205.7 [Act of county regarding unit district roads]

In counties in which a county unit road district has been established, subject to the direction of the county board, act for the county in all matters relating to the construction and maintenance of county unit district roads.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-205.8 [Other duties]

Perform such other duties as may be prescribed by law and the rules and regulations of the Department. Other than as above specifically indicated, the county superintendent of highways and county director of the Division of Transportation shall be regarded as a deputy to the Department. However, no county superintendent of highways shall be required without his consent, and the consent of the county board of

the county in whose employ he is, to perform services in any other county.

HISTORY:
P.A. 84-756.

605 ILCS 5/5-205.9 Report to road district treasurer

If requested by the treasurer of a road district in the county, the county superintendent of highways shall report to the treasurer the balance, on the last day of each 6-month period ending on May 1 and November 1, of the road district's moneys administered by the county superintendent of highways. The report shall be made within 30 days after the end of each 6-month period. This Section applies only to counties with a population less than 3,000,000.

HISTORY:
P.A. 88-572, § 80.

605 ILCS 5/5-205.10 Discontinuance of a coterminous township

If township organization is discontinued as provided in Articles 27 and 28 of the Township Code [60 ILCS 1/27-5 et seq. and 60 ILCS 1/28-5 et seq.], then the coterminous municipality shall assume the duties of highway commissioner under this Code.

HISTORY:
P.A. 98-127, § 25; 99-474, § 25.

DIVISION 3.

PLANNING AND PROGRAMMING

605 ILCS 5/5-301 [Long-range transportation plan]

In order to properly plan the utilization of motor fuel tax funds each County Superintendent of Highways, except for those in a county with a population of 185,000 or less, shall be required to develop and update a 20 year long-range highway transportation plan. The plan shall contain an estimate of revenues which will become available during that period and a statement of intention with respect to the construction, maintenance, and other related work to be done insofar as it is possible to make such estimates. In addition, the long-range plan shall show the location of existing county highways and the general corridors of future highways, the projected future traffic usage on each highway for a 20 year period, a tabulation showing the design standards and the geometric features associated with different levels of traffic usage, and a listing of the major improvements anticipated within 5 years of the date of each plan. A copy of the plan shall be filed with the Secretary of the Department of Transportation. A copy of the plan as it relates to each city over 5,000 population in the county shall be filed with the clerk of each municipality. The initial plan shall be on file with designated agencies by July 1, 1971, and shall be updated on an annual basis thereafter.

HISTORY:
P.A. 85-853.

DIVISION 4.

CONSTRUCTION AND MAINTENANCE

605 ILCS 5/5-401 [Control and supervision by county board]

Subject to the general supervisory powers of the Department under this Code, all highways in the county highway system shall be under the direct control and supervision of the county board of the county in which such county highways are located, and the county board shall repair, maintain and construct such county highways by contract or with its own forces.

However, gravel and macadam highways constructed or partially constructed prior to July 1, 1929 as State aid roads under the provisions of "An Act to revise the law in relation to roads and bridges", approved June 27, 1913, as amended, and required to be maintained equally by the county and the Department under the provisions of Section 32 of that Act shall continue to be so maintained.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-402 [Supervision and approval of projects]

When motor fuel tax funds, federal aid road funds or other funds received from the State are used to finance, in whole or in part, the construction of a highway, or section thereof, by a county, supervision and approval of such project by the Department is mandatory except as hereinafter provided, and the county shall proceed in the manner set forth in Section 5-403 [605 ILCS 5/5-403].

Any county may construct a county highway, or section thereof, without supervision or approval of such project by the Department if no motor fuel tax funds, federal aid road funds or other funds received from the State are used to finance such construction. However, at the option of the county and by proceeding in the manner set forth in Section 5-403, any county highway construction project may be performed under the supervision of and approval by the Department even though no motor fuel tax funds, federal aid road funds or other funds received from the State are used to finance such construction.

The Department, upon satisfying itself that the County Highway Superintendent's Office in a county is adequately organized, staffed, equipped and financed to discharge satisfactorily the duties and

requirements of this Section, may grant a county permission to construct or maintain highways or sections thereof when such projects are financed in whole or in part with any road funds received from the State except Federal-aid funds, without approval and supervision of the Department, providing the county will enter into an agreement of understanding with the Department. The Department, in cooperation with the several counties, shall establish the terms of the agreement of understanding to insure that the funds are expended in a manner as prescribed by law and rules and regulations deemed necessary by the Department. The approval and supervision of the Department may be required anew if the Department determines that a county which was exempted from such approval and supervision has not satisfactorily complied with the terms of the agreement of understanding.

HISTORY:
P.A. 76-1850.

605 ILCS 5/5-403 [Approval procedure]

When any highway construction projects by a County are to be performed under the supervision and approval of the Department the procedure shall be as follows:

The county board shall, by one or more resolutions, specify the particular section or sections of highway to be constructed and the amount or amounts to be used for such construction. The resolution or resolutions shall be submitted to the Department for its approval. One resolution may be submitted for more than one project. When the resolution or resolutions have been approved by the Department, the county shall cause surveys, plans, specifications and estimates of such construction to be made and submitted to the Department for approval.

Upon receiving such approval, the county may advertise for bids and let contracts for such construction to the lowest responsible bidder; or with the approval of the Department, do the work itself through its officers, agents and employees. No contract shall be let without the approval of the Department. The Department shall have general supervision of such construction whether done by the county or by contract. Upon completion of the construction, if it is found by the Department that such construction has been in accordance with the specifications, plans, surveys, and contracts (if the construction was by contract), the Department shall so certify to the county.

HISTORY:
P.A. 77-632.

605 ILCS 5/5-405 [Highways on county lines]

County highways may be constructed or improved on county lines. In case two counties desire to secure the construction or improvement of a county highway situated upon or near the boundary line between them, the respective county boards thereof may, by appropriate resolutions, initiate proceedings therefor. To this end such county boards may, by concurring resolutions, fix the portion of the total cost of construction which should be borne by each county.

In all proceedings contemplating the construction or improvement of a county line highway as herein provided, all acts of each county board relative thereto, together with the result of any vote upon the question of levying a tax or issuing bonds as provided herein, shall be communicated by the county clerk of each county to the county clerk of the other county.

In case either county refuses to take the steps necessary to secure the construction or improvement of such county line highway as herein provided, then all prior proceedings relative thereto on the part of the other county shall be regarded as suspended.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-406 [Connections and interchanges]

Where the county board of any county deems it necessary to connect any county highway with any county or State highway situated within an adjoining county, or to construct an interchange at the intersection of any county, State, or interstate highway situated within an adjoining county, the county board may by resolution of record request the county board of the adjoining county to improve such connection to the county line or construct such interchange, and the county board making said request is authorized to turn over to the adjoining county making such improvement or constructing the interchange, such part of the cost of the improvement or interchange as may be agreed upon between such counties, subject to the approval of the Department.

HISTORY:
P.A. 85-136.

605 ILCS 5/5-407 [Highway to ferry on county boundary line]

When a highway leading to a public ferry over a river which is the boundary line between two counties, is subject to inundation and flood damage, such highway in either or both of such counties may be constructed, repaired or maintained by the adjoining counties, or either of them, or may be partly constructed, repaired or maintained by both or either of such counties.

The county boards of such adjoining counties may enter into a contract as to the proportion of the expense of construction, repair or maintenance to be borne by each, and such contracts shall be judicially enforceable; or either county may construct or maintain, or assist in the construction and maintenance of such highway in either or both counties.

HISTORY:
P.A. 83-345.

605 ILCS 5/5-408 [Municipal connecting highways]

The county board, with the approval of the corporate authorities in the case of a municipality with a population of over 500, and in its own discretion in the case of a municipality with a population of 500 or less, may construct or maintain with county funds a highway or street, or part thereof, lying within the corporate limits of any municipality within the county, to connect or complete a county highway located to the corporate limits of such municipality.

HISTORY:
Laws 1965, p. 1070.

605 ILCS 5/5-409 [Payments on contracts]

Partial payments on contracts let by a county for highway work may be made as the work progresses but no payment in excess of 90% of the value of the work then completed may be made until 50% of the work has been completed. After 50% of the work is completed, the county may, in its discretion, make partial payments without any further retention, provided that satisfactory progress is being made and provided that the amount retained is not less than 5% of the total adjusted contract price.

At the discretion of the county and with the consent of the surety, a semi-final payment may be made when the principal items of the work have been satisfactorily completed. Such payment shall not exceed 90% of the amount retained nor reduce the amount retained to less than 1% of the adjusted contract price nor less than $500.00.

Final payment under the contract shall not be made until it is shown that all money due for any labor, material, apparatus, fixtures or machinery furnished to the contractor or other indebtedness of the contractor incurred in connection with such work has been paid.

Furthermore, if the contract is one that was approved by the Department, no final payment shall be made until the county has received approval by the Department to do so.

This Section is also subject to the provisions of Section 23 of the Mechanics Lien Act [770 ILCS 60/23].

HISTORY:
Laws 1963, p. 2796; P.A. 96-328, § 310.

605 ILCS 5/5-410 [Maintenance agreements]

The county board is authorized to enter into agreements with any municipal corporation, terminable in the discretion of the county board, for the municipal corporation to maintain any county highway, or any part thereof, located within the municipal corporation, such maintenance to be under the supervision of the county superintendent of highways. Any such agreement entered into prior to the effective date of this Code is validated.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-410.1 [Surrender of jurisdiction]

The county board may surrender jurisdiction over the right-of-way and improvements of all or part of a county highway, street or road to a municipality by agreement as provided in Section 11-91.2-1 of the Illinois Municipal Code, as now or hereafter amended [65 ILCS 5/11-91.2-1].

HISTORY:
P.A. 85-1421.

605 ILCS 5/5-411 [All-weather surfaces at mail boxes]

On all county highways which have all-weather travel surfaces the county board shall provide for the construction and maintenance of all-weather surfaces at boxes used for the receipt of United States mail.

The rules, regulations and specifications adopted by the Department governing the erection and maintenance of boxes for the receipt of United States mail on State highways shall apply to and govern the erection and maintenance of such boxes on such county highways.

HISTORY:
Laws 1959, p. 1800.

605 ILCS 5/5-412 [Purchase of crops for snow breaks]

The county board, of each county, may contract with persons growing row crops on land adjacent to county highways to buy standing strips of such crops to remain in place to act as snow breaks along such highways in those places where experience shows that drifting snow has been an obstruction to traffic.

The contract price to be paid by the county board in any such case shall be the higher of the market price in the local area of such crop at the time of contracting or the current Commodity Credit Corporation target price. An additional sum of money equal to at least 10% of the contract price may be paid to the grower as an inconvenience fee.

HISTORY:
P.A. 84-1272; 2017 P.A. 100-46, § 5, effective January 1, 2018.

605 ILCS 5/5-413 [Access roads and driveways]

Access roads and driveways for private and public use may, upon receipt of a permit from the county superintendent of highways, be laid out from a county highway in accordance with regulations adopted by the county board.

HISTORY:
P.A. 85-808.

605 ILCS 5/5-414 Permit for temporary closing

The county engineer may, upon application by the proper authorities of any governmental agency or person, issue a permit to the agency or person to temporarily close to traffic any portion of a county highway for any public purpose or any temporary needs of the agency in accordance with regulations adopted by the County Board.

HISTORY:
P.A. 91-775, § 10.

DIVISION 5.

DRAINAGE AND OTHER HIGHWAY STRUCTURES — CONSTRUCTION OR REPAIR AT JOINT EXPENSE OF COUNTIES, OR A COUNTY AND ROAD DISTRICT OR MUNICIPALITY

605 ILCS 5/5-501 [Bridges, culverts and drainage structures]

When it is necessary to construct or repair any bridge, culvert, drainage structure or grade separation, including approaches thereto, on, across or along any public road in any road district in the county, or on any street in any municipality of less than 15,000 population in the county, or on or across a line which forms the common boundary line between any such road districts or such municipalities, in which work the road district, or such municipality is wholly or in part responsible, and the cost of which work will be more than .02% of the value of all the taxable property in such road district or municipality, as equalized or assessed by the Department of Revenue, and the tax rate for road purposes in such road district was in each year for the 2 years last past not less than the maximum allowable rate provided for in Section 6-501 of this Code [605 ILCS 5/6-501], or the tax rate in such municipalities for corporate purposes was in each year for the 2 years last past for the full amount allowed by law to be extended therein for such corporate purposes, the highway commissioner, the city council or the village board of trustees, as the case may be, may petition the county board for aid, and if the foregoing facts shall appear, the county board shall appropriate from the "county bridge fund" in the county treasury a sufficient sum to meet one-half the expense of constructing or repairing such bridge, culvert, drainage structure or grade separation, including approaches thereto, on condition that the road district or municipality asking for aid shall furnish the other one-half of the required amount. In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law [35 ILCS 200/18-185 et seq.] and the imposition of the property tax extension limitation prevents a road district from levying taxes for road purposes at the maximum allowable rate, a road district may retain its eligibility if, at the time the property tax extension limitation was imposed, the road district was levying at the maximum allowable rate and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. If, however, the road district has increased its tax rate for such purposes to a rate in excess of .05% but not exceeding .25%, as provided in Section 6-508 of this Code [605 ILCS 5/6-508], the amount required to be appropriated by the county shall be in accordance with the provisions of Section 5-501 of this Code [605 ILCS 5/5-501], to the extent that the County and township rates are identical. For purposes of this Section, the maximum allowable tax rate for the 2 years last past shall be determined by using the last certified equalized assessed valuation at the time the tax levy ordinance was adopted.

When it is determined by the county board to grant the prayer of the highway commissioner, city council or village board of trustees asking for aid for the construction or repair of such bridge, culvert, drainage structure or grade separation, including approaches thereto, the county board shall thereupon enter an order directing the county superintendent of highways to cause plans and specifications for such improvement to be prepared.

Thereupon the county board shall order the improvement made, either by the letting of a contract in the manner authorized by the county board, or by doing the work itself through its officers, agents and employees. The work shall be performed under the general supervision of the county superintendent of highways, and when the work has been satisfactorily completed to meet the approval of the county superintendent of highways, he shall so certify to the county board, which certificate shall include an itemized account of the cost of all items of work incurred in the making of such improvement, and shall show the division of cost between the county and the participating agency, and he shall cause a copy of such certificate to be filed with the clerk of the participating agency. The county board and the participating agency undertaking such work shall thereupon make final payment for the same.

HISTORY:
P.A. 85-159; 90-110, § 10.

605 ILCS 5/5-502 [Payment of costs]

In case the county board deems it expedient to construct or repair a bridge, culvert, drainage structure, drainage facility or grade separation, including approaches thereto, on, across or along any highway, in the county, the county board may order the same constructed or repaired at the entire expense of the county; or the county and any other highway author-

ity may jointly construct or repair any such bridge, culvert, drainage structure, drainage facility or grade separation, including approaches thereto, provided that the Department's participating authority shall be limited to the State highway system.

If it is decided to pay the cost of such construction or repair jointly, the county board and any other highway authority shall enter into a contract as to the proportion of the expense of such construction or repair to be borne by each. Such contracts, except as against the Department, shall be judicially enforceable.

Such improvement shall be made according to plans and specifications prepared by or under the direction of the county superintendent of highways, and the county board may undertake such work either by letting a contract for the same or may authorize the work to be performed directly by the county through and by its officers, agents and employees.

In case a bridge, culvert, drainage structure, drainage facility or grade separation is located on a public road which crosses a county line, transversely or substantially so, and such bridge, culvert, drainage structure, drainage facility or grade separation is so located that the county line passes through any part of such structure, then the adjoining counties may jointly construct or repair such bridge, culvert, drainage structure, drainage facility or grade separation, including approaches thereto.

For the purpose of such joint construction or repair, the adjoining counties shall enter into a contract as to the proportion of the expense of such construction or repair to be borne by each. Such contracts, except as against the Department, shall be judicially enforceable.

HISTORY:
P.A. 83-345.

605 ILCS 5/5-503 [Adjoining counties; division of expenses]

Bridges, culverts or drainage structures for across highway waterways having a waterway opening of 25 square feet or more and located on county highways, township roads or district roads on county lines, and bridges, culverts or drainage structures for across highway waterways having a waterway opening of 25 square feet or more and located on such county line highways where such highways deviate from the established county line within 80 rods of county lines, shall be constructed and repaired by such counties and the expense of such construction and repair shall be borne in a proportion to the assessed value of the taxable property in the respective counties according to the last preceding equalized assessment thereof prior to such construction or repair. The county boards of such adjoining counties may enter into joint contracts for a division of such expense other than that above provided which may be just and equitable, and such contracts may be judicially enforced against such county boards, and such county boards may be proceeded against jointly, by any parties interested in such bridges, culverts or drainage structures for any neglect of duty in reference to such bridges, culverts or drainage structures for any damages growing out of such neglect.

When any county desires to construct or repair any such bridge, culvert or drainage structure and has appropriated its share of the cost of constructing or repairing the same, it shall be the duty of such other county to make an appropriation for its proportionate share of the expense of such construction or repair. If such other county fails or refuses to make such appropriation, any court of competent jurisdiction, upon a petition for that purpose, shall enter an order to compel such other county to make such appropriation; or the county which has made its appropriation may, after giving due notice to the other county, proceed with the construction or repair of the bridge, culvert or drainage structure and if the construction or repair is reasonable in kind and costs, recover from the other county, by suit, such proportionate share of the expense as the other county is liable for, with costs of the action and interest from the time of the completion of the construction or repair, but, if the expense of the construction or repair of the bridge, culvert or drainage structure is unreasonable then the county may recover only the other county's proportionate share of an amount equal to a reasonable expense for the construction or repair.

HISTORY:
P.A. 83-345.

605 ILCS 5/5-504 [Joint construction and repair]

The Department or the Illinois State Toll Highway Authority and any county, municipality, or road district, or any one or more of them, may jointly construct, repair and maintain a bridge, culvert, drainage structure, drainage facility, grade separation or interchange and approaches thereto.

For the purpose of such joint construction, repair and maintenance, the Department or the Illinois State Toll Highway Authority and the county board, city council, board of trustees or highway commissioner in road districts (as the case may be) may enter into a contract as to the proportion of the expense of construction, repair and maintenance to be borne by each. Such contracts, except as against the Department, shall be enforceable at law or equity.

Contracts for such construction, repair or maintenance work shall be let by the Department or the Illinois State Toll Highway Authority and such municipal corporations as have so agreed and shall expressly fix the extent of liability for each of such contracting parties.

HISTORY:
P.A. 86-528.

605 ILCS 5/5-505 [Abandonment of bridge or culvert by adjoining counties]

Any bridge or culvert, or both, that has been constructed, repaired or maintained by adjoining counties may be abandoned and the use thereof for road purposes discontinued if the county boards of such adjoining counties determine by concurrent resolution that:

(1) the bridge or culvert, or both, proposed to be abandoned is unsafe for the use of traffic and is in need of extensive repair or replacement, but the amount of traffic making use of such structure or structures is so small that the expense of repairing or replacing the structure or structures cannot be justified;

(2) other means of access between the counties are available to adequately serve traffic in the area served by the bridge or culvert, or both, proposed to be abandoned;

(3) it will be in the best interest of the majority of the residents of each county to abandon the use of such bridge or culvert, or both; and

(4) an agreement has been reached as to the share of the cost of removal of any bridge so abandoned that is to be borne by each county, which agreement shall be set out in the resolution.

Whenever the use of any bridge is abandoned under the provisions of this Section such bridge shall be promptly removed and the watercourse over which it passed left unobstructed.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-506 [Approaches to bridges and culverts]

Approaches to bridges and culverts constructed under the provisions of Section 5-501 [605 ILCS 5/5-501] shall be maintained by the respective road districts or municipalities, and approaches to bridges or culverts constructed under the provisions of Section 5-503 [605 ILCS 5/5-503] shall be maintained by the respective counties, within which such approach or approaches may be located, and all approaches to any and all such bridges and culverts as have heretofore been constructed.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-507 [Refusal to construct or repair; suit]

If the county board of any such county, after reasonable notice in writing from such other county board, neglects or refuses to construct or repair any such bridge or culvert when any contract or agreement covering the division of cost has been made in regard to the same, the county board so giving notice may construct or repair the same and recover, by suit, such amount as shall have been agreed upon of the expense of so constructing or repairing such bridge or culvert, with costs of suit and interest from the time of the completion thereof, from the county board so neglecting or refusing.

HISTORY:
Laws 1959, p. 196.

DIVISION 6.

TAXATION

605 ILCS 5/5-601 [County highway tax]

(a) For the purpose of improving, maintaining, repairing, constructing and reconstructing the county highways required to be maintained, repaired and constructed by the county as provided in Section 5-401 of this Code [605 ILCS 5/5-401], and for the payment of lands, quarries, pits or other deposits of road material required by the county for such purpose, and for acquiring and maintaining machinery and equipment, or for acquiring, maintaining, operating, constructing or reconstructing buildings for housing highway offices, machinery, equipment and materials, used for the construction, repair and maintenance of such highways, the county board shall have the power to levy an annual tax to be known as the "county highway tax". Such tax shall be in addition to the maximum of all other county taxes which the county is now or may hereafter be authorized by statute to levy upon the aggregate valuation of all taxable property within the county. Such "county highway tax" shall not be extended at a rate exceeding .10%, or the rate limit in effect on July 1, 1967, whichever is greater, of the value, as equalized or assessed by the Department of Revenue, of the taxable property within the county, exclusive of the amount necessary to pay the principal of and interest on county road bonds duly authorized before July 1, 1959 for the construction of county highways, unless otherwise authorized by a vote of the people of the county. The county highway tax rate may be increased to .20% as provided in subsection (b). In counties having less than 1,000,000 inhabitants, the amount that may be expended for the purchase of machinery or equipment for constructing or maintaining highways shall not exceed in any one year an amount in excess of 35% of the maximum extension for highway purposes for such year. In counties having 1,000,000 or more inhabitants, taxes levied for any year for the purposes specified in this Section shall be subject to the limitation that they shall not exceed the estimated amount of taxes to be levied for such year for such purpose as determined in accordance with the provisions of Section 6-24001 of the Counties Code [55 ILCS 5/6-24001] and set forth in the annual appropriation bill of such county; and in ascertaining the rate per cent that will produce the amount of any tax levied in any such county under the provisions of this Section, the county clerk shall

not add to such tax or rate any sum or amount to cover the loss and cost of collecting such tax. However, the foregoing limitations upon tax rates, insofar as they are applicable to counties of less than 1,000,000 population, may be increased or decreased under the referendum provisions of the General Revenue Law of Illinois. All moneys derived from the "county highway tax" shall be placed in a separate fund to be known as the "county highway fund" and shall be used for no other purpose. In any county containing 1,000,000 or more inhabitants, however, any appropriation or levy to be used for lands, easements and rights-of-way, motor vehicle equipment, mechanical equipment, engineering and drafting equipment, road materials, road, bridge and drainage improvements, grade separation improvements, railroad grade crossing improvements, warehouse and garage improvements, street signs and signals need not be expended during the fiscal year in which the appropriation or levy was made but shall also be available during the following fiscal year without reduction of any levy made during the latter fiscal year. After the end of that latter fiscal year, if there is still an unexpended balance, it shall operate to reduce, in like amount, any subsequent levy. It shall not be a defense or objection to any appropriation or levy made in a subsequent fiscal year for the same purposes that there remain uncommenced or uncompleted projects or unexpended moneys arising in an appropriation or levy of a prior year as contemplated in this Section.

(b) The maximum county highway tax rate provided for in subsection (a) may be increased not to exceed .20% if such increase is approved by a majority of the voters of the county voting on the question. The question shall be certified to the proper election officials, who shall submit the question to the voters at an election. Such election shall be conducted, returns made and notices thereof given as provided by the general election law. The question shall be in substantially the following form:

Shall the county highway tax rate of ..... County be increased to ....%?	YES	
	NO	

HISTORY:
P.A. 86-1475.

605 ILCS 5/5-601.1 [Time and manner of referendum]

Whenever a proposition or public question is required to be submitted, pursuant to this Act, for approval or rejection by the electors at an election, the time and manner of conducting such referendum shall be in accordance with the general election laws of the State.

HISTORY:
P.A. 81-1489.

605 ILCS 5/5-602 [County bridge fund]

For the purpose of administering Sections 5-501, 5-502, 5-503 and 5-504 of this Code [605 ILCS 5/5-501, 605 ILCS 5/5-502, 605 ILCS 5/5-503 and 605 ILCS 5/5-504], any county having less than 1,000,000 inhabitants may levy an additional annual tax not exceeding .05% of the value of all the taxable property in such county, as equalized or assessed by the Department of Revenue, which tax shall be in addition to all other county taxes and shall be in excess of any other rate limitation. The foregoing rate limitation may be increased, for a 10 year period, up to 0.25% under the referendum provisions of Sections 18-120, 18-125, and 18-130 of the Property Tax Code [35 ILCS 200/18-120, 35 ILCS 200/18-125, and 35 ILCS 200/18-130]. This tax shall be levied and collected at the same time and in the same manner as taxes for general county purposes. All moneys derived from such tax shall be placed in a separate fund in the county treasury to be known as the "county bridge fund". The county board shall from time to time make appropriations payable from the "county bridge fund" for the purpose of administering Sections 5-501, 5-502, 5-503 and 5-504 of this Code; but no portion of this fund may be expended for the purpose of administering sections 5-502, 5-503 or 5-504 of this Code until all obligations imposed upon the county by Section 5-501 of this Code have been fulfilled. If, at the end of any fiscal year of the county, there is any unappropriated balance in the "county bridge fund", it shall operate to reduce, in like amount, any subsequent tax levy payable into such fund.

HISTORY:
P.A. 81-1509; 88-670, § 3-78.

605 ILCS 5/5-603 [Matching tax]

For the purpose of providing funds to pay the expenses for engineering and right-of-way costs, utility relocations and its proportionate share of construction or maintenance of highways in the federal aid network or county highway network and costs incurred incident to transportation planning studies conducted in cooperation, and by formal agreement, with the Department of Transportation or its predecessor, the Department of Public Works and Buildings and the designated authority of the United States Government the county board except in counties having a population in excess of 1,000,000 inhabitants has the power to levy an annual tax to be known as the matching tax. Such tax shall be in addition to the maximum of all other county taxes which the county is now or may hereafter be authorized by statute to levy upon the aggregate valuation of all taxable property within the county. Such matching tax shall not be extended at a rate exceeding .05% of the value of all taxable property within the county, as equalized or assessed by the Department of Revenue. On ascertaining the rate per cent

that will produce the amount of any tax levied in any such county under this section, the county clerk shall not add to such tax or rate any sum or amount to cover the loss or cost of collecting such tax. All moneys derived from the matching tax shall be placed in a separate fund to be known as the matching fund and shall be used for no other purposes. The county board shall from time to time adopt resolutions appropriating matching funds for specific federal aid projects and motor fuel tax sections or for transportation planning studies conducted in cooperation, and by formal agreement, with the Department of Transportation or its predecessor, the Department of Public Works and Buildings and the designated authority of the United States Government and no moneys shall be disbursed from this fund unless so appropriated by the county board. After the end of the fiscal year, if there is still an unappropriated balance it shall operate to reduce, in like amount, any subsequent levy.

HISTORY:
P.A. 86-616.

605 ILCS 5/5-604 [Special tax; form of ballot]

The county board of any county, pursuant to a petition and after referendum approval as required in this Section, may levy a special tax for the purpose of (1) constructing or repairing county highways or (2) assisting one or more road districts in the county to the extent of 25% of the cost of the construction or repair of township or district roads or (3) for both of such purposes. Such tax shall not be included within any statutory rate or amount for other county purposes but shall be excluded therefrom and be in addition thereto and in excess thereof.

Upon receipt of a petition from 100 or more landowners who are legal voters in any county the county clerk shall submit at the next general election for county officers, or at a regular election, the question of extending a special tax against all taxable property in the county for the purpose or purposes and in the manner stated in the petition. The county clerk shall give notice of such referendum and shall submit the proposition in accordance with the general election law of the State. Both the petition and the notice of referendum shall designate (1) the particular county highway or county highways to be improved or the road district or districts to be so assisted or both, (2) the maximum annual rate percent not exceeding .0833% of the value of the taxable property as equalized or assessed by the Department of Revenue at which such tax may be extended and (3) the number of years, not exceeding 5 years, during which such tax may be levied.

The proposition shall be in substantially the following form:

Shall a special tax for highway purposes be levied in ..... County?	YES	
	NO	

If a majority of all ballots cast on such question is in favor of such tax levy, the county board shall levy and the county clerk shall extend such tax for the number of years stated in the petition and the proceeds of such tax shall be used for the purpose or purposes stated in the petition.

HISTORY:
P.A. 85-527.

605 ILCS 5/5-604.1 [Tax by county board; form of ballot]

In any county not under township organization, the county board may levy by ordinance, for a period not exceeding 5 years, an annual tax at a rate not to exceed .05% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the county for the purpose of constructing or maintaining gravel, rock, macadam or other hard roads, or for improving, maintaining or repairing earth roads by draining, grading, oil treating or dragging. A notice of the passage of the ordinance, stating that the ordinance was passed and stating (a) the particular county highway or highways to be constructed, improved, repaired or maintained, (b) the annual tax rate specified in the ordinance, (c) the number of years specified in the ordinance for the levy of the tax, (d) the specific number of voters required to sign a petition requesting that the question of the adoption of the ordinance be submitted to the electors of the county, (e) the time in which the petition must be filed, and (f) the date of the prospective referendum, shall be published once in a paper having a general circulation in the county. The county clerk shall provide a petition form to any individual requesting one.

The ordinance takes effect 30 days after publication of that notice unless within that time a petition, signed by the registered voters of the county equal to 10% or more of the registered voters in the county, is filed with the county clerk requesting the submission to a referendum of the question of whether to levy the tax provided for by this Section. If no such petition is filed within that time, or if all such petitions filed within that time are determined to be invalid or insufficient, the county clerk shall extend the tax levied by the county board for the number of years stated in the ordinance and the proceeds of that tax shall be used for the purpose or purposes stated in the ordinance.

If, however, such a petition is filed within that time, the county clerk shall submit at the next general election for county officers, or at a regular election, the question of whether the tax provided for in this Section should be levied. The county clerk shall give notice of the referendum and shall submit the question in accordance with the general election law. Both the petition and the notice of election must designate (1) the particular county highway or highways to be constructed, improved, repaired or maintained, (2) the maximum annual rate per cent not

exceeding .05% of the value, as equalized or assessed by the Department of Revenue, at which the tax may be extended, and (3) the number of years, not exceeding 5 years, during which the tax may be levied.

The proposition shall be in substantially the following form:

Shall a special tax for highway purposes be levied in ..... County?	YES NO	

If a majority of all ballots cast on that question is in favor of the tax levy, the county board shall levy and the county clerk shall extend the tax for the number of years stated in the petition and the proceeds of that tax shall be used for the purpose or purposes stated in the petition.

HISTORY:
P.A. 87-767.

605 ILCS 5/5-605 [Bonds; issuance; form]

The county board of any county may in any manner provided by law for issuing county bonds, issue bonds of the county for the purpose of constructing county highways: Provided, that the question of issuing such county bonds shall first be submitted to the legal voters of such county at any election. The county board shall adopt a resolution to submit such question to a vote, specifying therein the particular highways to be constructed, the type of construction to be made on each section of such highways, the proposed widths of the paved and graded travel way, together with an estimate of the cost of such construction. Such bonds shall be issued to mature in not less than 10 nor more than 20 annual series, the last series to mature not more than 20 years from date of issue. If the question of an issue of such bonds is submitted to the people, notice of the referendum shall be given and the referendum shall be held in the manner provided by the general election laws of the State, and the proposition shall be in substantially the following form:

Shall county bonds for highways be issued to the amount of $..... ?	YES NO	

If a majority of the voters voting on such question vote in favor of the proposition the county board shall at once issue the bonds and take the necessary steps to construct the county highways provided for. This section shall not be construed to repeal any other law on the subject of issuing county bonds, except insofar as such other law is in direct conflict herewith.

If it shall be deemed necessary to submit to a vote of the people at the same election the question of issuing bonds and the raising of an additional tax, the same may be included in one proceeding, and in that case the proposition shall be in substantially the following form:

Shall county bonds for highways be issued to the amount of $..... and an additional tax levied for the payment of interest and principal of such bonds?	YES NO	

When the question of raising such additional tax to pay the interest and principal of such bonds has been approved by the legal voters of the county, the county board may, in its discretion, by appropriate resolution, when funds from other sources have been allocated and set aside for the purpose of paying the principal or interest, or both, of such bonds, abate the further collection of such additional tax or such portion thereof as shall not be required to meet such bonds or obligations.

HISTORY:
P.A. 81-1489.

605 ILCS 5/5-605.1 [Bonds for county bridges]

The county board of any county may by ordinance and without referendum, issue bonds of the county for the purpose of constructing bridges under any of Sections 5-501 through 5-503 [605 ILCS 5/5-501 through 5/5-503] if the county first secures the approval of the Department for the bridge construction project in the manner provided by Section 5-403 [605 ILCS 5/5-403] for approval of highway construction projects. Such bonds must mature within 5 years and the principal and interest on those bonds must be payable, as provided in Section 5-701.4 [605 ILCS 5/5-701.4], from motor fuel tax money allotted to the county.

HISTORY:
Laws 1967, p. 762.

605 ILCS 5/5-605.2 Bonds for county highways

Any county with a population of less than 1,000,000 inhabitants may, by resolution of its county board, incur indebtedness for the purpose of constructing, maintaining or improving county highways, roads or bridges and may, by resolution of its county board, issue and sell bonds therefor. The bonds shall be issued in such principal amount, bear such rate or rates of interest, be payable as to principal or interest on such date or dates not more than 30 years after their date of issuance, be in such form and denomination, be subject to redemption at such prices, be executed by such officials, be sold at such price and in such manner, and have such other terms and provisions as determined by the county board and set forth in the authorizing resolution or resolutions. This Section constitutes a complete and cumulative grant of authority for the issuance of such bonds, and such bonds shall be payable from such funds as are pledged therefor by the county board, except that the county board shall have no authority whatsoever to levy a special property tax

for the purpose of paying such bonds and shall not be subject to any of the provisions of Section 5-1012 of the Counties Code [55 ILCS 5/5-1012] or Section 5-605 of this Code [605 ILCS 5/5-605] with respect to the issuance of such bonds.

HISTORY:
P.A. 85-962; 86-1475.

605 ILCS 5/5-606 [Road taxes delivered to county]

Any road district, in a county, may turn over, to a county, money from the regular road taxes, special taxes voted for road construction, or the proceeds of bonds heretofore or hereafter issued by such road district for road construction, to be used in the construction of county highways, by such county, in accordance with the provisions of Section 5-403 of this Code [605 ILCS 5/5-403].

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-607 [Taxes in addition to other taxes]

Any tax authorized by this Article 5 is in addition to any tax that a county may levy under the provisions of any other law.

HISTORY:
Laws 1959, p. 196.

DIVISION 7.

USE OF MOTOR FUEL TAX FUNDS

605 ILCS 5/5-701 [Use of funds; designated purposes]

Money allotted from the Motor Fuel Tax Fund to the several counties as provided in Section 8 of the "Motor Fuel Tax Law", approved March 25, 1929, as now or hereafter amended [35 ILCS 505/8], other than money allotted to counties for the use of road districts, shall be used only for one or more of the purposes stated in Sections 5-701.1 through 5-701.16 [605 ILCS 5/5-701.1 to 5/5-701.16], as the several counties may desire.

HISTORY:
P.A. 85-962.

605 ILCS 5/5-701.1 [Construction of county highways; priority]

Any county board may use any motor fuel tax money allotted to it for the construction of (1) highways within the county designated as county highways, or (2) county highways within the corporate limits of any municipality within such county, or (3) county highways within the corporate limits of any park district within such county, or (4) any county highway to be constructed under Section 5-406 of this Code [605 ILCS 5/5-406]. Such construction shall be in accordance with the procedure prescribed in Section 5-403 of this Code [605 ILCS 5/5-403].

So far as practicable, priority in the matter of construction with motor fuel tax funds in any county shall be given county highways which will join municipalities and communities not upon any State highway, or not upon federal aid highways which may now or may hereafter be designated, with such highways; and county highways shall be selected for construction according to their relative importance from the standpoint of traffic needs and county-wide service and so as to make available as rapidly as practicable continuous or connected improved traffic routes, such selection to be made by the county board with the approval of the Department.

HISTORY:
P.A. 85-1407.

605 ILCS 5/5-701.2 [Construction of State highways]

Any county board, with the approval of the Department, may also use motor fuel tax money allotted to it for construction of State highways within the county.

HISTORY:
Laws 1959, p. 196; P.A. 95-331, § 1000.

605 ILCS 5/5-701.3 [Maintenance of highways]

Any county board with the approval of the Department may also use motor fuel tax money allotted to it for the maintenance of any county highway or any State highway.

HISTORY:
P.A. 85-1407.

605 ILCS 5/5-701.4 [Retirement of bonds and obligations]

Any county board may also use any motor fuel tax money allotted to it or any part thereof for the purpose of retiring bonds and paying obligations incurred for the purpose of constructing State or county highways, the construction of which was under the supervision of and with the approval of the Department under the provisions of Section 5-403 of this Code [605 ILCS 5/5-403] or similar provisions of prior law.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-701.5 [Paying bonds for super highway construction]

Any county board may also use so much of any motor fuel tax money allotted to it as may be neces-

sary for the purpose of paying bonds (and interest thereon) heretofore or hereafter issued for the purpose of constructing superhighways pursuant to Division 5-33 of the Counties Code [55 ILCS 5/5-33001 et seq.]. No moneys shall be paid from the Motor Fuel Tax Fund to any county which has issued bonds pursuant to the Counties Code or its predecessor for any purpose other than to pay the principal of and interest on such bonds unless all moneys previously received from the Motor Fuel Tax Fund have been applied as required by Section 5-33002 of the Counties Code [55 ILCS 5/5-33002].

HISTORY:
P.A. 86-1475.

605 ILCS 5/5-701.6 [Payment for investigations, surveys, etc.]

Any county board with the approval of the Department may also use motor fuel tax money allotted to it for the purpose of the payment for investigations requisite to determine the reasonably anticipated need for any of the work described in Sections 5-701.1 to 5-701.5, inclusive, of this Code [605 ILCS 5/5-701.1 to 605 ILCS 5/5-701.5]. Such investigations may include, but shall not be limited to, the making of traffic surveys, the study of transportation facilities, research concerning the development of the several areas within the county and contiguous territory as affected by growth and changes in population and economic activity and the collection and review of data relating to all factors affecting the judicious planning of construction, reconstruction, improvement and maintenance of highways. The investigations for which any such payments are made may also be conducted in cooperation with other counties, municipalities, the State of Illinois, the United States, other states of the United States, agencies of any such governments or other persons in pursuance of agreements to share the costs thereof and authority to enter into such agreements is hereby conferred upon counties.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-701.7 [Payment of county's share of federal aid highway projects]

(a) Any county board with the approval of the Department may also use motor fuel tax funds allotted to it to pay the county's share of the cost of projects on the federal aid urban and the federal aid secondary highway systems in the county constructed under the provisions of the Federal Aid Road Act [23 U.S.C. § 101 et seq.]. The county board is authorized to cooperate with the Department in selecting these systems of federal aid highways to be improved.

(b) Any county board with the approval of the Department may also use motor fuel tax funds allotted to it to pay the county's share of any project constructed under Section 3-104.3 of this Code [605 ILCS 5/3-104.3].

(c) Any county board, with the approval of the Department, may also use motor fuel tax funds allotted to it, matching tax funds, or any other funds of the county for highways to pay the county's proportionate share of any federally eligible transportation project on, adjacent to, or intended to serve county highways in the county.

HISTORY:
P.A. 80-691; 91-315, § 5.

605 ILCS 5/5-701.8 [Local Mass Transit Districts]

Any county board may also turn over a portion of the motor fuel tax funds allotted to it to:

(a) a local Mass Transit District if the county created such District pursuant to the "Local Mass Transit District Act", approved July 21, 1959, as now or hereafter amended [70 ILCS 3610/1 et seq.];

(b) a local Transit Commission if such commission is created pursuant to Section 14-101 of The Public Utilities Act [220 ILCS 5/14-101]; or

(c) the Chicago Transit Authority established pursuant to the "Metropolitan Transit Authority Act", approved April 12, 1945, as now or hereafter amended [70 ILCS 3605/1 et seq.].

HISTORY:
P.A. 85-1209.

605 ILCS 5/5-701.9 [County garages]

Any county board may also use motor fuel tax money allotted to it for constructing or maintaining, or both, a county garage for the servicing, maintenance or storage of vehicles or equipment used in the construction or maintenance of county or state highways. The county board of any county with a population of 1,000,000 or more may also use motor fuel tax money for constructing or maintaining auxiliary office space.

HISTORY:
P.A. 76-808.

605 ILCS 5/5-701.10 [Financing of circuit court or other governmental expenses]

Any county board in counties of 1,000,000 or more inhabitants may also use any motor fuel tax money allotted to it for the purpose of paying any and all expenditures resulting from activities conducted by the circuit court located in the county and for the further purpose of paying any and all expenditures resulting from the activities of any county department which has a relation to highways located within the county.

HISTORY:
P.A. 76-414.

605 ILCS 5/5-701.11 [Payment of county highway bonds]

With the approval of the Department of Transportation, any county board may also use motor fuel tax money allotted to it for the payment of the principal and interest of bonds issued for the construction, maintenance or improvement of county highways. Such construction, maintenance or improvement shall be in accordance with the procedure in Section 5-403 of this Code [605 ILCS 5/5-403].

HISTORY:
P.A. 85-962.

605 ILCS 5/5-701.12 [Offices of county highway department]

The county board of any county with a population of 1,000,000 or more may also use motor fuel tax money allotted to it for construction, maintaining, or leasing office space for activities of the county highway department.

HISTORY:
P.A. 76-2256.

605 ILCS 5/5-701.13 Motor fuel tax funds; counties over 500,000.

The county board of any county may also use motor fuel tax funds allotted to it for placing, erecting, and maintaining signs, or surface markings, or both to indicate officially designated bicycle routes along county highways. In addition, the county board of a county with a population over 500,000 may also use motor fuel tax funds allotted to it for the construction and maintenance of bicycle routes or paths, shared-use paths for nonvehicular public travel, and sidewalks within the county, including along State highways by agreement with the Department.

HISTORY:
P.A. 77-734; 88-502, § 3; 88-676, § 22; 2021 P.A. 102-452, § 10, effective August 20, 2021.

605 ILCS 5/5-701.14 [Construction of grade separations]

Any county board may also use its allotted motor fuel tax funds for the construction and maintenance of grade separations and approaches thereto which avoid or replace grade crossings at intersections of county highways and railroad tracks.

HISTORY:
P.A. 77-1849.

605 ILCS 5/5-701.15 [Nondedicated subdivision roads]

The formula allocation for counties for the distribution of motor fuel tax funds, provided for in Section 8 in the "Motor Fuel Tax Law" [35 ILCS 505/8], may be used by the county board for the maintenance or improvement of nondedicated subdivision roads established prior to July 23, 1959. Any such improved road becomes, by operation of law, a part of the township or district road system in accordance with Section 6-325 of this Code [605 ILCS 5/6-325]. The county board shall condition its approval, as required by this Section, upon proportional matching contributions, whether in cash, kind, services or otherwise, by property owners in the subdivision where such a road is situated. No more than the amount of the increase in allocation of such funds allocated under the formula as provided in Section 8 in the "Motor Fuel Tax Law" which is attributable to this amendatory Act of 1979 and any subsequent amendatory Act and subsequently approved as provided in this Section, may be expended on eligible nondedicated subdivision roads.

HISTORY:
P.A. 83-957.

605 ILCS 5/5-701.16 [Payment of construction, maintenance or improvement bonds]

Any county board, in a county of less than 1,000,000 inhabitants may also use any motor fuel tax money allotted to it or any part thereof for the payment of the principal of and interest on bonds issued for the purpose of constructing, maintaining or improving county highways, roads or bridges. Such construction, maintenance or improvement shall be in accordance with the procedure in Section 5-403 of this Code [605 ILCS 5/5-403]. Such county boards are authorized to use motor fuel tax money to pay principal or interest on such bonds without any prior appropriation and without regard to any budget law. The State of Illinois pledges and agrees with the holders of any bonds of a county issued for such purposes that the State will not limit the use of such money by such county, so long as any such bonds are outstanding and unpaid. Payment of such motor fuel tax money to such county shall be subject to appropriation by the General Assembly. The State shall not be liable on or guarantee bonds of a county issued for such purposes, and such bonds shall not be State debt. The face of all such bonds shall contain a statement with respect to the provisions of this Section.

HISTORY:
P.A. 85-962.

605 ILCS 5/5-701.17 Construction, maintenance, or improvement of county unit roads

Any county board in a county with an established county unit district highway system may, with the approval of the Department, use a maximum of 30% of the motor fuel tax funds, provided for in Section 8 of the Motor Fuel Tax Law [35 ILCS 505/8], allotted to it to pay for the cost of construction, maintenance,

or improvements of roads in the county unit system. The Department shall not approve use of the funds unless the Department determines that the county highway system is being maintained in an acceptable condition and that the use of the motor fuel tax funds would not jeopardize adequate maintenance of existing county highways.

HISTORY:
P.A. 87-1249, § 3.

605 ILCS 5/5-702 [Distribution to county; unapproved expenditures; records of expenditures]

Payment of motor fuel tax money to any county for the purposes stated in Sections 5-701.1 through 5-701.11 [605 ILCS 5/5-701.1 through 5/5-701.11] shall be made by the Department of Transportation as soon as may be after the allotment is made.

However, if any county, after having been given reasonable notice by the Department, fails to expend motor fuel tax funds in a manner satisfactory to the Department or fails to have construction contracts approved by the Department or fails to maintain in a manner satisfactory to the Department highways heretofore or hereafter constructed with motor fuel tax funds, no further payment of motor fuel tax funds shall be made to such county for construction or maintenance purposes until it corrects its unsatisfactory use of motor fuel tax funds or secures approval of its construction contracts by the Department or maintains such highways or provides for such maintenance in a manner satisfactory to the Department.

Records of all expenditures of motor fuel tax money made by the county shall be kept in accordance with the system of auditing and accounting prescribed by the Department under Section 4-101.9 of this Code [605 ILCS 5/4-101.9].

HISTORY:
P.A. 77-173.

DIVISION 8.

PROPERTY ACQUISITION

605 ILCS 5/5-801 [Acquisition authorized; purposes; eminent domain]

Any county, in its name, may acquire the fee simple title, or such lesser interest as may be desired, to any lands, rights or other property necessary for the construction, maintenance or operation of any county highway, township road, district road, shared-use path for nonvehicular public travel, sidewalk, or bike path within the county or necessary for the locating, relocating, widening, altering, extending or straightening thereof, by purchase or gift or, if the compensation or damages cannot be agreed upon, by the exercise of the right of eminent domain under the eminent domain laws of this State.

The county shall not be required to furnish bond in any eminent domain proceeding.

When, in the judgment of the county, it is more practical and economical to acquire the fee title to inaccessible remnants of tracts of land from which rights-of-way are being acquired than to pay for damages to property not taken, the county may do so by purchase but not by eminent domain proceedings.

When acquiring land for a highway on a new location, and when a parcel of land one acre or less in area contains a single family residence, which is in conformance with existing zoning ordinances, and only a part of said parcel is required for county highway purposes causing the remainder of the parcel not to conform with the existing zoning ordinances, or when the location of the right of way line of the proposed highway reduces the distance from an existing single family residence to the right of way line to ten feet or less, the acquiring agency shall, if the owner so demands, take the whole parcel by negotiation or condemnation. The part not needed for highway purposes may be rented, sold or exchanged by the acquiring agency.

HISTORY:
Laws 1967, p. 3206; 2021 P.A. 102-452, § 10, effective August 20, 2021.

605 ILCS 5/5-802 [Property necessary for alteration of ditches, drains or watercourse]

When the county deems it necessary to build, widen, alter, relocate or straighten any ditch, drain or watercourse in order to drain or protect any highway or highway structure it is authorized to construct, maintain or operate, or deems it necessary to acquire materials for the construction, maintenance or operation of any such highway, it may acquire the necessary property, or such interest or right therein as may be required, by gift or purchase or, if the compensation or damages cannot be agreed upon, by the exercise of the right of eminent domain under the eminent domain laws of this State. The county shall not be required to furnish bond in any eminent domain proceeding.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/5-803 [Entry upon land for survey purposes; liability]

For the purpose of making surveys and the determination of the amount of property necessary to be taken or damaged in connection with any highway project, the county through its officers, agents or employees, after notice to the owner, may enter upon the lands or waters of any person or corporation, but subject to responsibility for all damages that may be occasioned thereby.

HISTORY:
Laws 1959, p. 196.

DIVISION 9.

ROAD IMPROVEMENT IMPACT FEES

605 ILCS 5/5-901 Short title

This Division may be cited as the Road Improvement Impact Fee Law.

HISTORY:
P.A. 86-97.

605 ILCS 5/5-902 General purposes

The General Assembly finds that the purpose of this legislation is to create the authority for units of local government to adopt and implement road improvement impact fee ordinances and resolutions. The General Assembly further recognizes that the imposition of such road improvement impact fees is designed to supplement other funding sources so that the burden of paying for road improvements can be allocated in a fair and equitable manner. It is the intent of the General Assembly to promote orderly economic growth throughout the State by assuring that new development bears its fair share of the cost of meeting the demand for road improvements through the imposition of road improvement impact fees. It is also the intent of the General Assembly to preserve the authority of elected local government officials to adopt and implement road improvement impact fee ordinances or resolutions which adhere to the minimum standards and procedures adopted in this Division by the State.

HISTORY:
P.A. 86-97.

605 ILCS 5/5-903 Definitions

As used in this Division:

"Units of local government" mean counties with a population over 400,000 and all home rule municipalities.

"Road improvement impact fee" means any charge or fee levied or imposed by a unit of local government as a condition to the issuance of a building permit or a certificate of occupancy in connection with a new development, when any portion of the revenues collected is intended to be used to fund any portion of the costs of road improvements.

"Road improvements" mean the improvement, expansion, enlargement or construction of roads, streets, or highways under the jurisdiction of units of local government, including but not limited to bridges, rights-of-way, and traffic control improvements owned and operated by such units of local government. Road improvements may also include the improvement, expansion, enlargement or construction of roads, ramps, streets or highways under the jurisdiction of the State of Illinois, provided an agreement providing for the construction and financing of such road improvements has been reached between the State and the unit of local government and incorporated into the comprehensive road improvement plan. Road improvements shall not include tollways but may include tollway ramps.

"New development" means any residential, commercial, industrial or other project which is being newly constructed, reconstructed, redeveloped, structurally altered, relocated, or enlarged, and which generates additional traffic within the service area or areas of the unit of local government. "New development" shall not include any new development for which site specific development approval has been given by a unit of local government within 18 months before the first date of publication by the unit of local government of a notice of public hearing to consider the land use assumptions relating to the development of a comprehensive road improvement plan and imposition of impact fees; provided, however, that a building permit for such new development is issued within 18 months after the date of publication of such notice.

"Roads, streets or highways" mean any roads, streets or highways which have been designated by the unit of local government in the comprehensive road improvement plan together with all necessary appurtenances, including but not limited to bridges, rights-of-way, tollway ramps, and traffic control improvements.

"Comprehensive road improvement plan" means a plan prepared by the unit of local government in consultation with the Advisory Committee.

"Advisory Committee" means the group of members selected from the public and private sectors to advise in the development and implementation of the comprehensive road improvement plan, and the periodic update of the plan.

"Person" means any individual, firm, partnership, association, public or private corporation, organization or business, charitable trust, or unit of local government.

"Land use assumptions" means a description of the service area or areas and the roads, streets or highways incorporated therein, including projections relating to changes in land uses, densities and population growth rates which affect the level of traffic within the service area or areas over a 20 year period of time.

"Service area" means one or more land areas within the boundaries of the unit of local government which has been designated by the unit of local government in the comprehensive road improvement plan.

"Residential development" means a house, building, or other structure that is suitable or capable of being used for residential purposes.

"Nonresidential development" means a building or other structure that is suitable or capable of being used for all purposes other than residential purposes.

"Specifically and uniquely attributable" means that a new development creates the need, or an

identifiable portion of the need, for additional capacity to be provided by a road improvement. Each new development paying impact fees used to fund a road improvement must receive a direct and material benefit from the road improvement constructed with the impact fees paid. The need for road improvements funded by impact fees shall be based upon generally accepted traffic engineering practices as assignable to the new development paying the fees.

"Proportionate share" means the cost of road improvements that are specifically and uniquely attributable to a new development after the consideration of the following factors: the amount of additional traffic generated by the new development, any appropriate credit or offset for contribution of money, dedication of land, construction of road improvements or traffic reduction techniques, payments reasonably anticipated to be made by or as a result of a new development in the form of user fees, debt service payments, or taxes which are dedicated for road improvements and all other available sources of funding road improvements.

"Level of service" means one of the categories of road service as defined by the Institute of Transportation Engineers which shall be selected by a unit of local government imposing the impact fee as the adopted level of service to serve existing development not subject to the fee and new development, provided that the level of service selected for new development shall not exceed the level of service adopted for existing development.

"Site specific development approval" means an approval of a plan submitted by a developer to a unit of local government describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but need not be limited to, any of the following: a preliminary or final planned unit development plan, subdivision plat, development plan, conditional or special use permit, or any other form of development use approval, as utilized by a unit of local government, provided that the development use approval constitutes a final exercise of discretion by the unit of local government.

"Developer" means any person who undertakes new development.

"Existing deficiencies" mean existing roads, streets, or highways operating at a level of service below the adopted level of service selected by the unit of local government, as defined in the comprehensive road improvement plan.

"Assisted financing" means the financing of residential development by the Illinois Housing Development Authority, including loans to developers for multi-unit residential development and loans to purchasers of single family residences, including condominiums and townhomes.

HISTORY:
P.A. 86-97; 90-356, § 5.

605 ILCS 5/5-904 Authorization for the imposition of an impact fee

No impact fee shall be imposed by a unit of local government within a service area or areas upon a developer for the purposes of improving, expanding, enlarging or constructing roads, streets or highways directly affected by the traffic demands generated from the new development unless imposed pursuant to the provisions of this Division. An impact fee payable by a developer shall not exceed a proportionate share of costs incurred by a unit of local government which are specifically and uniquely attributable to the new development paying the fee in providing road improvements, but may be used to cover costs associated with the surveying of the service area, with the acquisition of land and rights-of-way, with engineering and planning costs, and with all other costs which are directly related to the improvement, expansion, enlargement or construction of roads, streets or highways within the service area or areas as designated in the comprehensive road improvement plan. An impact fee shall not be imposed to cover costs associated with the repair, reconstruction, operation or maintenance of existing roads, streets or highways, nor shall an impact fee be used to cure existing deficiencies or to upgrade, update, expand or replace existing roads in order to meet stricter safety or environmental requirements; provided, however, that such fees may be used in conjunction with other funds available to the unit of local government for the purpose of curing existing deficiencies, but in no event shall the amount of impact fees expended exceed the development's proportionate share of the cost of such road improvements. Nothing contained in this Section shall preclude a unit of local government from providing credits to the developer for services, conveyances, improvements or cash if provided by agreement even if the credits are for improvements not included in the comprehensive road improvement plan, provided the improvements are otherwise eligible for inclusion in the comprehensive road improvement plan.

HISTORY:
P.A. 86-97; 88-470, § 5.

605 ILCS 5/5-905 Procedure for the Imposition of Impact Fees

(a) Unless otherwise provided for in this Division, an impact fee shall be imposed by a unit of local government only upon compliance with the provisions set forth in this Section.

(b) A unit of local government intending to impose an impact fee shall adopt an ordinance or resolution establishing a public hearing date to consider land use assumptions that will be used to develop the comprehensive road improvement plan. Before the adoption of the ordinance or resolution establishing a public hearing date, the governing body of the unit of

local government shall appoint an Advisory Committee in accordance with this Division.

(c) The unit of local government shall provide public notice of the hearing date to consider land use assumptions in accordance with the provisions contained in this Section.

(d) The unit of local government shall publish notice of the hearing date once each week for 3 consecutive weeks, not less than 30 and not more than 60 days before the scheduled date of the hearing, in a newspaper of general circulation within the unit of local government. The notice of public hearing shall not appear in the part of the paper where legal notices or classified ads appear. The notice shall not be smaller than one-quarter page of standard size or tabloid-size newspaper.

(e) The notice shall contain all of the following information:

(1) Headline designated as follows: "NOTICE OF PUBLIC HEARING ON LAND USE ASSUMPTIONS RELATING TO THE DEVELOPMENT OF A COMPREHENSIVE ROAD IMPROVEMENT PLAN AND IMPOSITION OF IMPACT FEES".

(2) The date, time and location of the public hearing.

(3) A statement that the purpose of the hearing is to consider proposed land use assumptions within the service area or areas that will be used to develop a comprehensive road improvement plan.

(4) A general description of the service area or areas within the unit of local government being affected by the proposed land use assumptions.

(5) A statement that the unit of local government shall make available to the public upon request the following: proposed land use assumptions, an easily understandable and detailed map of the service area or areas to which the proposed land use assumptions shall apply, along with all other available information relating to the proposed land use assumptions.

(6) A statement that any member of the public affected by the proposed land use assumptions shall have the right to appear at the public hearing and present evidence in support of or against the proposed land use assumptions.

(f) In addition to the public notice requirement, the unit of local government shall send a notice of the intent to hold a public hearing by certified mail, return receipt requested, to any person who has requested in writing by certified mail return receipt requested, notification of the hearing date, at least 30 days before the date of the adoption of the ordinance or resolution establishing the public hearing date.

(g) A public hearing shall be held for the consideration of the proposed land use assumptions. Within 30 days after the public hearing has been held, the Advisory Committee shall make a recommendation to adopt, reject in whole or in part, or modify the proposed land use assumptions presented at the hearing by written report to the unit of local government. Thereafter the unit of local government shall have not less than 30 nor more than 60 days to approve, disapprove, or modify by ordinance or resolution the land use assumptions proposed at the public hearing and the recommendations made by the Advisory Committee. Such ordinance or resolution shall not be adopted as an emergency measure.

(h) Upon the adoption of an ordinance or resolution approving the land use assumptions, the unit of local government shall provide for a comprehensive road improvement plan to be developed by qualified professionals familiar with generally accepted engineering and planning practices. The comprehensive road improvement plan shall include projections of all costs related to the road improvements designated in the comprehensive road improvement plan.

(i) The unit of local government shall adopt an ordinance or resolution establishing a date for a public hearing to consider the comprehensive road improvement plan and the imposition of impact fees related thereto.

(j) A public hearing to consider the adoption of the comprehensive road improvement plan and imposition of impact fees shall be held within the unit of local government subject to the same notice provisions as those set forth in the subsection (d). The public hearing shall be conducted by an official designated by the unit of local government.

(k) Within 30 days after the public hearing has been held, the Advisory Committee shall make a recommendation to adopt, reject in whole or in part, or modify the proposed comprehensive road improvement plan and impact fees. The unit of local government shall have not less than 30 nor more than 60 days to approve, disapprove, or modify by ordinance or resolution the proposed comprehensive road improvement plan and impact fees. Such ordinance or resolution shall not be adopted as an emergency measure.

HISTORY:
P.A. 86-97.

605 ILCS 5/5-906 Impact fee ordinance or resolution requirements

(a) An impact fee ordinance or resolution shall satisfy the following 2 requirements:

(1) The construction, improvement, expansion or enlargement of new or existing roads, streets, or highways for which an impact fee is imposed must be specifically and uniquely attributable to the traffic demands generated by the new development paying the fee.

(2) The impact fee imposed must not exceed a proportionate share of the costs incurred or the costs that will be incurred by the unit of local government in the provision of road improvements to serve the new development. The proportionate share is the cost specifically attributable to the new development after the unit of local government considers the following: (i) any appropriate credit, offset or contribution of money, dedication of land,

construction of road improvements or traffic reduction techniques; (ii) payments reasonably anticipated to be made by or as a result of a new development in the form of user fees, debt service payments, or taxes which are dedicated for road improvements; and (iii) all other available sources of funding road improvements.

(b) In determining the proportionate share of the cost of road improvements to be paid by the developer, the following 8 factors shall be considered by the unit of local government imposing the impact fee:

(1) The cost of existing roads, streets and highways within the service area or areas.

(2) The means by which existing roads, streets and highways have been financed to cure existing deficiencies.

(3) The extent to which the new development being assessed the impact fees has already contributed to the cost of improving existing roads, streets or highways through taxation, assessment, or developer or landowner contributions paid in prior years.

(4) The extent to which the new development will contribute to the cost of improving existing roads, streets or highways in the future.

(5) The extent to which the new development should be credited for providing road improvements, without charge to other properties within the service area or areas.

(6) Extraordinary costs, if any, incurred in servicing the new development.

(7) Consideration of the time and price differential inherent in a fair comparison of fees paid at different times.

(8) The availability of other sources of funding road improvements, including but not limited to user charges, general tax levies, intergovernmental transfers, and special taxation or assessments.

(c) An impact fee ordinance or resolution shall provide for the calculation of an impact fee in accordance with generally accepted accounting practices. An impact fee shall not be deemed invalid because payment of the fee may result in a benefit to other owners or developers within the service area or areas, other than the person paying the fee.

HISTORY:
P.A. 86-97.

605 ILCS 5/5-907 Advisory committee

A road improvement impact fee advisory committee shall be created by the unit of local government intending to impose impact fees. The Advisory Committee shall consist of not less than 10 members and not more than 20 members. Not less than 40% of the members of the committee shall be representatives of the real estate, development, and building industries and the labor communities and may not be employees or officials of the unit of local government.

The members of the Advisory Committee shall be selected as follows:

(1) The representatives of real estate shall be licensed under the Real Estate License Act of 2000 [225 ILCS 454/1-1 et seq.] and shall be designated by the President of the Illinois Association of Realtors from a local Board from the service area or areas of the unit of local government.

(2) The representatives of the development industry shall be designated by the Regional Developers Association.

(3) The representatives of the building industry shall be designated representatives of the Regional Home Builders representing the unit of local government's geographic area as appointed from time to time by that Association's president.

(4) The labor representatives shall be chosen by either the Central Labor Council or the Building and Construction Trades Council having jurisdiction within the unit of local government.

If the unit of local government is a county, at least 30% of the members serving on the commission must be representatives of the municipalities within the county. The municipal representatives shall be selected by a convention of mayors in the county, who shall elect from their membership municipal representatives to serve on the Advisory Committee. The members representing the county shall be appointed by the chief executive officer of the county.

If the unit of local government is a municipality, the non-public representatives shall be appointed by the chief executive officer of the municipality.

If the unit of local government has a planning or zoning commission, the unit of local government may elect to use its planning or zoning commission to serve as the Advisory Committee, provided that not less than 40% of the committee members include representatives of the real estate, development, and building industries and the labor communities who are not employees or officials of the unit of local government. A unit of local government may appoint additional members to serve on the planning or zoning commission as ad hoc voting members whenever the planning or zoning commission functions as the Advisory Committee; provided that no less than 40% of the members include representatives of the real estate, development, and building industries and the labor communities.

HISTORY:
P.A. 86-97; 91-245, § 905-25.

605 ILCS 5/5-908 Duties of the Advisory Committee

The Advisory Committee shall serve in an advisory capacity and shall have the following duties:

(1) Advise and assist the unit of local government by recommending proposed land use assumptions.

(2) Make recommendations with respect to the development of a comprehensive road improvement plan.

(3) Make recommendations to approve, disapprove or modify a comprehensive road improvement plan

by preparing a written report containing these recommendations to the unit of local government.

(4) Report to the unit of local government on all matters relating to the imposition of impact fees.

(5) Monitor and evaluate the implementation of the comprehensive road improvement plan and the assessment of impact fees.

(6) Report annually to the unit of local government with respect to the progress of the implementation of the comprehensive road improvement plan.

(7) Advise the unit of local government of the need to update or revise the land use assumptions, comprehensive road improvement plan, or impact fees.

The unit of local government shall adopt procedural rules to be used by the Advisory Committee in carrying out the duties imposed by this Division.

HISTORY:
P.A. 86-97.

605 ILCS 5/5-909 Unit of Local Government to Cooperate with the Advisory Committee

The unit of local government shall make available to the Advisory Committee all professional reports in relation to the development and implementation of land use assumptions, the comprehensive road improvement plan and periodic up-dates to the comprehensive road improvement plan.

HISTORY:
P.A. 86-97.

605 ILCS 5/5-910 Comprehensive Road Improvement Plan

Each unit of local government intending to impose an impact fee shall prepare a comprehensive road improvement plan. The plan shall be prepared by persons qualified in fields relating to engineering, planning, or transportation. The persons preparing the plan shall consult with the Advisory Committee. The comprehensive road improvement plan shall contain all of the following:

(1) A description of all existing roads, streets or highways and their existing deficiencies within the service area or areas of the unit of local government and a reasonable estimate of all costs related to curing the existing deficiencies, including but not limited to the upgrading, updating, improving, expanding or replacing of such roads, streets or highways and the current level of service of the existing roads, streets and highways.

(2) A commitment by the unit of local government to cure existing deficiencies where practicable relating to roads, streets, and highways.

(3) A description of the land use assumptions adopted by the unit of local government.

(4) A description of all roads, streets or highways proposed to be improved, expanded, enlarged or constructed to serve new development and a reasonable estimate of all costs related to the improvement, expansion, enlargement or construction of the roads, streets or highways needed to serve new development at a level of service not to exceed the level of service on the currently existing roads, streets or highways.

(5) Identification of all sources and levels of funding available to the unit of local government for the financing of the road improvements.

(6) If the proposed road improvements include the improvement of roads, streets or highways under the jurisdiction of the State of Illinois or another unit of local government, then an agreement between units of government shall specify the proportionate share of funding by each unit. All agreements entered into by the State must provide that the portion of the impact fees collected due to the impact of new development upon roads, streets, or highways under State jurisdiction be allocated for expenditure for improvements to those roads, streets, and highways under State jurisdiction.

(7) A schedule setting forth estimated dates for commencing construction of all road improvements identified in the comprehensive road improvement plan.

Nothing contained in this subsection shall limit the right of a home rule unit of local government from imposing conditions on a Planned Unit Development or other zoning relief which may include contributions for road improvements, which are necessary or appropriate for such developments, but are not otherwise provided for in the comprehensive road improvement plan.

HISTORY:
P.A. 86-97; 86-1158.

605 ILCS 5/5-911 Assessment of Impact Fees

Impact fees shall be assessed by units of local government at the time of final plat approval or when the building permit is issued when no plat approval is necessary. No impact fee shall be assessed by a unit of local government for roads, streets or highways within the service area or areas of the unit of local government if and to the extent that another unit of local government has imposed an impact fee for the same roads, streets or highways.

HISTORY:
P.A. 86-97.

605 ILCS 5/5-912 Payment of Impact Fees

In order to minimize the effect of impact fees on the person paying the fees, the following methods of payment shall be used by the unit of local government in collecting impact fees. Impact fees imposed upon a residential development, consisting of one single family residence, shall be payable as a condition to the issuance of the building permit. Impact fees imposed upon all other types of new development, including multi-unit residential development, shall be payable as a condition to the issuance of the

certificate of occupancy, provided that the developer and the unit of local government enter into an agreement designating that the developer notify the unit of local government that the building permit or the certificate of occupancy has been issued. For any development receiving assisted financing, including any development for which a commitment for assisted financing has been issued and for which assisted financing is provided within 6 months of the issuance of the certificate of occupancy, the unit of local government shall provide for the payment of the impact fees through an installment agreement at a reasonable rate of interest for a period of 10 years after the impact fee is due. Nothing contained in this Section shall preclude the payment of the impact fee at the time when the building permit is issued or at an earlier stage of development if agreed to by the unit of local government and the person paying the fees. Nothing contained in this Section shall preclude the unit of local government from making and entering into agreements providing for the cooperative collection of impact fees but the collection of impact fees shall be the sole responsibility of the unit of local government imposing the impact fee. Such agreements may also provide for the reimbursement of collection costs from the fees collected.

At the option of the unit of local government, impact fees may be paid through an installment agreement at a reasonable rate of interest for a period of up to 10 years after the impact fee is due.

Nothing contained in this section shall be construed to give units of local government a preference over the rights of any purchaser, mortgagee, judgment creditor or other lienholder arising prior to the filing in the office of the recorder of the county or counties in which the property is located of notification of the existence of any uncollected impact fees.

HISTORY:
P.A. 86-97.

605 ILCS 5/5-913 Impact Fees to be Held in Interest Bearing Accounts

All impact fees collected pursuant to this Division shall be deposited into interest bearing accounts designated solely for such funds for each service area. All interest earned on such funds shall become a part of the moneys to be used for the road improvements authorized by this Division. The unit of local government shall provide that an accounting be made annually for any account containing impact fee proceeds and interest earned. Such accounting shall include, but shall not be limited to, the total funds collected, the source of the funds collected, the total amount of interest accruing on such funds, and the amount of funds expended on road improvements. Notice of the results of the accounting shall be published in a newspaper of general circulation within the unit of local government at least 3 times. A statement that a copy of the report is available to the public for inspection at reasonable times shall be contained in the notice. A copy of the report shall be provided to the Advisory Committee.

HISTORY:
P.A. 86-97.

605 ILCS 5/5-914 Expenditures of Impact Fees

Impact fees shall only be expended on those road improvements within the service area or areas as specified in the comprehensive road improvement plan, as updated from time to time. Impact fees shall be expended in the same manner as motor fuel tax money allotted to the unit of local government solely for road improvement costs.

HISTORY:
P.A. 86-97.

605 ILCS 5/5-915 Comprehensive Road Improvement Plan Amendments and Updates

The unit of local government imposing an impact fee may amend the comprehensive road improvement plan no more than once per year, provided the cumulative amendments do not exceed 10% of the total plan in terms of estimated project costs. If a proposed plan amendment will result in the cumulative amendments to the plan exceeding 10% of the total plan, then the unit of local government shall follow the procedures set forth in Section 5-905 of this Division [605 ILCS 5/5-905]. Regardless of whether the Comprehensive Road Improvement Plan has been amended, the unit of local government imposing an impact fee shall update the comprehensive road improvement plan at least once every 5 years. The 5 year period shall commence from the date of the original adoption of the comprehensive road improvement plan. The updating of the comprehensive road improvement plan shall be made in accordance with the procedures set forth in Section 5-905 of this Division.

HISTORY:
P.A. 86-97; 88-470, § 5.

605 ILCS 5/5-916 Refund of impact fees

All impact fees collected by a unit of local government shall be refunded to the person who paid the fee or to that person's successor in interest whenever the unit of local government fails to encumber by contract impact fees collected within 5 years of the date on which such impact fees were due to be paid.

Refunds shall be made in accordance with this Section provided that the person who paid the fee or that person's successor in interest files a petition with the unit of local government imposing the impact fee, seeking a refund within one year from the date that such fees were required to be encumbered by contract.

All refunds made shall bear interest at a rate which is at least 70% of the Prime Commercial Rate

in effect at the time of the imposition of the impact fee.

HISTORY:
P.A. 86-97; 87-187.

605 ILCS 5/5-917 Appeals Process

Any person paying an impact fee shall have the right to contest the land use assumptions, the development and implementation of the comprehensive road improvement plan, the imposition of impact fees, the periodic updating of the road improvement plan, the refund of impact fees and all other matters relating to impact fees. The initial appeal shall be made to the legislative body of the unit of local government in accordance with the procedures adopted in the ordinance or resolution. Any subsequent relief shall be sought in a de novo proceeding in the appropriate circuit court.

HISTORY:
P.A. 86-97.

605 ILCS 5/5-918 Transition Clauses

(a) Conformance of Existing Ordinances. A unit of local government which currently has in effect an impact fee ordinance or resolution shall have not more than 12 months from July 26, 1989 to bring its ordinance or resolution into conformance with the requirements imposed by this Act, except that a home rule unit of local government with a population over 75,000 and located in a county with a population over 600,000 and less than 2,000,000 shall have not more than 18 months from July 26, 1989, to bring that ordinance or resolution into conformance.

(b) Exemption of Developments Receiving Site Specific Development Approval. No development which has received site specific development approval from a unit of local government within 18 months before the first date of publication by the unit of local government of a notice of public hearing to consider land use assumptions relating to the development of a comprehensive road improvement plan and imposition of impact fees and which has filed for building permits or certificates of occupancy within 18 months of the date of approval of the site specific development plan shall be required to pay impact fees for permits or certificates of occupancy issued within that 18 month period.

This Division shall have no effect on the validity of any existing agreements entered into between a developer and a unit of local government pertaining to fees, exactions or donations made by a developer for the purpose of funding road improvements.

(c) Exception to the Exemption of Developments Receiving Site Specific Development Approval. Nothing in this Section shall require the refund of impact fees previously collected by units of local government in accordance with their ordinances or resolutions, if such ordinances or resolutions were adopted prior to the effective date of this Act and provided that such impact fees are encumbered as provided in Section 5-916 [605 ILCS 5/5-916].

HISTORY:
P.A. 86-97; 86-1158.

605 ILCS 5/5-919 Home Rule Preemption

A home rule unit may not impose road improvement impact fees in a manner inconsistent with this Division. This Division is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

HISTORY:
P.A. 86-97.

ARTICLE 6.

ADMINISTRATION OF TOWNSHIP AND DISTRICT ROADS

Division 1. District Organization and Powers

Section

DIVISION 1.

DISTRICT ORGANIZATION AND POWERS

605 ILCS 5/6-101 [Roads subject to district jurisdiction]

Roads which are part of the township and district road system are under the jurisdiction of the several road districts in which they are located, subject to such supervision by the county and the Department as is provided in this Code. A road district comprises either a township, township district, road district or county unit road district in existence immediately prior to the effective date of this Code or any area created a road district under the provisions of this Code.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-102 [Counties under township organization]

Each township of the several counties under township organization, for the purposes of this Code, shall be considered and is called a road district for all purposes relating to the construction, repair, maintenance, financing and supervision of township roads unless under prior law it has been or pursuant to this Code is consolidated into a consolidated township road district or into a county unit road district.

Consolidated township districts and county unit road districts in existence under the provisions of law immediately prior to the effective date of this Code shall continue in existence as road districts under this Code until changed in the manner provided by this Code.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-103 [Counties not under township organization]

In counties not under township organization the road districts in existence under the provisions of law immediately prior to the effective date of this Code shall be continued in existence until the same shall be altered in the manner provided in Sections 6-104, 6-105, or 6-111 of this Code [605 ILCS 5/6-104, 605 ILCS 5/6-105, or 605 ILCS 5/6-111] or as otherwise provided by law.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-104 [Municipality as road district; establishment; powers]

Whenever the territory of any municipality is a part of a road district in a county not under township organization, and shall by resolution of its council or its president and board of trustees request the county board to organize it into a separate road district and designate the name thereof, the county board shall comply with such request, and provide for such organization of such municipality into a new road district under the name designated in such resolution of such city council, or president and board of trustees, if any be designated therein.

Whenever a road district shall have been or shall hereafter be organized as provided in this Section and any of the territory of such municipality shall be disconnected from such municipality, the county board, upon receipt of a certified copy of the resolution or ordinance of the municipality disconnecting such territory, by resolution, shall disconnect such territory from such road district and annex it to an adjacent road district or districts. Whenever such municipality, at any one time shall have annexed or shall hereafter annex any territory, the county board, by resolution, shall disconnect such territory from the road district or districts in which it may be situated and annex the same to the road district in which such municipality is situated.

All the powers vested in a road district organized out of the territory embraced within any municipality, including all the powers vested by law in the highway commissioner of a road district, shall be vested in and exercised by the city council, or president and board of trustees of such municipality, including the power to levy a tax for the proper construction, maintenance and repair of roads in such district as provided in Section 6-501 of this Code [605 ILCS 5/6-501]. Any such tax whether heretofore or hereafter levied shall be in addition to all other taxes levied in such municipality and in addition to the taxes for general purposes authorized in Section 8-3-1 of the Illinois Municipal Code, as heretofore and hereafter amended [65 ILCS 5/8-3-1].

All of the powers vested by law in the district clerk of a road district shall be vested in and exercised by the city, town or village clerk of such municipality.

After a road district has been organized out of the territory embraced within a municipality, the offices and election of highway commissioner and district clerk shall be discontinued.

HISTORY:
Laws 1961, p. 1415; P.A. 97-908, § 5.

605 ILCS 5/6-105 [Alteration, creation and consolidation of districts; petition; election of officers in consolidated districts]

The county board in counties not under township organization shall have full and complete power and jurisdiction to alter the boundaries of road districts, create new road districts and to consolidate road districts in their respective counties to suit the convenience of the inhabitants residing therein, but no such change shall be made or new road district created under the provisions of this Code unless at least 20 of the legal voters of such road district petition for such alteration or creation of a new road district or 20 legal voters from each of the districts to be consolidated petition for such consolidation; nor shall such alteration or creation of a new road district or consolidation be made by such county board without notice thereof having been given by posting up notices in not less than 5 of the most public places in each of the several road districts interested in such proposed alteration or creation of a new road district or for the consolidation of road districts. Provided, however, that where a city council or board of trustees of a municipality has, by resolution as above provided in Section 6-104 [605 ILCS 5/6-104], requested that the county board organize the territory embraced within such municipality into a road district or where the territory embraced in a municipality has been heretofore or may hereafter be organized into a road district and territory is disconnected from or added to such road district as provided in Section 6-104, a petition signed by the legal voters of such road district shall not be required and no notice of such proposed alteration or creation need be given but changes in boundaries shall be made by the county board as provided in Section 6-104.

When a new road district is created or a new district is created by consolidation as provided in this Section, such new districts from creation or the time of consolidation become districts for the purpose of nominating and electing officers at the next regular election held for election of road district officers, and after said election and election of officers, become districts for all purposes. Until such election and the qualification of the officers elected, the officers of the districts consolidated into one district shall hold office, and perform their respective duties as to each district. When a new district is created, not being a consolidated district, the officers of the district or districts, from parts of which the new district is formed, shall perform their respective duties as to the territory in the new district, taken from their district, until the next regular election for officers of road districts and the election and qualification of officers for the new district.

HISTORY:
P.A. 81-1490.

605 ILCS 5/6-106 [Corporate name; counties not under township organization]

The corporate name of each road district in counties not under township organization shall be "Road District No..... of ..... County" and all actions

by or against such district shall be in its corporate name.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-107 [Powers of road districts; counties not under township organization]

Road districts have corporate capacity to exercise the powers granted thereto, or necessarily implied and no others. They have power: (1) to sue and be sued, (2) to acquire by purchase, gift or legacy, and to hold property, both real and personal, for the use of its inhabitants, and again to sell and convey the same, (3) to make all such contracts as may be necessary in the exercise of the powers of the district.

HISTORY:
P.A. 83-388; 96-996, § 5.

605 ILCS 5/6-107.1 [Borrowing money]

Road districts may borrow money from any bank or other financial institution or, in a township road district and with the approval of the town board of trustees, from the town fund, provided such money shall be repaid within 10 years from the time the money is borrowed. "Financial institution" means any bank subject to the Illinois Banking Act [205 ILCS 5/1 et seq.], any savings and loan association subject to the Illinois Savings and Loan Act of 1985 [205 ILCS 105/1-1 et seq. (repealed)], and any federally chartered commercial bank or savings and loan association organized and operated in this State pursuant to the laws of the United States.

HISTORY:
P.A. 85-514; 86-1179; 93-743, § 10.

605 ILCS 5/6-108 [Consolidated township road districts; petition]

Any two or more townships in any county under township organization may be consolidated into a consolidated township road district for all purposes relating to the construction, repair, maintenance and supervision of roads in the manner hereinafter provided.

A petition shall be filed with the circuit court for the county, signed by at least 50 or 5% of the legal voters, whichever is fewer, of each of the townships involved, requesting the court to order a referendum in such townships, naming them, for the purpose of voting for or against the proposition to consolidate such townships into a single road district for all road purposes.

Upon the filing of such petition, the court shall consider the petition and enter appropriate orders in accordance with the general election law. If the court orders a referendum on such proposition to be held, it shall be held at a regular election in such townships. Such referendum shall be conducted and notice given in accordance with the general election law of the State.

HISTORY:
P.A. 81-1489.

605 ILCS 5/6-109 [Consolidation; form of proposition; election; results]

The proposition shall be in substantially the following form:

Shall ..... Township and ..... Township of ..... County, Illinois, be consolidated into a consolidated township road district for road purposes?	YES NO	

The votes upon such proposition in each township involved shall be separately counted and tabulated. Such proposition shall not be deemed to have been approved unless a majority of the votes cast thereon in each township involved shall be in favor thereof. If a majority of the votes cast upon the proposition in each township involved shall be in favor of the consolidation of such townships for road purposes then such townships shall be consolidated into a consolidated township road district for road purposes, effective on the date of the next regularly scheduled election of road district officers following the referendum. The court shall file a certificate of the results of any referendum in which the consolidation of townships is so approved with the county clerk of the county.

HISTORY:
P.A. 81-1489.

605 ILCS 5/6-110 [Types of districts; similarity]

For all purposes relating to the construction, repair, maintenance and supervision of roads in all counties, other than counties in which a county unit road district has been established, the several types of road districts provided for in this Code shall, as near as may be, and subject to the provisions of this Code, be regarded as analogous in corporate authority and the powers and duties of the highway officers thereof shall be similar in extent and effect.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-111 [County unit road districts; petition; form of proposition; election; results]

The territory within any county having less than 500,000 inhabitants may be organized into a county unit road district for all purposes relating to the construction, repair, maintenance and supervision of district roads in the county in the manner hereinafter provided. A petition signed by not less than 5% of the legal voters or 50 legal voters, whichever is fewer,

in each of at least a majority of the townships in a county under township organization or road districts in a county not under township organization shall be filed with the county clerk of the county requesting the county clerk to submit to referendum in such county to establish a county unit road district in such county for all district road purposes. The petition shall request that such proposition be submitted at the general election in the next succeeding November of an even-numbered year.

Upon the filing of such petition, the county clerk shall submit such proposition at the general election in the next succeeding November of an even-numbered year in accordance with the general election law. Notice of the referendum shall be given, and the election shall be held in the manner provided by the general election laws of the State. The proposition shall be in substantially the following form:

Shall a county unit road district in ..... County, Illinois be established?	YES NO	

Whenever in a county under township organization a majority of the voters voting on such proposition in at least a majority of the townships in such county and a majority of the voters voting on such proposition in the entire county vote in favor of the proposition, and whenever in a county not under township organization a majority of the voters voting on such proposition in the entire county vote in favor of the proposition, a county unit road district shall be established in such county for all purposes relating to the construction, repair, maintenance and supervision of district roads in such county which theretofore had been under the jurisdiction of a highway commissioner, effective at the time provided in Section 6-125 [605 ILCS 5/6-125] of this Act.

Any county unit road district established under this Section shall be an independent county agency and any taxes levied for the county unit road district under Section 6-512 of this Act [605 ILCS 5/6-512] shall be levied and collected as other county taxes, but the county unit road district taxes shall not be included in any constitutional or statutory tax limitation for county purposes, but shall be in addition thereto and in excess thereof.

HISTORY:
P.A. 81-1489.

605 ILCS 5/6-112 [Highway commissioner]

In each road district, except in a county unit road district and except in municipalities that have been created a road district, there shall be elected a highway commissioner in the manner provided in this Code.

The highway commissioner of each road district comprised of a single township is an officer of that township.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-113 [Road district clerk]

In each road district comprised of a single township, the township clerk shall be ex-officio the clerk for the highway commissioner.

In each consolidated township road district the road district clerk shall be selected by the highway board of auditors of such district from its membership.

In each other road district there shall be elected a road district clerk except as is provided in this Code for county unit road districts and for municipalities that have been created a road district.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-114 [Road district treasurer]

In each road district comprised of a single township, the supervisor of such township shall be ex-officio treasurer for the road district. In each consolidated township road district the treasurer shall be selected by the highway board of auditors of such district from its membership. In each other road district the district clerk shall be ex-officio treasurer for the road district, except as is provided in this Code for county unit road districts and for municipalities that are created a road district.

Each such treasurer before becoming entitled to act as treasurer and within 10 days after his election or selection, shall execute a bond in double the amount of moneys likely to come into his hands by virtue of such office, if individuals act as sureties on such bond, or in the amount only of such moneys if a surety company authorized to do business in this State acts as surety on such bond, conditioned that he will faithfully discharge his duties as such treasurer, that he will honestly and faithfully account for and pay over, upon the proper orders, all moneys coming into his hands as treasurer, and the balance, if any, to his successor in office. Such bond shall be payable to the district, and shall be in such sum as the highway commissioner shall determine. Such bond shall be approved by the highway commissioner and shall be filed in the office of the county clerk with such approval endorsed thereon. The highway commissioner shall have the power to require the giving of additional bond, to increase or decrease the amount of such bond, or require the giving of a new bond whenever in his opinion such action is desirable. The highway commissioner shall have power to bring suit upon such bond for any loss or damage accruing to the district by reason of any non-performance of duty, or defalcation on the part of the treasurer.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-114.5 Attestation to funds endorsed by the treasurer.

If a road district treasurer issues a payout from the

road district's treasury or the township treasury, the road district clerk shall attest to all moneys paid out.

HISTORY:
2018 P.A. 100-983, § 15, effective January 1, 2019.

605 ILCS 5/6-115 [Eligibility for office of highway commissioner]

(a) Except as provided in Section 10-20 [60 ILCS 1/10-20] of the Township Code or subsection (b), no person shall be eligible to the office of highway commissioner unless he shall be a legal voter and has been one year a resident of the district. In road districts that elect a clerk, the same limitation shall apply to the district clerk.

(b) A board of trustees may (i) appoint a nonresident or a resident that has not resided in the district for one year to be a highway commissioner, or (ii) contract with a neighboring township to provide highway commissioner services if:

(1) the district is within a township with no incorporated town;

(2) the township has a population of less than 500; and

(3) no qualified candidate who has resided in the township for at least one year is willing to serve as highway commissioner.

HISTORY:
P.A. 82-783; 88-670, § 3-78; 2019 P.A. 101-197, § 5, effective January 1, 2020; 2021 P.A. 102-558, § 690, effective August 20, 2021.

605 ILCS 5/6-116 [Election of highway commissioner and road district clerk]

Except as otherwise provided in this Section with respect to highway commissioners of township and consolidated township road districts, at the election provided by the general election law in 1985 and every 4 years thereafter in all counties, other than counties in which a county unit road district has been established and other than in Cook County, the highway commissioner of each road district and the district clerk of each road district having an elected clerk, shall be elected to hold office for a term of 4 years, and until his successor is elected and qualified. The highway commissioner of each road district and the district clerk of each road district elected in 1979 shall hold office for an additional 2 years and until his successor is elected and has qualified.

In each township and consolidated township road district outside Cook County, highway commissioners shall be elected at the election provided for such commissioners by the general election law in 1981 and every 4 years thereafter to hold office for a term of 4 years and until his successor is elected and qualified. The highway commissioner of each road district in Cook County shall be elected at the election provided for said commissioner by the general election law in 1981 and every 4 years thereafter for a term of 4 years, and until his successor is elected and qualified.

Each highway commissioner shall enter upon the duties of his office on the third Monday in May after his election.

In road districts comprised of a single township, the highway commissioner shall be elected at the election provided for said commissioner by the general election law. All elections as are provided in this Section shall be conducted in accordance with the general election law.

HISTORY:
P.A. 83-108; 94-273, § 10; 94-645, § 25.

605 ILCS 5/6-117 [Application of general election law; filing of results]

In all counties not under township organization the election shall be held at the election provided by the general election law for road district clerks and highway commissioners. Said election shall be held in accordance with the general election law.

A statement of the results of the election shall be entered at large by the district clerk in the minutes of the proceedings, to be kept by him as required by this Code, which shall be publicly read by him to the electors present, and such reading shall be deemed notice of the result of the election.

In case 2 or more persons shall have an equal number of votes for the same office, the question of which shall be entitled to the office shall be decided by lot, under direction of the district clerk, but he shall give each party at least 5 days notice of the time and place of drawing lots.

The district clerk, within 10 days after receiving the results of the election from the appropriate election authorities as hereinbefore provided in this section, shall transmit to each person elected to any district office, a notice of his election.

HISTORY:
P.A. 81-1490.

605 ILCS 5/6-118 [Oath of elected officials]

Every person elected or appointed to the office of highway commissioner, and to consolidated township road district clerk in counties under township organization and to district clerk in counties not under township organization, before he enters upon the duties of his office, and within 10 days after he is notified of his election or appointment, shall take and subscribe, before some judicial officer of the circuit court or district or town clerk, the oath or affirmation of office prescribed by the Constitution, which oath or affirmation shall, within 5 days thereafter, be filed with the district or town clerk.

In counties under township organization no additional oath shall be required of the town clerk to enable him to enter upon the discharge of the duties of his office as ex-officio clerk for the highway commissioner.

If any person elected or appointed to either of the offices above named neglects to take and subscribe

such oath, and cause the same to be filed as above required, such neglect shall be deemed a refusal to serve.

HISTORY:
Laws 1967, p. 4041.

605 ILCS 5/6-119 [Successor; duty to demand books, papers, moneys, etc.; duty to deliver]

When the term of any highway commissioner or clerk shall expire, and other persons shall be elected or appointed to such office, it shall be the duty of such successor, immediately after he shall have entered upon the duties of his office, to demand of his predecessor all the books, papers, moneys and other property belonging to such office.

Whenever either of the officers above named shall resign, or the office become vacant in any way, and another person shall be elected or appointed in his stead, the person so elected or appointed shall make such demand of his predecessor, or of any person having charge of such books, papers, moneys or other property.

It shall be the duty of every person so going out of office, whenever thereto required pursuant to the foregoing provisions, to deliver upon oath, all the records, books, papers, moneys and other property in his possession or in his control belonging to the office held by him; which oath may be administered by the officer to whom such delivery shall be made.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-120 [Vacancies; counties under township organization]

In counties under township organization the provisions of law applicable to resignations from township offices and the filling of vacancies therein, and the making of a temporary appointment in case a township officer is incapacitated, shall apply to highway officers in townships not consolidated into township road districts in the same manner as to other township officers.

HISTORY:
Laws 1967, p. 1726.

605 ILCS 5/6-121 [Vacancies; counties not under township organization]

In counties not under township organization the following provisions shall be applicable relating to vacancies in road district offices:

Whenever any district fails to elect the proper number of district officers to which such district may be entitled by law, or when any person elected to any district office fails to qualify, or whenever any vacancy happens in any district, from death, resignation, removal from the district or other cause, the presiding officer of the county board, with the advice and consent of the county board, shall fill such vacancy by certificate under the signature and seal of the county clerk; and the persons so appointed shall hold their respective offices until the next regular election, and until their successors are elected and qualified; and shall have the same powers and be subject to the same duties and penalties as if they had been duly elected by the electors.

When any appointment is made, as above stated, the county clerk shall cause the certificate of appointment to be forthwith filed in the office of the district clerk, who shall immediately give notice to each person appointed.

Any judicial officer of the circuit court residing in such district, or if there be no judicial officer of the circuit court residing in such district, then any judicial officer of the circuit court in the county, may, for sufficient cause shown to him, accept the resignation of any district officer of his district, and whenever he accepts any such resignation, he shall forthwith give notice thereof to the district clerk of the district, or in his absence, to the highway commissioner, who shall make a minute thereof in the district records. He shall also immediately give notice to the county clerk of any vacancy that may exist in any district office.

HISTORY:
P.A. 84-550.

605 ILCS 5/6-122 [Highway commissioner in consolidated districts]

When the electors in any townships have voted for the consolidation of such townships into a consolidated township road district for road purposes the county clerk of such county shall conduct an election for the selection of a highway commissioner of such township road district. Such election shall be held at the next regular election for township offices. Such election shall be held in accordance with the provisions of the general election law.

The highway commissioner of such consolidated township road district so elected and his successors in office shall have the powers and perform the duties of highway commissioners in other road districts.

Any vacancy in such office at any time shall be filled for the balance of the unexpired term by appointment by a majority of the members of the highway board of auditors.

HISTORY:
P.A. 81-1490.

605 ILCS 5/6-123 [Highway board of auditors]

When the electors in any townships have voted for the consolidation of such townships into a consolidated township road district for road purposes, the supervisors and township clerks in the respective townships so consolidated shall, ex-officio, constitute a highway board of auditors for such township road district. Such highway board of auditors shall organize and select one of their number as chairman,

another as clerk and another as treasurer of the consolidated township road district. The officers of each such newly organized consolidated township road district so elected shall hold office until the first Tuesday in April, 1959 or until the first Tuesday of each succeeding fourth year thereafter, and their successors shall hold office for a term of 4 years and until their respective successors are selected and qualified; except that no person shall be a member of such highway board of auditors or such an officer of such consolidated township road district after the expiration of his term as supervisor or township clerk. Vacancies in such consolidated township road district offices shall be filled by the highway board of auditors. Such highway board of auditors shall have the same powers and duties with respect to road matters as have the board of town auditors in townships and such other powers and duties as may be prescribed by law.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-124 [Consolidated township road district; delivery of property by township officials; levy for payment of bonds]

Upon the election or selection and qualification of the first highway commissioner, clerk and treasurer of a consolidated township road district the highway commissioners of the respective townships so consolidated shall deliver to such consolidated township district highway commissioner all property and equipment of their respective districts taking his receipt therefor and the several township treasurers shall transfer and deliver to such consolidated township road district treasurer, all funds of their respective districts which they may hold, taking his receipt therefor. Any accounts or tax moneys for road purposes thereafter payable to any township so consolidated shall be paid to the treasurer of such consolidated township road district. Such consolidated township road district shall succeed to and assume all obligations and contracts of each of the townships consolidated into it other than bonded indebtedness.

With respect to bonded indebtedness for road purposes of any township so consolidated the county clerk shall annually extend taxes against all of the taxable property in such township so long as any of such road bonds are outstanding, sufficient to pay the maturing principal and interest of such bonds as the same become due, such tax to be in addition to all other taxes for road purposes and without limitation as to rate or amount. The proceeds of such tax when collected shall be used for payment of the principal and interest on such bonds.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-125 [Counties under commission form of government; powers and duties of county superintendent of highways]

In any county under the commission form of government in which a county unit road district is established, as of the first Tuesday in April after the holding of such election, the county superintendent of highways shall take over and be responsible, subject to the direction of the county board, for the construction, maintenance and repair of all roads in such county for which the several highway commissioners had theretofore been responsible. Such construction, maintenance and repair shall be undertaken uniformly throughout the county without granting any special consideration toward any part or parts thereof except for traffic and safety needs.

After the establishment of a county unit road district, the roads for which the county thereby becomes so responsible shall remain a part of the district road system as defined by this Code and shall not be considered as part of the county highway system as defined by this Code. However, any such district road may thereafter be made a part of the county highway system in the manner provided by this Code.

As of such date, the offices of highway commissioner, clerk and treasurer in each road district in such county are abolished, except that such officers may complete the affairs of their respective offices as herein provided and as needed for the transition. Upon release by the county superintendent such road districts shall have no further powers or duties relating to the construction, repair, maintenance and supervision of roads.

As of such date, the several highway commissioners shall deliver to the county superintendent of highways all property and equipment of their respective districts, taking his receipt therefor. Road district property used exclusively for road maintenance and related purposes shall also be delivered to the county superintendent, taking his receipt therefor. The several district clerks shall deliver the books, records and papers pertaining to such office to the county clerk, taking his receipt therefor. The several district treasurers shall transfer and deliver to the county treasurer all funds of their respective districts which they hold, taking his receipt therefor. Any accounts or tax moneys thereafter payable to any road district in such county shall be paid into a special county unit road district fund which shall be maintained separate and apart from the general county fund. The county treasurer shall be custodian of the county unit road district fund and any performance bond executed by the county treasurer shall be applicable to the moneys in the special fund. Receipts for these transfers shall be filed with the county clerk.

The county unit road district so established shall succeed to and assume all obligations and contracts of each of such road districts in such county, other

than bonded indebtedness. With respect to the bonded indebtedness for road purposes of any former district in a county in which a county unit road district is so established, the county clerk annually shall extend taxes against all of the taxable property in the former road district so long as any of such bonds are outstanding, sufficient to pay the maturing principal and interest of such bonds as they become due, such tax to be in addition to all other taxes for road purposes and without limitation as to rate or amount. The proceeds of such tax, when collected, shall be used for the payment of the principal and interest on such bonds.

All county unit road districts established under this Act shall be independent county agencies administered by the respective county superintendents of highways, under the general supervision of the county board. The county unit road districts shall maintain separate books showing receipts and expenditures, and shall issue such financial and other reports as the county board may from time to time require.

HISTORY:
P.A. 78-543.

605 ILCS 5/6-126 [Appraisal of county property delivered to superintendent]

The property and equipment delivered to the county superintendent of highways in conjunction with the establishment of a county unit road district shall be appraised and its fair value determined by the county superintendent of highways and the highway commissioner of the former district. Disputes as to the value of transferred property shall be arbitrated by qualified appraisers approved by both the district highway commissioner and the county superintendent of highways. Such property and equipment may be retained and used by the county or may be disposed of and sold, with the funds so derived deposited in the county unit district account, as the county board may determine. In case a road district has outstanding road bonds or road improvement bonds, an amount equal to the appraised or sale value of such property and equipment, less the amount of any indebtedness of the former district assumed by the county unit road district, shall be set up to the credit of such road district by the county treasurer from any funds available therefor and shall be used to pay the principal and interest on such bonds, to the extent such credit may be available, and the tax levied for the payment of the principal and interest upon such road bonds or road improvement bonds shall be abated by the amount so applied. In case the road district had no such bonds or road improvement bonds outstanding, an amount equal to the appraised or sale value of such property and equipment, less the amount of any indebtedness of the former district assumed by the county unit road district, shall be used for the maintenance, repair and improvement of roads in the particular area that was included in such former district, as the funds become available therefor but without sacrificing normal necessary roadwork in any other area.

HISTORY:
P.A. 76-174.

605 ILCS 5/6-127 [County unit road districts; direction of county board; administration]

In any county in which a county unit road district is established, the county unit district roads shall be constructed, maintained and repaired by the county superintendent of highways, subject to the direction of the county board; and with the respect to the laying out, construction, repair and maintenance of such roads, the county superintendent of highways shall have the powers and perform the duties of the highway commissioners under the provisions of this Code.

The county unit road district shall be administered as a separate county agency by the county superintendent of highways, but the presiding officer of the county board, with the advice and consent of the county board, may appoint a committee from its membership representative of the territory in such county and delegate to such committee such authority as the county board may deem proper. The county superintendent of highways may divide the territory of the county into maintenance or operational units and may employ the necessary personnel in each such unit.

HISTORY:
P.A. 78-1128.

605 ILCS 5/6-129 [Budget; resume of work]

The county superintendent of highways shall prepare a separate annual budget for the county unit road district and submit the budget to the county board not later than the date provided by law for publication of the annual county budget, except the first budget for a county unit road district shall be submitted within 90 days after the take-over date. The county board may approve or disapprove of the budget submitted by the superintendent of highways, but the board shall specify in writing the reasons for disapproval and shall recommend the necessary changes for the road district budget. Within 90 days after the close of the county's fiscal year, the county superintendent of highways shall make and file with the county clerk a report of the funds available for county unit district roads and bridges and the expenditures therefrom and a resume of the work done upon county unit district roads during such year.

HISTORY:
P.A. 76-174.

605 ILCS 5/6-130 Road district abolishment.

Notwithstanding any other provision of this Code

to the contrary, no township road district may continue in existence if the roads forming a part of the district do not exceed a total of 4 centerline miles in length as determined by the county engineer or county superintendent of highways. On the first Tuesday in April of 1975, or of any subsequent year next succeeding the reduction of a township road system to a total mileage of 4 centerline miles or less, each such township road district shall, by operation of law, be abolished. The roads comprising that district at that time shall thereafter be administered by the township board of trustees by contracting with the county, a municipality or a private contractor. The township board of trustees shall assume all taxing authority of a township road district abolished under this Section.

HISTORY:
P.A. 83-605; 92-800, § 5; 94-884, § 5; 2017 P.A. 100-106, § 5, effective January 1, 2018; 2017 P.A. 100-107, § 30, effective January 1, 2018; 2018 P.A. 100-863, § 530, effective August 14, 2018.

605 ILCS 5/6-131 Senior citizen transportation and mass transit programs; district road fund

A road district may use money in its district road fund to pay for all or part of the direct costs of senior citizen transportation programs or senior citizen mass transit programs, or both.

HISTORY:
P.A. 90-183, § 5.

605 ILCS 5/6-132 Recycling; tree maintenance.

(a) A road district may organize, administer, or participate in one or more recycling programs.

(b) Notwithstanding any provision of law to the contrary, a road district may deliver wood chips, mulch, and other products generated in the act of tree maintenance by the district to the residents of the district on a first come, first serve basis or other method of random selection. The road district shall provide adequate notice to the resident prior to the product being available and prior to the delivery of the product, which shall include the amount of the product being delivered.

HISTORY:
P.A. 95-119, § 10; 2017 P.A. 100-54, § 5, effective August 11, 2017.

605 ILCS 5/6-133 Abolishing a road district in Cook County.

By resolution, the board of trustees of any township located in Cook County, Illinois, may submit a proposition to abolish the road district of that township to the electors of that township at a general election or consolidated election in accordance with the general election law. The ballot shall be in substantially the following form:

Shall the Road District of the Township of ..... be abolished with all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities being assumed by the Township of	YES	
	NO	

In the event that a majority of the electors voting on such proposition are in favor thereof, then the road district shall be abolished by operation of law effective on January 1 of the calendar year immediately following the calendar year in which the proposition was approved by the electors or on the date the term of the highway commissioner in office at the time the proposition was approved by the electors expires, whichever is later.

On that date, all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the road district shall by operation of law vest in and be assumed by the township. On that date, the township board of trustees shall assume all taxing authority of a road district abolished under this Section. On that date, any highway commissioner of the abolished road district shall cease to hold office, such term having been terminated. Thereafter, the township shall exercise all duties and responsibilities of the highway commissioner as provided in the Illinois Highway Code [605 ILCS 5/1-101 et seq.]. The township board of trustees may enter into a contract with the county, a municipality, or a private contractor to administer the roads under its jurisdiction. For purposes of distribution of revenue, the township shall assume the powers, duties, and obligations of the road district.

HISTORY:
P.A. 97-611, § 15; 2017 P.A. 100-106, § 5, effective January 1, 2018; 2017 P.A. 100-107, § 30, effective January 1, 2018.

605 ILCS 5/6-134 Abolishing a road district.

(a) By resolution, the board of trustees of any township located in a county with less than 3,000,000 inhabitants may submit a proposition to abolish the road district of that township to the electors of that township at a general election or consolidated election in accordance with the general election law. The ballot shall be in substantially the following form:

Shall the Road District of the ..... Township of be abolished with all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities being assumed by the ..... Township of ?	YES NO

In the event that a majority of the electors voting on such proposition are in favor thereof, then the road district shall be abolished by operation of law effective 90 days after vote certification by the gov-

erning election authority or on the date the term of the highway commissioner in office at the time the proposition was approved by the electors expires, whichever is later.

On that date, all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the road district shall by operation of law vest in and be assumed by the township. On that date, the township board of trustees shall assume all taxing authority of a road district abolished under this Section. On that date, any highway commissioner of the abolished road district shall cease to hold office, such term having been terminated. Thereafter, the township shall exercise all duties and responsibilities of the highway commissioner as provided in the Illinois Highway Code [605 ILCS 5/1-101 et seq.]. The township board of trustees may enter into a contract with the county, a municipality, or a private contractor to administer the roads under its jurisdiction. The township board of trustees shall assume all taxing authority of a township road district abolished under this subsection. For purposes of distribution of revenue, the township shall assume the powers, duties, and obligations of the road district. Distribution of revenue by the township to the treasurer of a municipality under Section 6-507 [605 ILCS 5/6-507] shall be only paid from moneys levied for road purposes pursuant to Division 5 of Article 6 of this Code [605 ILCS 5/6-501 et seq.].

(b) If a referendum passed under subsection (a) at the November 6, 2018 election and a road district has not been abolished as provided in subsection (a) by August 23, 2019 (the effective date of Public Act 101-519):

(1) the township board shall have the sole authority relating to the following duties and powers of the road district until the date of abolition:

(A) creating and approving the budget of the road district;

(B) levying taxes (the township board of trustees assumes all taxing authority of the township road district);

(C) entering into contracts for the road district;

(D) employing and fixing the compensation of road district employees that the township board deems necessary; and

(E) setting and adopting rules concerning all benefits available to employees of the road district;

(2) the road district or the highway commissioner may not commence or maintain litigation against the township to resolve any dispute related to the road district regarding powers of the office of the highway commissioner, the powers of the supervisor, or the powers of the township board.

(c) If a township has approved a consolidated road district after a referendum under Section 6-109 and the consolidation is not yet effective and if the township subsequently approves a referendum under this Section, then the consolidation under Section 6-109 [605 ILCS 5/6-109] is void and shall not occur.

HISTORY:

2017 P.A. 100-106, § 5, effective January 1, 2018; 2019 P.A. 101-519, § 10, effective August 23, 2019; 2021 P.A. 102-558, § 690, effective August 20, 2021.

605 ILCS 5/6-135 Abolishing a road district with less than 15 miles of roads.

(a) Any township in a county with a population less than 3,000,000 may abolish a road district of that township if the roads of the road district are less than 15 miles in length, as determined by the county engineer or county superintendent of highways, by resolution of a majority of the board of trustees to submit a referendum to abolish the road district of that township. The referendum shall be submitted to the electors of that township at the next general election or consolidated election in accordance with the general election law. The ballot shall be in substantially the following form:

Shall the Road District of the Township of ..... be abolished with all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities being assumed by the Township of .....?	YES NO

(b) If a majority of the electors voting on the referendum under subsection (a) of this Section are in favor of abolishing the township road district, then the road district is abolished on the January 1 following the approval of the referendum or on the date the term of the highway commissioner in office at the time the referendum was approved expires, whichever is later.

On the date of abolition: all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the road district shall by operation of law vest in and be assumed by the township; the township board of trustees shall assume all taxing authority of a road district abolished under this Section; any highway commissioner of the abolished road district shall cease to hold office; the township shall exercise all duties and responsibilities of the highway commissioner as provided in the Illinois Highway Code [605 ILCS 5/1-101 et seq.]; and for purposes of distribution of revenue, the township shall assume the powers, duties, and obligations of the road district. The township board of trustees may enter into a contract with the county, a municipality, or a private contractor to administer the roads added to its jurisdiction under this Section.

If a township has approved a consolidated road district after a referendum under Section 6-109 [605 ILCS 5/6-109] and the consolidation is not yet effective and if the township subsequently approves a referendum under this Section, then the consolidation under Section 6-109 is void and shall not occur.

HISTORY:

2017 P.A. 100-107, § 30, effective January 1, 2018; 2019 P.A. 101-519, § 10, effective August 23, 2019.

605 ILCS 5/6-140 Abolishing a road district within Lake County or McHenry County with less than 15 miles of roads.

Any township in Lake County or McHenry County shall abolish a road district of that township if the roads of the road district are less than 15 centerline miles in length, as determined by the county engineer or county superintendent of highways. A road district is abolished on the expiration of the term of office of the highway commissioner of the road district facing abolition following the determination by the county engineer or county superintendent of highways of the length, in centerline mileage, of the roads within the road district to be abolished.

On the date of abolition: all the rights, powers, duties, assets, property, liabilities, obligations, and responsibilities of the road district shall by operation of law vest in and be assumed by the township; the township board of trustees shall assume all taxing authority of a road district abolished under this Section and shall exercise all duties and responsibilities of the highway commissioner as provided in this Code; and for purposes of distribution of revenue, the township shall assume the powers, duties, and obligations of the road district. The township board of trustees may enter into a contract with the county, a municipality, or a private contractor to administer the roads added to its jurisdiction under this Section.

HISTORY:
2019 P.A. 101-230, § 25, effective August 9, 2019.

DIVISION 2.

FUNCTIONS AND COMPENSATION OF DISTRICT OFFICIALS

605 ILCS 5/6-201 [Functions of highway commissioner]

The highway commissioner of each road district shall perform the functions stated in the following Sections preceding Section 6-202 [605 ILCS 5/6-202].

HISTORY:
P.A. 87-818.

605 ILCS 5/6-201.1 [Certification of tax levy; presence at district clerk's office]

Be present at the district clerk's office annually on or before the last Tuesday in December of each year for the purpose of determining the tax levy to be certified by him to the county board in counties not under township organization, or by the township board of trustees or highway board of trustees, as the case may be, to the county clerk in counties having adopted township organization, as provided in this Code. He shall also be present at such office at such time or times as he shall designate and as the duties of his office may require for the transaction of official business.

HISTORY:
P.A. 87-738; 87-1189, § 5-5.

605 ILCS 5/6-201.2 [Laying out, altering, widening or vacating roads]

Lay out, alter, widen or vacate township or district roads as provided in this Code.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-201.3 [Incorporation of roads and streets into township or district road system]

Include and incorporate such roads or streets as have been laid out and dedicated to public use or have been platted and dedicated to public use into the township or district road system as provided in this Code.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-201.4 [Entering description of roads in district clerk's records]

Cause such roads used as public highways, as have been laid out or dedicated to public use, but not sufficiently described, and such as have been used for 15 years but not recorded, to be ascertained, described and entered of record in the office of the district clerk.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-201.5 [Determination of tax levy]

Determine the taxes necessary to be levied on property within his district for road purposes, subject to the limitations provided by law.

HISTORY:
P.A. 86-1179.

605 ILCS 5/6-201.6 [Expenditure of money]

Direct the expenditure of all moneys collected in the district for road purposes, including those purposes allowed under Section 6-201.21 of this Code [605 ILCS 5/6-201.21], and draw warrants on the district treasurer therefor, provided such warrants are countersigned by the district clerk.

HISTORY:
Laws 1959, p. 196; P.A. 93-109, § 10; 93-610, § 10.

605 ILCS 5/6-201.7 [Construction, maintenance and repair of roads]

Construct, maintain and repair and be responsible for the construction, maintenance and repair of roads

within the district, let contracts, employ labor and purchase material and machinery therefor, subject to the limitations provided in this Code. Contracts, labor, machinery, disposal, and incidental expenses related to special services under Section 6-201.21 of this Code [605 ILCS 5/6-201.21] constitute maintenance, for purposes of this Section.

Except for professional services, when the cost of construction, materials, supplies, new machinery or equipment exceeds $20,000, the contract for such construction, materials, supplies, machinery or equipment shall be let to the lowest responsible bidder after advertising for bids at least once, and at least 10 days prior to the time set for the opening of such bids, in a newspaper published within the township or road district, or, if no newspaper is published within the township or road district then in one published within the county, or, if no newspaper is published within the county then in a newspaper having general circulation within the township or road district, but, in case of an emergency, such contract may be let without advertising for bids. For purposes of this Section "new machinery or equipment" shall be defined as that which has been previously untitled or that which shows fewer than 200 hours on its operating clock and that is accompanied by a new equipment manufacturer's warranty.

HISTORY:
P.A. 86-1179; 86-1368; 86-1475; 92-268, § 5; 93-109, § 10; 93-164, § 5; 93-610, § 10; 94-435, § 15.

605 ILCS 5/6-201.8 [General charge of district roads]

Have general charge of the roads of his district, keep the same in repair and to improve them so far as practicable and cooperate and assist in the construction or improvement of such roads with labor furnished, in whole or in part, by the Department of Human Services (acting as successor to the State Department of Public Aid under the Department of Human Services Act [20 ILCS 1305/1-1 et seq.]) or other public assistance authorities; except that a highway commissioner may not permanently post at a reduced weight limit any road or portion thereof unless the decision to do so is made in accordance with Section 6-201.22 of this Code [605 ILCS 5/6-201.22].

HISTORY:
Laws 1963, p. 2046; P.A. 89-507, § 90L-88; 99-237, § 5.

605 ILCS 5/6-201.9 [Care of machinery, equipment and other district property]

Take possession of and keep under shelter, when not in use all machinery, equipment and other property belonging to the district wherever the same may be found and not allow the same to go to waste.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-201.10 [Agreements for lease or exchange of idle machinery, equipment or tools]

Have authority to make agreements with the highway commissioner of any other road district or with the corporate authorities of any municipality located in the same county or in an adjoining county or with the county board of the county in which such road district is located or of any adjoining county, for the lease or exchange of idle machinery, equipment or tools belonging to the district, upon such terms and conditions as may be mutually agreed upon.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-201.10-1 [Contracting with highway commissioner of other road districts or municipal county authorities]

The highway commissioner of each road district has authority to contract with the highway commissioner of any other road district or with the corporate authorities of any municipality or county to furnish or to obtain services and materials related to construction, maintenance or repair of roads.

HISTORY:
P.A. 81-22.

605 ILCS 5/6-201.11 [Guide and direction signs]

Cause to be erected and kept in repair at intersections of the most important public roads, guide and direction signs and any other signs authorized by this Code or by the Illinois Vehicle Code [625 ILCS 5/1-100 et seq.].

In unincorporated territory located within counties with a population of more than 3,000,000 inhabitants, the homeowners association of a subdivision with at least 100 permanent dwellings may cause to be erected and kept in repair guide and direction or street signs at intersections within the subdivision. These signs shall be at least 7 feet above the curb and may be on wooden posts with wooden boards. The homeowners association shall be responsible for maintenance and replacement of the signs. Signs shall be located so as not to interfere with pedestrian or vehicular traffic.

HISTORY:
P.A. 83-333; 88-661, § 25.

605 ILCS 5/6-201.12 [Lighting of roads]

Provide for the lighting of any public road or portion thereof in his district when in his opinion it is necessary for the convenience or safety of the public.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-201.13 [List of warrants]

Furnish to the county superintendent of highways within 30 days after issuing warrants a list of such warrants showing where money is spent, for what purpose, and the amount expended.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-201.14 [Construction of curbs, sidewalks, alleys and bikepaths]

Have authority to build curbs, sidewalks, alleys, and bike paths in unincorporated communities out of any funds belonging to the road district in which such community is located.

HISTORY:
P.A. 81-663; 93-321, § 5.

605 ILCS 5/6-201.15 [Annual report]

Annually make a report in writing, showing the following:

(1) The amount of road money received by the district and a full and detailed statement as to how and where expended and the balance, if any, unexpended.

(2) The amount of liabilities incurred and not paid (any undetermined liabilities shall be estimated) and the determined or estimated amount owing to each creditor, who shall be named.

(3) An inventory of all tools having a present value in excess of $200, machinery and equipment owned by the district, and the state of repair of these tools, machinery, and equipment.

(4) Any additional matter concerning the roads of the district the highway commissioner thinks expedient and proper to report.

In counties under township organization, the reports in districts composed of a single township shall be made to the board of town trustees within 30 days before the annual town meeting. In consolidated township road districts in counties under township organization and in road districts in counties not under township organization, the report shall be made not later than the last Tuesday in March to the district clerk, who shall file the report in his or her office and record the report at large in the records of the district.

HISTORY:
P.A. 83-404; 87-1208, § 10.

605 ILCS 5/6-201.16 [Traffic-control devices and signs]

Subject to the written approval of the County Superintendent of Highways to place, erect, and maintain on township or road district roads, traffic-control devices and signs authorized by this Code or by "The Illinois Vehicle Code", approved September 29, 1969, as amended [625 ILCS 5/1-100 et seq.].

HISTORY:
P.A. 83-333.

605 ILCS 5/6-201.17 [Installment contracts for purchase or lease of highway construction and maintenance equipment]

Have authority to purchase or lease or to finance the purchase of highway construction and maintenance equipment under contracts providing for payment in installments over a period of time of not more than 10 years with interest on the unpaid balance owing not to exceed 9%. The purchases or contracts are subject to the bid provisions of Section 6-201.7 of this Code [605 ILCS 5/6-201.7]. In single township road districts, sale of road district property including, but not limited to, machinery and equipment shall be subject to elector approval as provided in Section 30-50 of the Township Code [60 ILCS 1/30-50]. A trade in of old machinery or equipment on new or different machinery or equipment shall not be construed as the sale of road district property.

HISTORY:
P.A. 86-1179; 88-670, § 3-78; 89-331, § 10.

605 ILCS 5/6-201.18 [Contract to buy row crops to act as snow breaks]

Have authority to contract with persons growing row crops on land adjacent to township or district roads to buy standing strips of such crops to remain in place to act as snow breaks along such roads in those places where experience shows that drifting snow has been an obstruction to traffic. The contract price to be paid by the highway commissioner in any such case shall be the higher of the market price in the local area of such crop at the time of contracting or the current Commodity Credit Corporation target price. An additional sum of money equal to 10% of the contract price may be paid to the grower as an inconvenience fee.

HISTORY:
P.A. 84-1272.

605 ILCS 5/6-201.19 [Hiring legal counsel]

Have authority to hire legal counsel to perform legal functions for road districts where performance of such functions by the public official who would otherwise represent the highway commissioner would present a direct or potential conflict of interest.

HISTORY:
P.A. 84-778.

605 ILCS 5/6-201.20 [Rules concerning employee benefits]

Every highway commissioner with 5 or more employees in a county under township organization

shall set and adopt rules concerning all benefits available to employees of that office. The rules shall include, without limitation, the following benefits to the extent they are applicable: insurance coverage, compensation, overtime pay, compensatory time off, holidays, vacations, sick leave, and maternity leave. The rules shall be adopted and filed with the township clerk (i) within 6 months after the effective date of this amendatory Act of 1991 (in the case of highway commissioners holding office on that effective date) or (ii) within 4 months after the highway commissioner takes office (in the case of highway commissioners elected after the effective date of this amendatory Act of 1991). The highway commissioner of a consolidated township road district shall file the rules with the clerk of each township contained within the consolidated district. Amendments to the rules shall be filed with the appropriate township clerk on or before their effective date.

HISTORY:
P.A. 87-818.

605 ILCS 5/6-201.21 Special services; disaster relief

The highway commissioner has authority to provide for orderly collection, transport, and disposal of brush and leaves that have been properly placed for collection along the road district rights-of-way in accordance with local guidelines. The highway commissioner may use funds authorized under Section 30-117 of the Township Code [60 ILCS 1/30-117] to provide for the collection, transport, and disposal of brush and leaves.

Subject to Section 30-117 of the Township Code, the highway commissioner has authority to provide necessary relief services following the occurrence of an event that has been declared a disaster by State or local officials. The highway commissioner has purchasing authority, subject to Section 6-201.6 [605 ILCS 5/6-201.6], and contractual authority as defined in Section 6-201.7 of this Code [605 ILCS 5/6-201.7].

HISTORY:
P.A. 93-109, § 10; 93-610, § 10; 95-331, § 1000; 97-417, § 10.

605 ILCS 5/6-201.22 Road weight restriction; notice and hearing

Whenever the highway commissioner wishes to permanently post a road at a reduced weight limit, he or she shall fix a time and place to examine the route of the township or district road, and hear reasons for or against permanently posting a road at a reduced weight limit.

The highway commissioner shall give written notice at least 10 days prior to the time of examination and hearing to the county superintendent of highways. He or she shall also provide notice by publication in at least one newspaper published in the township or district. In the absence of a newspaper published in the township or district, notice by publication shall be provided in at least one newspaper of general circulation in the township or district. In the absence of a generally circulated newspaper in the township or district, notice by publication shall be made by posting notices in 5 of the most public places in the district in the vicinity of the road to be permanently posted at a reduced weight limit.

The highway commissioner may, by written notice to the county superintendent of highways, by public announcement, and by posting notice at the time and place named for the first hearing, adjourn a hearing from time to time, but not for a longer period than 10 days. At the hearing, or the adjourned hearing, the commissioner shall decide and publicly announce whether he or she will permanently post a road at a reduced weight limit. The highway commissioner shall issue a signed memorandum explaining the decision to permanently post a road at a reduced weight limit, and address any concerns raised at the public hearing. The signed memorandum shall be filed within 5 days after the hearing in the office of the district clerk. The highway commissioner shall also send a copy of the signed memorandum to the county superintendent of highways. The county superintendent of highways may approve the decision of the highway commissioner by signing the memorandum and filing it in the office of the district clerk. Upon the approval of the decision by the county superintendent of highways and filing of the memorandum with the office of the district clerk, the road may be posted at a reduced weight limit by the highway commissioner.

HISTORY:
2015 P.A. 99-237, § 5, effective January 1, 2016.

605 ILCS 5/6-202 [Functions of district clerk]

The district clerk of each road district shall perform the functions stated in Sections 6-202.1 to 6-202.6 [605 ILCS 5/6-202.1 to 605 ILCS 5/6-202.6].

HISTORY:
P.A. 83-791.

605 ILCS 5/6-202.1 [Custody of records, books and papers]

Have the custody of all records, books, and papers of the road district, and he shall duly file all certificates or oaths and other papers required by law to be filed in his office. He is authorized to administer oaths and take affidavits in all cases required by law to be administered by district officers.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-202.2 [Record of orders and directions; meetings with highway commissioner]

Record in the book of records of his district, all orders and directions of the highway commissioner

required by law to be kept, and as hereinafter provided for. All records and books required by law to be kept by such clerk shall be deemed public records and shall at all times be open to inspection without fee or reward. The clerk shall also meet with the highway commissioner whenever requested at any reasonable time to do so by the latter official. Copies of all papers duly filed in the office of the district clerk and transcripts from the district records certified to by him shall be evidence in all courts in like effect as if the originals were produced.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-202.3 [Countersignature and record of warrants]

Countersign and keep a complete record of all warrants issued by the highway commissioner.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-202.4 [Books and stationery]

From time to time as may be necessary, procure the proper books and stationery for his office and the cost thereof shall be paid out of the district treasury.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-202.5 [Report of elections; petitions]

Report to the county superintendent of highways in writing all road district elections which may directly or indirectly affect the superintendent of highways; mail or deliver to the superintendent of highways such petitions as have been carried by any election relative to all construction or to the appointment, removal or election of road district officials.

HISTORY:
P.A. 81-1490.

605 ILCS 5/6-202.6 [Advertisements for and opening of bids]

Be responsible for placing the advertisement of bids and to be present when bids are opened.

HISTORY:
P.A. 83-791.

605 ILCS 5/6-203 [No power or jurisdiction over municipal streets and alleys]

Except as provided in Section 6-301 [605 ILCS 5/6-301], nothing in this Code shall be construed as vesting in highway commissioners any power or jurisdiction over the streets and alleys in municipalities.

HISTORY:
P.A. 86-1229.

605 ILCS 5/6-204 [Penalties]

If any highway commissioner wilfully refuses to perform any of the duties enjoined upon him by this Code, he shall forfeit not less than $10 nor more than $50, and may be proceeded against in the name of the district for the recovery of such forfeiture before any court of the proper county having jurisdiction.

In addition, wilful failure to include in the annual report the determined or estimated amount of all liabilities incurred and not paid and to whom owed, as required by Section 6-201.15 of this Act [605 ILCS 5/6-201.15], is a misdemeanor, on conviction whereof the highway commissioner shall be fined in the amount of the reportable liabilities excluded from the report.

HISTORY:
Laws 1963, p. 3031.

605 ILCS 5/6-205 [Functions of district treasurer]

The district treasurer shall receive and have charge of all moneys raised in the district for the support and maintenance of roads therein, and for road damages except such portions of the moneys which by Section 6-507 [605 ILCS 5/6-507] are directed to be paid to the municipalities. He shall hold such moneys at all times subject to the order of the highway commissioner and shall pay them over upon the order of the commissioner, such order to be countersigned by the town or district clerk. In counties under township organization such moneys, other than Social Security taxes required by the Social Security Enabling Act [40 ILCS 5/21-101 et seq.] shall not be paid over until the board of town trustees or highway board of auditors, as the case may be, has examined and audited the claims or charges for which such order is drawn. He shall keep an account in a book provided by the commissioner of all moneys received, and all moneys paid out, showing in detail to whom and on what account the same is so paid.

The treasurer shall also present annually, within 30 days after the end of the fiscal year of the district, to the highway commissioner an itemized statement of receipts and disbursements of the district during the fiscal year just ended, which shall be sworn to.

HISTORY:
P.A. 83-1362; 94-59, § 5.

605 ILCS 5/6-206 [Designation of banks or savings and loan associations for custody of funds]

In counties under township organization, the board of town trustees of the various townships shall, from time to time, when requested by the supervisor of their respective townships designate one or more

banks or savings and loan associations in which the road funds of the road district in the custody of the district treasurer may be kept, except that in consolidated township road districts such depository shall be designated by the highway board of trustees upon request of the treasurer of the respective consolidated township road district.

In counties not under township organization the county board shall, from time to time, when requested by the treasurer of any road district, designate one or more banks or savings and loan associations in which the road funds of the various road districts in such county may be kept.

When a bank or savings and loan association has been designated as a depository it shall continue as such until 10 days have elapsed after the new depository is designated and has qualified by furnishing the statements of resources and liabilities as is required in this Section. When a new depository is designated the board of town trustees, highway board of trustees or county board, as the case may be, shall notify the sureties of the district treasurer of that fact, in writing, at least 5 days before the transfer of fund. The district treasurer shall be discharged from responsibility for all moneys of the road fund which he deposits in a depository so designated while such moneys are so deposited.

No bank or savings and loan association shall receive public funds as permitted by this Section, unless it has complied with the requirements established pursuant to Section 6 of "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended [30 ILCS 235/6].

HISTORY:
P.A. 83-541.

605 ILCS 5/6-207 Compensation of highway commissioner and other officers

(a) Unless an annual salary is fixed as provided in this Section, the highway commissioner shall receive for each day he or she is necessarily employed in the discharge of official duties a per diem to be fixed by the county board in road districts in counties not under township organization, by the highway board of trustees in consolidated township road districts, and by the board of town trustees in districts composed of a single township. Before any per diem is paid, a sworn statement shall be filed by the commissioner in the office of the district clerk, showing the number of days the commissioner was employed, the kind of employment, and the dates of employment.

The boards specified in the preceding paragraph may, instead of a per diem, fix an annual salary for the highway commissioner at not less than $3,000, to be paid in equal monthly installments. The boards shall fix the compensation of the commissioner, whether an annual salary or a per diem, on or before the last Tuesday in March before the date of election of the commissioner.

If the term of any highway commissioner is extended by operation of law, the board that fixes the commissioner's rate of compensation may increase the rate of the compensation, within the limits provided in this Section, in relation to that portion of the commissioner's term that extends beyond the period for which he or she was elected.

The board of town trustees shall order payment of the amount of per diem claimed in the highway commissioner's sworn statement at the first regular meeting following the filing of the statement. In consolidated township road districts, the compensation and the expenses of the offices of the highway commissioner, district clerk, and district treasurer shall be audited by the highway board of trustees.

The compensation of the highway commissioner shall be paid from the general township fund in districts comprised of a single township and shall be paid from the regular road fund in all other districts having highway commissioners; however, in districts comprised of a single township, a portion (not exceeding 50%) of the highway commissioner's salary may be paid from the corporate road and bridge fund or the permanent road fund if approved by the township board and the highway commissioner.

(b) The officers composing the highway board of trustees in consolidated township road districts shall be entitled to $3 per day for attending meetings of the board, to be paid out of the town fund of their respective townships. In consolidated township road districts, the compensation of the district clerk and the district treasurer shall be paid out of the road fund of the district.

(c) The district clerk shall receive:

(1) for each day he or she is necessarily employed in the discharge of official duties, a per diem to be fixed by the county board in road districts in counties not under township organization and by the highway board of trustees in consolidated township road districts; or

(2) $4 per day for each day he or she shall be required to meet with the highway commissioner and the same amount per day for the time he or she shall be employed in canvassing the returns of elections. The district clerk shall receive no other per diem. In addition to the above, the district clerk shall also receive fees for the following services, to be paid out of the district road fund, except where otherwise specified:

(A) For serving notice of election or appointment upon district officers as required by this Code, 25 cents each.

(B) For posting up notices required by law, 25 cents each.

(C) For copying any record in the district clerk's office and certifying to the copy, 10 cents for every 100 words, to be paid by the person applying for the certified copy.

(d) Except as otherwise provided in this Code, the district treasurer shall, in addition to any other compensation to which he or she is by law entitled,

receive an annual salary of not less than $100 nor more than $1,000 per year to be fixed by the highway board of trustees in consolidated township road districts and by the board of town trustees in districts composed of a single township.

Except as otherwise provided in this Code, the district treasurer shall, in addition to any other compensation to which he or she is by law entitled, receive an annual salary deemed appropriate and to be fixed by the county board in road districts in counties not under township organization.

The compensation of the district treasurer shall be paid from the general township fund in districts composed of a single township and shall be paid from the regular road fund in all other districts having district treasurers.

HISTORY:
P.A. 84-1326; 87-1084, § 1; 89-662, § 5; 90-81, § 5; 90-183, § 5; 90-655, § 147.

DIVISION 3.

LAYING OUT, WIDENING, ALTERING OR VACATING TOWNSHIP AND DISTRICT ROADS

605 ILCS 5/6-301 [Width of roads; designation of arterial district roads; applicability]

All township and district roads established under this Division of this Code shall be not less than 40 feet in width, except as provided in Section 6-327 [605 ILCS 5/6-327].

Highway commissioners in single township road districts may annually determine that certain roads in the district are vital to the general benefit of the district and designate them all or in part as arterial district roads. The designation must be approved by the county superintendent of highways, after notice and hearing, prior to the commissioners' recording the roads with the county superintendent of highways. No road or portion thereof designated as arterial shall be closed or vacated without written approval of the county despite the road's inclusion in any annexation or incorporation proceedings provided for in the Illinois Municipal Code [65 ILCS 5/1-1-1 et seq.]. This paragraph does not apply to roads in home rule units of government nor the roads included in our annexation proceeding by home rule units of governments.

This Division of this Code shall not apply to proceedings for laying out, widening, altering or vacating streets in municipalities, except as provided in this Section.

HISTORY:
P.A. 86-1229.

605 ILCS 5/6-302 [Reduction of width of roads]

The highway commissioner of any road district may in his discretion reduce the width of any existing township or district road to a width of 40 feet, if the reduction is petitioned for by a majority of the landowners along the line of such road within the district. When possible the land vacated by reducing the width of the road shall be taken equally from each side of the road. In cases of natural obstruction on one side of the road or where the road extends along the right-of-way of any railroad, river or canal, the commissioner is authorized to reduce the width of road on one side only.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-303 [Petition; certificates; relocated roads; vacation of roads]

Existing township and district roads may be widened, altered or vacated, and new township and district roads may be laid out in the manner provided in this Division of this Code. Any number of voters not less than 5% of the legal voters, or 12 legal voters, whichever is less, residing in any road district may file a petition with the highway commissioner of such district, praying for the laying out, widening, altering or vacation of such roads. Notwithstanding the preceding sentence, in counties with a population between 125,000 and 130,000, a petition for laying out, widening, altering, or vacating roads in a subdivision established under a county subdivision ordinance, where the final plat of the subdivision was approved by the county board, shall be filed with the county board unless the plat was filed with the county recorder at least 15 years before the petition is filed.

However, where the laying out, widening, altering or vacating of a township or district road is required by the construction, operation, or maintenance of a State highway, the Department, in lieu of a petition may file a certificate, signed by the Secretary of the Department, or his duly authorized agent, setting forth the necessity for the laying out, widening, altering or vacating of such roads. The procedure upon the filing of such certificate shall be the same as, and conform to, the procedure followed upon the filing of a petition. Such petition or certificate shall set forth a description of the road and what part is to be widened, altered or vacated, and if for a new road the names of the owners of lands, if known, and if not known it shall so state, over which the road is to pass, the points at or near which it is to terminate. When the general course of relocated roads shall render the same practicable, such relocated roads shall be laid out on section lines, or regular divisional lines subdividing a section or sections.

The highway commissioner, in lieu of a petition, may file a certificate with district clerk and county clerk to vacate roads. The procedure upon filing of

such certificate shall be the same as, and conform to, the procedure followed upon the filing of a petition.

HISTORY:
P.A. 81-840; 87-1121, § 1.

605 ILCS 5/6-304 [Aiding construction of State highways and federal aid roads; payment therefore; issuance of warrants or bonds; tax levy]

In case the Department widens or alters an existing road, or lays out a new road in any road district in connection with the construction of a State highway, or in connection with the construction of federal aid roads or such roads as are constructed with the aid of federal grants, loans, or allotments, as provided by law, and requires right-of-way for such purposes, the road district, acting through its highway commissioner, is authorized to take whatever steps may be necessary to enable such road district to aid the Department in the construction of State highways, or in connection with the construction of federal aid roads or such roads as are constructed with the aid of federal grants, loans or allotments, and the highway commissioner is authorized to pay for such rights-of-way from any available district road funds, and is authorized to issue warrants and levy a tax, or to issue bonds pursuant to referendum for the payment of such right-of-way, as is provided in Sections 6-503, 6-507, 6-509 and 6-510 of this Code [605 ILCS 5/6-503, 605 ILCS 5/6-507, 605 ILCS 5/6-509 and 605 ILCS 5/6-510].

HISTORY:
P.A. 81-1489.

605 ILCS 5/6-305 [Examination and hearing of proposed laying out, widening, altering or vacating of township or district road]

Whenever the highway commissioner receives a certificate from the Department as provided in Section 6-303 of this Act [605 ILCS 5/6-303], or a petition praying for the laying out, widening, altering or vacation of a township or district road, he shall fix a time when and a place where he will examine the route of such township or district road and hear reasons for or against the laying out, widening, altering or vacating. He shall give at least 10 days' written notice of the time and place of such examination and hearing to the county superintendent of highways and to any municipality which is affected by such action occurring within its planning area, and by publication in at least one newspaper published in the township or district or, in the absence of such published newspaper, in at least one newspaper of general circulation in the township or district or, in the absence of such generally circulated newspaper, by posting notices in 5 of the most public places in the district in the vicinity of the road to be laid out, widened, altered or vacated. The commissioner may, by written notice to the county superintendent of highways and any affected municipality, and by public announcement and by the posting of a notice at the time and place named for the first hearing, adjourn such hearing from time to time, but not for a longer period than 10 days. At such meeting, or such adjourned meeting the commissioner shall decide and publicly announce whether he will grant or refuse the prayer of the petition, and shall endorse upon or annex to the petition a brief memorandum of such decision. The memorandum shall be signed by the commissioner and filed within 5 days thereafter in the office of the district clerk. The commissioner shall also send a copy of the memorandum to the county superintendent of highways and any affected municipality, and, in cases where action is initiated as the result of a Department certificate, a copy of the memorandum to the Department.

No road shall be laid out, widened, altered or vacated unless the highway commissioner finds that such alteration or vacation is in the public and economic interest and further finds that any person residing or owning land within 2 miles of any portion of the road proposed to be altered or vacated shall still have reasonable access (but not necessarily a direct route) by way of a motor vehicle or other portable farm machinery commonly used in the area to farm land he owns or operates and to community and trade centers after the road is altered or vacated. Such findings shall be contained in the memorandum of decision signed by the highway commissioner.

A final hearing may be held at the time of the preliminary or adjourned meeting if all damages have been released, all surveys and plats are made and there are no objectors. If there are objectors, the final hearing shall be held as provided for in Section 6-311 [605 ILCS 5/6-311].

HISTORY:
P.A. 85-1421.

605 ILCS 5/6-306 [Denial of petition; appeal]

In case the highway commissioner denies the prayer of the petition for the laying out, widening, altering or vacation of a township or district road, any 3 of the petitioners may appeal from such decision to the county superintendent of highways by joining in a notice of such appeal and filing the same in the office of the district clerk within 10 days after the date of the decision appealed from. The clerk shall thereupon transmit the original petition for the laying out, widening, altering or vacation of such township or district road, together with the notice of appeal to the county superintendent of highways. Upon receipt thereof the county superintendent of highways shall thereupon fix a time and place for a public hearing thereof, giving notice thereof and conducting the hearing and rendering his decision thereon in the manner prescribed by Section 6-311 of this Act [605 ILCS 5/6-311] in the case of the hearing upon such petition by the county superintendent of

highways. Upon rendering his decision, the county superintendent of highways shall likewise endorse on such petition a memorandum of his decision, which (if the decision approved the change requested in the petition) shall include his findings that such alteration or vacation of the township or district road will be in the public and economic interest and will not deprive residents or owners of proximate land of reasonable access elsewhere as specified in Section 6-305 of this Act [605 ILCS 5/6-305]; and shall file the same in the office of the district clerk.

Such decision of the highway commissioner or, upon appeal of such order, of the county superintendent of highways shall be regarded as a preliminary decision upon the advisability of the proposal in the petition and shall be subject to revocation in the manner hereinafter provided, except that such decision of the county superintendent of highways affirming the denial of the petition shall be regarded as a final decision.

HISTORY:
Laws 1963, p. 3216.

605 ILCS 5/6-307 [Survey and plat of road; resurvey]

If the highway commissioner, or upon appeal from his decision, the county superintendent of highways, shall enter a preliminary order for the laying out, widening, alteration or vacation of a township or district road, the highway commissioner or county superintendent of highways, as the case may be, shall cause a survey and plat of such township or district road to be made by a competent surveyor who shall report such survey and plat to the highway commissioner or county superintendent, as the case may be, giving the courses and distances and specifying the land over which such road is to pass; in which he may make such changes between the termini of the road described in the petition, as the convenience and interest of the public in his judgment may require. Upon the petition of 12 land owners residing in the district where the road is situated, it shall be the duty of the highway commissioner or county superintendent, as the case may be, within a reasonable time to employ a competent surveyor and have any road designated in such petition to be once resurveyed.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-308 [Fixing damages]

Whenever the highway commissioner of any road district or upon appeal from his decision, the county superintendent of highways has entered a preliminary order for the laying out, widening, alteration or vacation of a township or district road, and a survey therefor has been completed as hereinbefore provided, proceedings shall next be taken to fix the damages which will be sustained by the adjoining land owners by reason of such laying out, widening, altering or vacation. In case such preliminary order was entered by the highway commissioner, he shall act for the district in all matters relating to the fixing of damages, as well as the surveying of such road. But in case such order was entered by the county superintendent of highways on appeal, as aforesaid, the county superintendent shall represent the district in such matters.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-309 [Agreement on damages; condemnation proceedings]

The damages sustained by the owner or owners of land by reason of the laying out, widening, alteration or vacation of a township or district road, may be agreed upon by the owners of such lands, if competent to contract, and the highway commissioner or county superintendent, as the case may be. Such damages may also be released by such owners, and in such case the agreement or release shall be in writing, the same shall be filed and recorded with the copy of the order laying out, widening, altering or vacating such road in the office of the district clerk, and shall be a perpetual bar against such owners, their grantees and assigns for all further claims for such damages.

In case the highway commissioner or the county superintendent, as the case may be, acting for the road district, is unable to agree with the owner or owners of the land necessary for the laying out, widening or alteration of such road on the compensation to be paid, the highway commissioner, or the county superintendent of highways, as the case may be, may in the name of the road district, enter condemnation proceedings to procure such land, in the same manner as near as may be, as provided for the exercise of the right of eminent domain under the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.].

HISTORY:
P.A. 82-783; 94-1055, § 95-10-355.

605 ILCS 5/6-310 [Inducements]

Any person or persons interested in the establishment, widening, alteration or vacation of any township or district road is or are authorized to offer inducements to the highway commissioner or county superintendent of highways, as the case may be, for the establishment, widening, alteration or vacation of any such township or district road, by entering into contract with the commissioner or county superintendent, conditioned upon such establishment, widening, alteration or vacation, to pay money or other valuable thing to the district for the benefit of the road funds of the same; or to perform any labor, or construct any road, bridge or culvert on any road which such person or persons desires or desire to be established, widened or altered. Any such contracts

in writing made with the highway commissioner or county superintendent shall be deemed good and valid in law and may be enforced by such commissioner or superintendent, or his successor in office, before the circuit court.

HISTORY:
P.A. 79-1366.

605 ILCS 5/6-311 [Public hearing on advisability of proposed laying out, widening, alteration or vacation of road]

Within 20 days after the damages likely to be sustained by reason of the proposed laying out, widening, alteration or vacation of any township or district road have been finally ascertained, either by agreement of the parties or by condemnation proceedings, or within 20 days after such damages may have been released, the highway commissioner or the county superintendent of highways, as the case may be, shall hold a public hearing at which he shall hear and consider reasons for or against the proposed laying out, widening, alteration or vacation of such road, and at which time and place he shall publicly announce his final decision relative thereto. The highway commissioner or the county superintendent of highways, as the case may be, shall give public notice of such public hearing by publication in at least one newspaper published in the township or district or, in the absence of such published newspaper, in at least one newspaper of general circulation in the township or district or, in the absence of such generally circulated newspaper at the time prescribed for notice, by posting notices thereof in at least 5 of the most public places in the district in the vicinity of the road for at least 5 days prior thereto. A written notice shall be mailed or delivered to all owners of the property adjacent to the road which is the subject of the hearing. A written notice may be mailed or delivered to every person known to have been present at the hearings conducted pursuant to Sections 6-305 and 6-306 of this Act [605 ILCS 5/6-305 and 605 ILCS 5/6-306] and to every other person who has requested such notice.

At such time and place the highway commissioner, if he is the official conducting the hearing, shall determine the advisability of such proposed laying out, widening, alteration or vacation of such road, shall make an order for the same and shall within 5 days thereafter file such order in the office of the district clerk.

At such time and place the county superintendent of highways, if he is the official conducting the hearing, shall:

(a) Be empowered to administer oaths;

(b) Permit the appearance in person or by counsel, the introduction of evidence and the cross examination of witnesses by not less than 3 of the qualified petitioners, not less than 3 other legal voters residing within 2 miles of any portion of such road, and not less than 3 other persons owning land in the road district or owning land wholly or partially situated within 2 miles of any portion of such road, except that no such permission shall extend to a person other than a petitioner unless it appears that he will be directly and adversely affected by the change requested in the petition;

(c) Provide that every person offering testimony shall testify under oath or affirmation and shall be subject to cross examination, except that the technical rules of evidence governing proceedings in circuit courts are inapplicable in such hearing;

(d) Secure and retain a stenographic transcript of the proceedings, including all evidence offered or introduced at the hearing; and

(e) Determine the advisability of such proposed laying out, widening, alteration or vacation of such road, shall make an order for the same and shall within 5 days thereafter file such final order in the office of the district clerk.

Every order entered and filed pursuant to this Section in approval of the change requested in the petition shall contain an express finding that such alteration or vacation of the township or district road will be in the public and economic interest and will not deprive residents or owners of proximate land of reasonable access elsewhere as specified in Section 6-305 of this Act [605 ILCS 5/6-305].

HISTORY:
P.A. 83-1362; 99-237, § 5.

605 ILCS 5/6-312 [Appeal to county superintendent of highways]

In case such final order was entered by the highway commissioner as provided in Section 6-311 of this Code [605 ILCS 5/6-311] finally determining the advisability of such proposed laying out, widening, alteration or vacation of any township or district road, any 3 qualified petitioners who may have signed the petition for such proposed laying out, widening, alteration or vacation, or any 3 legal voters residing within 2 miles of any portion of such road, or any 3 other persons owning land in the road district or owning land within 2 miles of any portion of such road, may (if either they are qualified petitioners or they both have raised objections at the hearing pursuant to Section 6-311 of this Act and will be directly and adversely affected by such proposed laying out, widening, alteration or vacation) appeal to the county superintendent of highways by filing a notice of such appeal in the office of the district clerk within 10 days of the date of filing the decision appealed from.

Thereupon such clerk shall at once transmit all papers relating to such proposed laying out, widening, altering or vacation of such road to the county superintendent of highways, who shall within 20 days after the receipt of the same, hold a public hearing within such district to finally determine upon the laying out, widening, altering or vacation of

such road. Such hearing shall be upon such notice and conducted in like manner as the hearing before the highway commissioner relative to such final decision and from which appeal has been taken, except that the powers and duties of the county superintendent of highways in conducting such hearing and in determining and filing his final order shall be identical to the powers and duties of such superintendent prescribed by Section 6-311 of this Act. Judicial review may be pursued after such final order of the county superintendent of highways relative to the alteration or vacation of such roads in the manner provided in Section 6-315a of this Division [605 ILCS 5/6-315a].

HISTORY:
Laws 1963, p. 3216; P.A. 99-237, § 5.

605 ILCS 5/6-313 [Annulment and revocation of proceedings and assessments, releases and agreements]

In case the highway commissioner, or upon appeal from his decision, the county superintendent of highways, shall finally determine against the advisability of the proposed laying out, widening, alteration or vacation of such township or district road, such order shall have the effect to annul and revoke all proceedings and assessments, releases and agreements in respect to damages growing out of the proceedings upon the petition aforesaid. In case the commissioner or county superintendent affirms such prior proceedings, he shall make an order to be signed by him, declaring such road to be laid out, widened, altered or vacated as a public highway and which order shall contain or have annexed thereto a definite description of the line of such road, together with the plat thereof. The highway commissioner or county superintendent, as the case may be, shall within 5 days from the date of his final order, cause the same, together with the report of the surveyor, the petition and the releases, agreements or assessments in respect to damages, to be deposited and filed in the office of the district clerk; who shall note upon such order the date of such filing. It shall be the duty of such clerk to record such order, together with the plat of the surveyor in a proper book to be kept for that purpose.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-314 [Highway commissioner to secure laying out, widening, alteration or vacation of roads]

After it has been finally determined that a township or district road shall be laid out, widened, altered or vacated, either by the highway commissioner, or upon appeal, by the county superintendent of highways, all proceedings subsequent thereto on behalf of the district shall be taken by the highway commissioner thereof as provided in this division of this Code. And such highway commissioner in such cases is hereby authorized to resort to all necessary proceedings not inconsistent with the provisions of this Code to secure the laying out, widening, alteration or vacation of any such road.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-315 [Proof of compliance and regularity of action]

An entry in the records, ledger, or official minute book of the district clerk, stating that there has been a dedication of a public highway according to statutory requirements shall be prima facie evidence in all cases that there was a dedication of a public highway and that the dedication complied with all statutory requirements, regardless of whether supporting records or documentation of the dedication is available.

HISTORY:
Laws 1959, p. 196; P.A. 93-183, § 5.

605 ILCS 5/6-315a [Review under Administrative Review Law]

Any 3 persons who, at a hearing conducted by the county superintendent of highways pursuant to Section 6-306, 6-311 or 6-312 of this Act [605 ILCS 5/6-306, 605 ILCS 5/6-311 or 605 ILCS 5/6-312], have been permitted to appear, in person or by counsel, and to introduce evidence and cross examine witnesses, may (if they are qualified petitioners, or have raised objections at a hearing pursuant to Section 6-311 or 6-312 of this Act and will be directly and adversely affected by such proposed alteration or vacation) obtain judicial review of such final administrative decision of the superintendent (meaning his final order denying the petition after a hearing pursuant to Section 6-306, or granting or denying the petition after a hearing pursuant to Section 6-311 or 6-312, to be filed in the office of the district clerk after the hearing) pursuant to the Administrative Review Law [735 ILCS 5/3-101 et seq.], and all amendments and modifications thereof, and any rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. Such judicial review proceeding shall be given precedence over all other civil cases, except cases arising under the Workers' Compensation Act [820 ILCS 305/1 et seq.] and the Unemployment Insurance Act [820 ILCS 405/100 et seq.].

HISTORY:
P.A. 82-783; 91-357, § 225.

605 ILCS 5/6-316 [Time for opening of roads; payment of damages]

All township and district roads laid out as provided in this Division of this Code shall be opened within 2 years from the time of laying out the same. If the damages resulting from the establishing of such

roads shall not be paid within 90 days from the time the money is in the hands of the treasurer of the road fund to pay the same, such new roads shall be deemed to be vacated.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-317 [Removal of fences]

Whenever a township or district road is ordered to be laid out, widened or altered, according to the provisions of this Division of this Code, which road shall pass through or on enclosed land, the highway commissioner shall give the owner or occupant of such land 60 days' notice in writing to remove the fences. If such owner or occupant does not remove the fence or fences within 60 days after such notice, the commissioner shall have the same removed, and direct the road to be opened and worked; the owner of such premises shall pay all necessary costs of removal, and the same may be recovered by the highway commissioner in any court of competent jurisdiction, provided however that in case the owner or occupant has been awarded damages either by agreement, or by judgment in condemnation proceedings, for the removal of such fence or fences, then the owner or occupant shall remove such fences without such notice, and the highway commissioner may enter upon such premises at once for the purpose of laying out, widening or altering such road.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-318 [Harvesting crops; notice for fence removal]

When any township or district road has been finally laid out, widened or altered according to the provisions of this Division of this Code, the owners of such lands taken shall have a reasonable time, not exceeding 8 months, to be designated by the highway commissioner to harvest crops which may be on such lands before such road shall be opened, provided however that if the damages to crops have been included in the total damages finally allowed or awarded then the highway commissioner may enter upon such premises at once for the purpose of opening such road, provided further that if there are fences on such land taken, he shall first give notice to remove said fences as provided in Section 6-317 of this Code [605 ILCS 5/6-317].

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-319 [Roads on county or district lines; railroad right-of-way or stream of water]

Township and district roads may be laid out, widened, altered or vacated on county or district lines, or from one district to another, and in case a railroad right-of-way or stream of water joins the boundary line of such county or district line, then along the line of such railroad right-of-way or stream of water, in the same manner as other township and district roads, except that in such cases, a copy of the petition shall be posted in and presented to the highway commissioners of each district interested; such petition to be as in other cases, and signed by not less than 5% of the legal voters, or 12 legal voters, whichever is less, residing in the district or county. Whereupon the highway commissioners of the several districts shall meet and act together, in the same time and manner as in other cases, in considering the petition, viewing the premises, adjusting damages, and making all orders in reference to such proposed road, widening, alteration or vacation, and a copy of all final orders and plats and papers shall be filed and recorded in each of the counties and districts interested. In case the commissioners are unable to agree, the county superintendent of highways shall act as arbitrator between them in case the districts shall lie within the same county, and if in different counties the Department or any person designated by it, shall so act. All appeals hereinbefore provided for in this Division of this Code may likewise be taken to the county superintendent of highways, or in case the districts shall lie in 2 or more counties, to the Department.

In lieu of petitions, the highway commissioners of all road districts interested may file a certificate to vacate roads with the respective county clerks and with the respective township or district clerks, as the case may be. The procedure upon the filing of such certificates shall be the same as, and conform to, the procedure followed upon the filing of a petition.

HISTORY:
P.A. 78-543.

605 ILCS 5/6-320 [Allotment to districts of new township or district roads; division of expenses and damages]

The highway commissioners shall also, in case a new township or district road is established on a county or district line, allot to each of such districts the part of such road which each of such districts shall open and keep in repair, and the part so allotted shall be considered as wholly belonging to such district. They shall also divide the expenses and damages which may accrue from such laying out, widening or alteration, and if they cannot agree, they shall refer the matter to the county superintendent of highways or in case the districts shall lie in 2 or more counties, the Department, whose decision shall be final.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-321 [Division, allotment and repair of roads laid out on district or county lines]

All township and district roads heretofore or here-

after laid out upon district or county lines shall be divided, allotted and kept in repair in the manner as hereinbefore directed. Any township or district road that is or shall be laid out on any county or district line, and in case a railroad right-of-way or a stream of water forms the boundary line of such district or county, or crowds the public road off from such district or county, then the road alongside such railroad right-of-way or stream of water, shall be held to be a road on a county or district line, although owing to the topography of the ground along such county or district line, or at the crossing of any stream of water, the proper authorities in laying out such road may have located a portion of the same to one side of such county or district line or railroad right-of-way, or stream of water, and the expenses of keeping in repair such road shall be assessed by each district or county interested.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-322 [Roads adjoining another state]

Township and district roads may be laid out and opened upon the line between this and any adjoining state, as provided in the preceding sections, whenever the laws of such adjoining state shall be applicable.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-323 [Notices to railroad companies]

In addition to the notices now required by law in proceedings for laying out, locating or opening of township and district roads, similar notices shall be served on any railroad company across or alongside of whose railroad it may be proposed to locate such a road. Such notices shall be served by delivering a copy thereof to the station agent of any such railroad company nearest to the proposed location of such projected township or district road.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-324 [Relocation, diversion or establishment of roads in connection with railroad crossing]

The highway commissioner of any road district shall relocate, divert or establish a township or district road where necessary in connection with the crossing of the track of any railroad company across any township or district road upon certification of the findings of the Illinois Commerce Commission as provided in Section 18c-7401 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7401]. The Illinois Commerce Commission may apportion all costs and damages incident thereto as provided in said Section 18c-7401.

HISTORY:
P.A. 85-1209.

605 ILCS 5/6-325 [Inclusion in township or district road system of roads or streets in platted subdivisions]

In counties having less than 3,000,000 inhabitants, roads or streets in platted subdivisions and dedicated to public use shall be included in and incorporated into the township or district road system without any hearing or petition therefor required by the preceding Sections of this Division, when and if such roads or streets conform to the rules, specifications and regulations regarding location, width, grades, surface and drainage structures prepared by the county superintendent of highways and adopted by the county board. The highway commissioner shall determine when such dedicated roads and streets so conform and shall thereupon make an order to incorporate them into the township or district road system and file one copy of such order in the office of the district clerk and one copy with the county superintendent of highways. If the highway commissioner refuses or fails to make such an order, any 3 interested persons may appeal to the county superintendent of highways to determine if such roads and streets so conform, and if his finding is favorable, he shall make an order to incorporate them into the township or district road system and shall file such order in the office of the district clerk. The county board may adopt alternate and less stringent rules, specifications, and regulations prepared by the county superintendent of highways for roads and streets that were initially platted in subdivisions before January 1, 1959, but not constructed, and these alternate rules, specifications, and regulations shall be applicable in determining if these roads and streets conform under this Section for inclusion into the township or district road system. The county board, by an affirmative vote of at least three-fifths of all members of the county board, may adopt alternate and less stringent rules, specifications and regulations prepared by the County Superintendent of Highways for roads and streets that were initially constructed in platted subdivisions prior to January 1, 1959, and such alternate rules, specifications and regulations shall be applicable in determining if such roads and streets comply under this Section if the highway commissioner first determines that such roads and streets should be included in or incorporated into the township or district road system.

Roads and streets which have been laid out and dedicated to public use but which are not in platted subdivisions or which are in a platted subdivision but do not conform to the rules, specifications and regulations as required by the preceding paragraph of this Section or are in a county which has not established such rules, specifications and regulations may

be included in and incorporated into the township or district road system in the manner hereinafter specified in this Section. The proceedings for that purpose shall be in accordance with the provisions of Sections 6-303 and 6-305 of this Code [605 ILCS 5/6-303 and 605 ILCS 5/6-305] with reference to laying out new roads, except as hereinafter provided in this Section. The petition shall pray that the roads or streets be incorporated into the township or district road system. The provisions of Section 6-305 of this Code relative to notice and hearing are applicable to the proceedings except the notice shall state the time when the commissioner will examine the roads or streets and hear reasons for or against incorporating them into the township or district road system and the notice shall be posted in the vicinity of the road or street described in the petition. The provisions of Section 6-305 relative to the decision are applicable if the prayer of the petition is refused, but if the commissioner grants the prayer of the petition, he shall so publicly announce and shall make an order to incorporate the roads or streets into the township or district road system and shall, within 5 days thereafter, file one copy of such order in the office of the district clerk and one copy with the county superintendent of highways.

In case the highway commissioner denies the prayer of the petition, any 3 of the petitioners may appeal to the county superintendent of highways by filing a notice of appeal with the district clerk within 10 days from the date of the decision appealed from, and in case the highway commissioner grants the prayer of the petition any 3 land owners in the district may appeal in like manner. In case of appeal the clerk shall transmit the original petition to the county superintendent of highways, also the notice of appeal. Upon receipt of the same the county superintendent of highways shall fix a time and place for a public hearing thereon, giving notice thereof and after the hearing shall render his decision thereon and record and file the same in the manner hereinbefore provided in the case of the hearing upon such petition by the highway commissioner of the district.

If no appeal is taken within 10 days from a decision allowing the prayer of the petition the roads or streets described in the petition shall be deemed to be incorporated into the township or district road system.

If an appeal is taken from the decision of the highway commissioner and the county superintendent of highways allows the prayer of the petition the roads or streets described in the petition shall be deemed to be incorporated into the township or district road system, upon his decision being filed with the clerk of the district.

In counties having more than 3,000,000 inhabitants, roads or streets in platted subdivisions and dedicated to public use and roads or streets which have been laid out and dedicated to public use may be included in and incorporated into the township or district road system in the manner specified in this Section, if such roads or streets conform to the rules, specifications and regulations regarding location, width, grades, surface and drainage structures established by the highway commissioner, the county superintendent of highways and the county plan commission, if any.

The proceedings for that purpose shall be in accordance with the provisions of Sections 6-303, 6-304 and 6-305 of this Code [605 ILCS 5/6-303, 605 ILCS 5/6-304 and 605 ILCS 5/6-305] with reference to laying out new roads, except as provided in this Section. The petition shall pray that the streets or roads be incorporated into the township or district road system, and if the petition is allowed the decision shall order that the streets or roads be incorporated into the township or district road system. The provisions of Sections 6-306 and 6-307 of this Code [605 ILCS 5/6-306 and 605 ILCS 5/6-307] are not applicable to the proceedings. The provisions of Section 6-305 of this Code relative to notice and hearing are applicable to the proceedings except the notice shall state the time when the commissioner will examine the streets or roads and hear reasons for or against incorporating them into the township or district road system and the notice shall be posted in the vicinity of the street or road described in the petition. The provisions of Section 6-305 relative to the decision are applicable if the prayer of the petition is refused, but not applicable if granted and in such case the provisions of this Section govern.

In case the highway commissioner denies the prayer of the petition any 3 of the petitioners may appeal to the county superintendent of highways by filing a notice of appeal with the district clerk within 10 days from the date of the decision appealed from, and in case the highway commissioner grants the prayer of the petition any 3 land owners in the district may appeal in like manner.

In case of appeal the clerk shall transmit the original petition to the county superintendent of highways, also the notice of appeal.

Upon receipt of the same the county superintendent of highways shall fix a time and place for a public hearing thereon, giving notice thereof and after the hearing shall render his decision allowing or denying the prayer of the petition and endorse the same on the petition and file the same with the district clerk, within 5 days.

Any notice of appeal under the foregoing provisions shall be filed with the clerk within 10 days after the decision of the highway commissioner.

If no appeal is taken from a decision allowing the prayer of the petition the streets or roads described in the petition shall be deemed to be incorporated into the township or district road system.

If an appeal is taken from the decision of the highway commissioner and the county superintendent of highways allows the prayer of the petition the streets or roads described in the petition shall be deemed to be incorporated into the township or district road system, upon his decision being filed with the clerk of the district.

The 7 preceding paragraphs of this Section shall apply only in counties having more than 3,000,000 inhabitants.

HISTORY:
P.A. 86-616; 91-775, § 10.

605 ILCS 5/6-326 [Road in a county unit road district; petition; appeal]

When a petition to lay out, widen, alter or vacate a district road concerns a road in a county unit road district, such petition shall be filed with the county superintendent of highways. Such county superintendent shall have the powers and perform the duties of a highway commissioner under the provision of this Division of this Code. An appeal may be had from the decision of such county superintendent of highways on such petition to the county board of the county.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-326.1 [Temporary closure and reconstruction of roads]

Existing township and district roads may be temporarily closed and reconstructed by the filing with the highway commissioner of the district involved and with the County Superintendent of Highways of a petition signed by all of the owners of the property contiguous to both sides of that portion of the roadway to be temporarily closed and reconstructed by the petitioners. A copy of this petition shall be published in at least one newspaper published in the township or district or, in the absence of such published newspaper, in at least one newspaper of general circulation in the township or district or, in the absence of such generally circulated newspaper, by posting copies of the petition in 5 of the most public places in the district in the vicinity of the road to be temporarily closed and reconstructed. The Road Commissioner shall provide for publication or posting at least 10 days prior to any decision on the matter. If the commissioner is of the opinion that the temporary closing of the road is in the public and economic interest and that the temporary closing will not materially interfere with the flow of traffic on the township and county road system then, upon the approval of plans for the reconstruction of the road by the District Commissioner and the County Superintendent of Highways and the depositing with the commissioner of a contract and corporate surety bond approved by the Highway Commissioner and the County Superintendent of Highways properly guaranteeing the replacement of the road in as good or better condition as existed prior to the closing, the commissioner may temporarily close the road for a period not to exceed 3 years.

HISTORY:
P.A. 79-510.

605 ILCS 5/6-327 [Roads for private and public use]

Township and district roads for private and public use of the widths of 50 feet or less may be laid out from one or more dwellings or plantations to any public road, or from one public road to another, or from one or more lots of land to a public road or from one or more lots of land to a public waterway, on petition to the highway commissioner by any person directly interested. Upon receiving such petition, proceedings shall be had respecting the laying out of such road as in the case of other township and district roads. In case the highway commissioner or upon appeal, the county superintendent of highways, shall enter a preliminary order for the laying out of such road, such highway officer or officers making such preliminary order shall, if possible, and the parties are competent to contract, agree upon the total amount of damages, together with the portion thereof to be paid by the district, if any, as well as by each of the land owners benefited by such road. In case such damages cannot be determined or apportioned by agreement, the same shall be fixed as in the case of other township and district roads. The amount of such damages shall be paid by the person benefited thereby, to the extent and in proportion that they are benefited as determined and declared by the court. The remainder of the amount of damages, over and above that to be paid by the parties aforesaid, if any, shall be paid by the district as in other cases. The amount of damages to be paid by individuals shall be paid to the parties entitled thereto, before the road shall be opened for use. In all other respects the provisions of this Division of this Code relative to the opening, widening, alteration or vacation of other township and district roads shall be applicable also to the laying out, widening, alteration or vacation of roads for private and public use: Provided that the cost of the construction of the roadway, bridges and culverts and the maintenance thereof shall be borne by the parties paying for such road.

HISTORY:
Laws 1963, p. 2045.

605 ILCS 5/6-328 [Recordation of road plat]

Whenever any township or district road is laid out, widened or altered in accordance with this Division of this Code, the highway commissioner shall cause a plat thereof to be made and recorded in the office of the recorder of the county (or in the office of the registrar of titles for the county if appropriate) in accordance with the provisions of Section 9 of "An Act to revise the law in relation to plats", approved March 21, 1874, as amended [765 ILCS 205/9].

HISTORY:
P.A. 83-358.

605 ILCS 5/6-329 [Recordation of vacated road]

Upon the vacation of any township or district road

or part thereof, the highway commissioner shall cause a legal description of the road or part thereof vacated to be recorded in the office of the recorder of the county. The recorder shall mark the plat previously recorded in such manner as to show the vacation and to indicate the book and page number where the description is recorded.

HISTORY:
P.A. 83-358.

DIVISION 4.

CONSTRUCTION AND MAINTENANCE OF TOWNSHIP AND DISTRICT ROADS

605 ILCS 5/6-401 [Failure to repair or maintain road; remedy; penalty]

If any highway commissioner fails or refuses to repair or maintain any road or section of a road in his district within 10 days after he is given a notice in writing signed by 3 landowners of such district, that such road or section of a road is in need of repair or maintenance, any 3 landowners in such district may petition the county superintendent of highways that such road or section thereof is in need of repair, or is not properly maintained by the highway commissioner. The county superintendent of highways shall set a day, not less than 10 nor more than 20 days after such petition is filed with him, for hearing the complaint alleged in such petition, and shall cause 10 days notice of such hearing to be given addressed "to all persons interested" by posting notices of such hearing in 5 of the most public places in such district in the vicinity of the road or section of road described in the petition and also by delivering a copy of such notice to such commissioner or mailing a copy thereof to such commissioner at his post office address, postage prepaid.

If the county superintendent of highways determines as a result of such hearing that the road described in the petition is in need of repair, or is not properly maintained by the highway commissioner of the district, he shall order the highway commissioner of the district to make such repairs as appear to him to be proper or necessary, or to properly maintain such road or section of road.

If any highway commissioner wilfully disobeys the order of the county superintendent of highways issued in pursuance to this section, when there are sufficient funds to permit a compliance with such order, he shall be guilty of a petty offense, and shall upon proper proceedings being brought in the circuit court of the county, be subject to removal from office.

HISTORY:
P.A. 79-1366.

605 ILCS 5/6-402 [Construction and repair of bridges or culverts on roads on district lines]

Bridges or culverts on roads on district lines, except as provided in Section 5-503 of this Code [605 ILCS 5/5-503], shall be constructed and repaired by such districts and the expense of such construction and repair shall be borne in proportion to the assessed value of the taxable property in the respective districts according to the last preceding equalized assessment thereof prior to such construction or repair; or the commissioners of such adjoining road districts may enter into joint contracts, which may provide for any just division of cost. Such contracts may be judicially enforced against such commissioners jointly, the same as if entered into by individuals, and such commissioners may be proceeded against jointly by any parties interested in such bridges or culverts, for any neglect of duty in reference to such bridges or culverts, or for any damage growing out of such neglect.

HISTORY:
P.A. 83-345.

605 ILCS 5/6-404 [Approaches to bridges and culverts]

Approaches to all bridges and culverts constructed under and by virtue of Section 6-402 [605 ILCS 5/6-402] shall be constructed and maintained by the respective road districts within which such approach or approaches may be located, and all approaches to all such bridges and culverts, as have heretofore been constructed jointly by 2 or more districts shall be maintained by the respective districts within which such approaches are located.

HISTORY:
P.A. 84-962.

605 ILCS 5/6-405 [Appropriation by road district for proportionate share of construction or repair of bridge or culvert]

When any road district desires to construct or repair any bridge or culvert as provided in Section 6-402 [605 ILCS 5/6-402], and has appropriated its share of the cost of constructing or repairing the same it shall be the duty of such other road district to make an appropriation for its proportionate share of the expense of such construction or repair. If such other road district fails or refuses to make such appropriation any court of competent jurisdiction, upon a proper petition for that purpose, shall issue an order to compel such other road district to make such appropriation; or the road district which has made its appropriation, may, after giving due notice to the other road district, proceed with the construction or repair of the bridge or culvert, and, if the construction or repair is reasonable in kind and cost,

may recover from the other road district, by suit, such proportionate share of the expense as the other road district is liable for, with costs of the suit and interest from the time of the completion of the construction or repair. However, if the expense of the construction or repair of the bridge or culvert is unreasonable then the road district may recover only the other road district's proportionate share of an amount equal to a reasonable expense for the construction or repair.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-406 [Action for recovery of breach of joint contract]

When a joint contract has been made in accordance with Section 6-402 [605 ILCS 5/6-402], and if the commissioner of either of such road districts, after reasonable notice in writing from the commissioner of any other road district, neglects or refuses to construct or repair any bridge or culvert, the commissioner so giving notice, after constructing or repairing the same, may recover by suit such amount as may have been contracted for in accordance with Section 6-402 of this Code, of the expense of so constructing or repairing such bridge or culvert together with costs of suit and interest from time of completion thereof, from the road district so neglecting or refusing.

HISTORY:
P.A. 84-962.

605 ILCS 5/6-407: [Repealed] Repealed by P.A. 93-704, § 10, effective July 9, 2004.

605 ILCS 5/6-408 [Contracts for constructing and repairing roads and bridges on road district lines]

Contracts for constructing and repairing roads and bridges on road district lines shall be let by the highway commissioners of the 2 districts who shall meet and act together when taking action upon the letting of such contract for the construction or repair of such roads and bridges, or acceptance of the work.

HISTORY:
Laws 1959, p. 888; P.A. 93-704, § 5.

605 ILCS 5/6-409 [Penal sums]

No contract so made shall be considered as let unless the contractor shall, within 15 days after the final award of the same, enter into contract and file a bond with good and sufficient sureties with the highway commissioner, in the penal sum at least equal to the amount of the contract, payable to the commissioner of the district, upon failure to comply with the conditions of such contract.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-410 [Final payments]

All final payments on contracts for the construction or repair of roads, including the constructing or repairing bridges or culverts, shall be made payable as soon as the work under such contract is completed and accepted by the highway commissioner. The highway commissioner shall submit all warrants, bills and orders for such final payments to the township board of trustees or the highway board of auditors within 30 days after the receipt of the bill.

HISTORY:
P.A. 83-791; 94-59, § 5.

605 ILCS 5/6-411 Pecuniary interest in leases

In townships with a population of less than 15,000, with the approval of the town board of trustees or the highway board of auditors, as the case may be, a highway commissioner may have a pecuniary interest in lease contracts if the aggregate total of those contracts is less than $2,000 in the same fiscal year.

HISTORY:
P.A. 86-1179; 89-305, § 10; 96-422, § 5.

605 ILCS 5/6-411.1 Pecuniary interest in contracts

(a) Except as provided in this Section, no road district officer or employee shall be interested, directly or indirectly, in his or her own name or in the name of any other person, association, trust, or corporation, in any contract for work or materials, profits of work or materials, or services to be furnished or performed for the road district or for any person operating a public utility wholly or partly within the territorial limits of the road district.

(b) Any elected or appointed member of the governing body may provide materials, merchandise, property, services, or labor if:

(1) the contract is with a person, firm, partnership, association, corporation, or cooperative association in which the interested member of the governing body of the road district has less than a 7 ½% share in the ownership; and

(2) the interested member publicly discloses the nature and extent of his or her interest before or during deliberations concerning the proposed award of the contract; and

(3) the interested member abstains from voting on the award of the contract, though he or she shall be considered present for the purposes of establishing a quorum; and

(4) the contract is approved by a majority vote of those members presently holding office; and

(5) the contract is awarded after sealed bids to the lowest responsible bidder if the amount of the con-

tract exceeds $1,000, or awarded without bidding if the amount of the contract is less than $1,000; and

(6) the award of the contract would not cause the aggregate amount of all contracts awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed $25,000.

(c) In addition to subsection (b), any elected or appointed member of the governing body may provide materials, merchandise, property, services, or labor if:

(1) the award of the contract is approved by a majority vote of the governing body of the road district, provided that any interested member shall abstain from voting; and

(2) the amount of the contract does not exceed $1,000; and

(3) the award of the contract would not cause the aggregate amount of all contracts awarded to the same person, firm, association, partnership, corporation, or cooperative association in the same fiscal year to exceed $1,000; and

(4) the interested member publicly discloses the nature and extent of his or her interest before or during deliberations concerning the proposed award of the contract; and

(5) the interested member abstains from voting on the award of the contract, though he or she shall be considered present for the purposes of establishing a quorum; and

(6) no other vendor is available within a 25-mile radius of the road district.

(d) A contract for the procurement of public utility services by a road district with a public utility company is not barred by this Section by one or more members of the governing body being an officer or employee of the public utility company, holding an ownership interest of no more than 7 ½% in the public utility company, or holding an ownership interest of any size if the road district has a population of less than 7,500 and the public utility's rates are approved by the Illinois Commerce Commission. An elected or appointed member of the governing body having such an interest shall be deemed not to have a prohibited interest under this Section.

(e) Any officer who violates this Section is guilty of a Class 4 felony. Any office held by the person so convicted shall become vacant and shall be declared vacant as part of the judgment of the court.

(f) Nothing contained in this Section, including the restrictions set forth in subsections (b), (c), and (d), shall preclude a contract of deposit of moneys, loans, or other financial services by a road district with a local bank or local savings and loan association, regardless of whether a member or members of the governing body of the road district are interested in the bank or savings and loan association as an officer or employee or as a holder of less than 7 ½% of the total ownership interest. A member or members holding such an interest in a contract shall not be deemed to be holding a prohibited interest for purposes of this Section. The interested member or members of the governing body must publicly state the nature and extent of their interest during deliberations concerning the proposed award of such a contract but shall not participate in any further deliberations concerning the proposed award. The interested member or members shall not vote on a proposed award. Any member or members abstaining from participation in deliberations and voting under this Section may be considered present for purposes of establishing a quorum. Award of a contract shall require approval by a majority vote of those members presently holding office. Consideration and award of any contract in which a member or members are interested may only be made at a regularly scheduled public meeting of the governing body of the road district.

HISTORY:
P.A. 89-305, § 10.

605 ILCS 5/6-411.5 Contracts for public transportation

The highway commissioner of each road district within the territory of the Regional Transportation Authority shall have authority, with the approval of the township board of trustees, to contract with the Regional Transportation Authority or a Service Board, as defined in the Regional Transportation Authority Act [70 ILCS 3615/1.01 et seq.], for the purchase of public transportation services within the district, upon such terms and conditions as may be mutually agreed upon. The expenditure of road funds, collected under a road district tax, to purchase public transportation services constitutes a road purpose under this Code.

HISTORY:
P.A. 89-347, § 5.

605 ILCS 5/6-412 [All-weather travel surfaces]

On all township or district roads which have all-weather travel surfaces the highway commissioner, if funds are available, shall construct and maintain adequate all-weather surfaces at boxes used for the receipt of United States mail. Such approaches shall be constructed and maintained with the same material as the roadbed, or other suitable all-weather material.

The rules, regulations and specifications adopted by the Department governing the erection and maintenance of boxes for the receipt of United States mail on State highways shall not apply to and govern the erection and maintenance of such boxes on such township or district roads.

HISTORY:
Laws 1961, p. 473.

605 ILCS 5/6-412.1 [Insurance]

The highway commissioner is authorized to contract for insurance against any loss or liability of any

officer, employee or agent of the district resulting from the wrongful or negligent act of any such officer, employee or agent while discharging and engaged in his duties and functions and acting within the scope of his duties and functions as an officer, employee or agent of the district. Such insurance shall be carried with a company authorized by the Department of Insurance to write such coverage in Illinois. Every such policy shall provide, or be endorsed to provide, that the company issuing such policy waives any right to refuse payment or deny coverage or liability thereunder, within the limits of the policy, because of any exemption the district may have from such liability. The expenditure of road funds of the district to purchase such insurance contracts constitutes a road purpose under this Act.

HISTORY:
Laws 1961, p. 2724.

DIVISION 5.

TAXATION

605 ILCS 5/6-501 Findings and purpose

(a) Findings and purpose. The General Assembly finds:

(1) That the financial conditions of the Township and District road systems of the State of Illinois have suffered adversely as a result of changes in law concerning assessed valuation of property for tax purposes. That as a result of the changes beginning in 1945, the rates of permissible levy were first halved to accommodate full fair value, but never restored when subsequent law change established the legal assessed valuation at 50% of fair market value as equalized by the Department of Revenue.

(2) Townships and district road systems, as a result of the decreased financial support, have suffered a decline in ability to maintain or improve roads and bridges in a safe condition to permit the normal and ordinary use of its highway system. In many instances bridges have been closed and detours required because of impossible road conditions resulting in hardships for school districts in transporting pupils and for farms in moving products to market.

(3) Further, cost for maintenance and improvements have risen faster than the valuations of property, the base of financial support.

(4) To solve these problems, this Act makes changes in rates of taxation — returning Townships and District road systems to their approximate financial viability prior to 1945.

(b) The highway commissioner for each road district in each county not under township organization shall on or before the third Tuesday in December of each year determine and certify to the county board the amount necessary to be raised by taxation for road purposes and for the salaries of elected road district officials in the road district.

Should any highway commissioner during the last year of his term of office for any reason not file the certificate in the office of the county clerk, as required by this Section, in time for presentation to the regular September meeting of the county board, the clerk shall present in lieu thereof a certificate equal in amount to that presented for the preceding year.

In every such county the certificate shall be filed in the office of the county clerk and by that official presented to the county board at the regular September meeting for the consideration of the board. The amount so certified if approved by the county board, or the part thereof as the county board does approve, shall be extended by the county clerk as road taxes against the taxable property of the district.

(c) The highway commissioner in each road district in each county having adopted township organization shall in accordance with the Illinois Municipal Budget Law [50 ILCS 330/1 et seq.] at least 30 days prior to the public meeting required by this paragraph, each year prepare or cause to be prepared a tentative budget and appropriation ordinance and file the same with the clerk of the township or consolidated township road district, as the case may be, who shall make the tentative budget and appropriation ordinance conveniently available to the public inspection for at least 30 days prior to final action. One public hearing shall be held. This public hearing shall be held on or before the last day of the first quarter of the fiscal year before the township board of trustees or the highway board of trustees, as the case may be. Notice of the hearing shall be given by publication in a newspaper published in the road district at least 30 days prior to the time of the hearing. If there is no newspaper published in the road district, notice of the public hearing shall be given by posting notices in 5 of the most public places in the district. It shall be the duty of the clerk of the road district to arrange for the public hearing. The township board of trustees or highway board of trustees, as the case may be, at the public hearing shall adopt the tentative budget and appropriation ordinance, or any part as the board of trustees deem necessary.

On or before the last Tuesday in December the township board of trustees or highway board of trustees or road district commissioner, as the case may be, shall levy and certify to the county clerk the amount necessary to be raised by taxation for road purposes and the road district commissioner shall levy and certify to the county clerk the amount necessary to be raised by taxation for the salaries of elected road district officials in the road district, as determined by the highway commissioner.

The amount so certified shall be extended by the county clerk as road taxes against the taxable property of the district.

On or after October 10, 1991, a road district commissioner whose district is located in a county not under township organization may not levy separately a tax for salaries of elected road district

officials unless the tax has been first approved by a majority of the electors voting on the question at a referendum conducted in accordance with the general election law. The question submitted to the electors at the referendum shall be in substantially the following form: "Shall the road district commissioner be authorized to levy an annual tax for the salaries of elected road district officials under Section 6-501 of the Illinois Highway Code [605 ILCS 5/6-501]?"

Except as is otherwise permitted by this Code and when the road district commissioner establishes the tax rate for the salaries of elected road district officials, the county clerk shall not extend taxes for road purposes against the taxable property in any road district at rates in excess of the following:

(1) in a road district comprised of a single township in a county having township organization, at a rate in excess of .125% of the value, as equalized or assessed by the Department of Revenue; unless before the last Tuesday in December annually the highway commissioner of the township road district shall have secured the consent in writing of a majority of the members of the township board of trustees to the extension of a greater rate, in which case the rate shall not exceed that approved by a majority of the members of the township board of trustees, but in no case shall it exceed .165% of the value, as equalized or assessed by the Department. Once approved by the township board of trustees, the rate shall remain in effect until changed by the township board of trustees;

(2) in a consolidated township road district, at a rate in excess of .175% of the value, as equalized or assessed by the Department of Revenue;

(3) in a road district in a county not having township organization, at a rate in excess of .165% of the value, as equalized or assessed by the Department of Revenue.

However, road districts that have higher tax rate limitations on a permanent basis for road purposes on July 1, 1967, than the limitations herein provided, may continue to levy the road taxes at the higher limitations, and the county clerk shall extend the taxes at not to exceed the higher limitations.

If the amount of taxes levied by the township board of trustees or the highway board of trustees or approved by the county board in any case is in excess of the amount that may be extended the county clerk shall reduce the amount so that the rate extended shall be no greater than authorized by law. However, the tax shall not be reduced or scaled in any manner whatever by reason of the levy and extension by the county clerk of any tax to pay the principal or interest, or both, of any bonds issued by a road district.

The taxes, when collected, shall be held by the treasurer of the district as the regular road fund of the district.

Notwithstanding any other provision of law, for a period of time ending 18 years after the effective date of this amendatory Act of 1994, a road district or consolidated road district may accumulate up to 50% of the taxes collected from a subdivision under this Section for improvements of nondedicated roads within the subdivision from which and for which the taxes were collected. These nondedicated roads will become a part of the township and district road system if the roads meet the criteria established by the counties in which the roads are located. The total accumulations under this provision may not exceed 10% of the total funds held by the district for road purposes. This provision applies only to townships within counties adjacent to a county with a population of 3,000,000 or more and only with respect to subdivisions whose plats were filed or recorded before July 23, 1959.

Notwithstanding any other provision of law, for a period of time ending 10 years after the effective date of this amendatory Act of the 98th General Assembly, a road district or consolidated road district may accumulate up to 50% of the taxes collected from a subdivision under this Section for improvements of nondedicated roads within the subdivision from which and for which the taxes were collected. These nondedicated roads will become a part of the township and district road system if the roads meet the criteria established by the counties in which the roads are located. The total accumulations under this provision may not exceed 10% of the total funds held by the district for road purposes. This provision applies only to townships within counties adjacent to a county with a population of 3,000,000 or more and only with respect to subdivisions whose plats were filed or recorded before July 23, 1959.

Any road district may accumulate funds for the purpose of acquiring, constructing, repairing and improving buildings and procuring land in relation to the building and for the purpose of procuring road maintenance apparatus and equipment, and for the construction of roads, and may annually levy taxes for the purposes in excess of its current requirements for other purposes, subject to the tax rate limitations provided in this Section, provided a proposition to accumulate funds for the purposes is first submitted to and approved by the electors of the district. The proposition shall be certified to the proper election officials by the district clerk upon the direction of the highway commissioner, and the election officials shall submit the proposition at a regular election. Notice and conduct of the referendum shall be in accordance with the general election law. The proposition shall be in substantially the following form:

Shall ..... road district accumulate funds in the amount of $.... for ..... years for the purpose of acquiring, constructing, repairing and improving buildings and procuring land therefor, and for procuring road maintenance apparatus and equipment and for the construction of roads?	YES	
	NO	

If a majority of the electors voting on the proposition vote in favor of it, the road district may use a portion of the funds levied, subject to the tax rate limitations provided in this Section, for the purposes for which accumulation was authorized. It shall not be a valid objection to any subsequent tax levy made under this Section, that there remains unexpended money arising from the levy of a prior year because of an accumulation permitted by this Section and provided for in the budget for that prior year.

(d) Any road district may accumulate moneys in a dedicated fund for a specific capital construction or maintenance project or a major equipment purchase without submitting a proposition to the electors of the district if the annual budget and appropriation ordinance for the road district states the amount, purpose, and duration of any accumulation of funds authorized under this Section, with specific reference to each project to be constructed or equipment to be purchased. Nothing in this subsection precludes a road district from accumulating moneys for nonspecific purposes as provided in this Section.

HISTORY:
P.A. 86-1179; 87-17; 87-738; 87-768; 87-895; 87-1189, § 5-5; 88-360, § 15; 88-673, § 10; 92-395, § 5; 92-656, § 10; 98-818, § 5.

605 ILCS 5/6-502 [Copy of certificate]

The township board of trustees or highway board of trustees, as the case may be, or the highway commissioner in any county not under township organization, of each road district in addition to certifying to the county board the amount necessary to be raised by such district for road purposes therein, shall also within the dates aforesaid make out and deliver to the district clerk a copy of the certificate required by Section 6-501 [605 ILCS 5/6-501] to be kept on file by such clerk for the inspection of the inhabitants of such district. However, a failure to file such copy shall not affect the validity of the certificate filed with the county clerk, or of the tax levied pursuant thereto.

The district clerk shall not certify levies of taxes to the county clerk.

HISTORY:
P.A. 82-783.

605 ILCS 5/6-503 [Damages]

When damages have been agreed upon, allowed or awarded for laying out, widening, altering or vacating township or district roads, or for payments for right-of-way in aiding the State in connection with the construction of State highways or in connection with the construction of federal aid roads or such roads as are constructed with the aid of federal grants or loans, or for ditching to drain township or district roads, the amounts of such damages and interest on orders issued in payment of such damages shall be included in the next succeeding tax levy provided for in Section 6-501 of this Code [605 ILCS 5/6-501], and may be in addition to and in excess of the maximum levy and rate of extension of taxes for road purposes authorized under Section 6-501, and when collected, shall constitute and be held by the treasurer of the district as a separate fund to be paid to the parties entitled thereto. The highway commissioner, or the township board of trustees or highway board of trustees, as the case may be, at the time of certifying the general tax levy for road purposes within the district, shall include and separately specify in such certificate the amount necessary to be raised by taxation for the purpose of paying such damages. Upon the approval by the county board of the amount so certified, when required in Section 6-501, the county clerk shall extend the same against the taxable property of such district, provided the amount shall not be extended at a rate in excess of .033% of value, as equalized or assessed by the Department of Revenue. The foregoing limitations upon tax rates may be increased or decreased under the referendum provisions of the General Revenue Law of Illinois.

HISTORY:
P.A. 82-783.

605 ILCS 5/6-504 [Referendum to increase the rate limitation for road purposes]

On the petition of at least 10% of the legal voters residing in a road district (other than a county unit road district) to the district clerk, the clerk shall order a referendum on the proposition to increase the district's rate limitation for road purposes under this Section and Section 6-505 [605 ILCS 5/6-505]. The referendum shall be held at the next annual or special town meeting or at an election in accordance with the general election law. If the referendum is ordered to be held at the town meeting, the district clerk shall give notice that at the next annual or special town meeting the proposition shall be voted upon. The notice shall set forth the proposition and shall be given by publication in a newspaper published in the township, or if there is no such newspaper, then in a newspaper published in the county and having general circulation in the township, and by posting notices in at least 10 of the most public places in the township at least 10 days before the town meeting. If the referendum is ordered to be held at an election, the district clerk shall certify that proposition to the proper election officials, who shall submit the proposition at an election. The proposition shall be submitted in accordance with the general election law.

Any road district voting after August 1, 1967, to increase its rate limitation for road purposes under this Section and Section 6-505 shall establish the increased rate limitation on a permanent basis.

No more than 2 referenda authorized by this Section shall be held within any 12 month period. No referendum shall be held unless a petition signed by not less than 10% of the registered voters in the road

district has been filed with the district clerk requesting an increase in the tax rate limitation for road purposes.

HISTORY:
P.A. 87-768.

605 ILCS 5/6-505 [Form of proposition]

The proposition authorized by Section 6-504 [605 ILCS 5/6-504], shall be substantially in the following form:

Shall the present maximum rate of .... % (insert present maximum) of the value, as equalized or assessed by the Department of Revenue on the taxable property of ..... Township (or Townships) for road purposes be increased to a maximum rate (here state proposed increased rate) on such taxable property?	YES NO	

If a majority of all ballots cast on the proposition is in favor of the increase in the tax rate, the county clerk shall certify the results of the election.

If 2 or more proposals are submitted under Section 6-504, at the same election and more than one of the proposals receives a majority of the vote, the proposal receiving the greatest number of affirmative votes shall be the only one in effect.

HISTORY:
P.A. 81-1509.

605 ILCS 5/6-506 [Extension of taxes]

The county clerk on and after the filing with him of the certificate provided for in Section 6-505 [605 ILCS 5/6-505], by the district clerk shall for a period of 5 years thereafter extend as taxes the amount certified by the county board, township board of trustees or highway board of trustees, as the case may be, which the highway commissioner has determined as necessary to be raised by taxation for the proper construction, maintenance and repair of the roads of the district as provided in Section 6-501 [605 ILCS 5/6-501] at a rate not in excess of the rate approved by the voters of the district under Sections 6-504 and 6-505 [605 ILCS 5/6-504 and 605 ILCS 5/6-505] and in no case shall such taxes so extended exceed .66% of the value, or .94% of the value in districts with less than $10,000,000 total equalized assessed valuation if such higher rate has been approved by the voters of the district under Sections 6-504 and 6-505 at a referendum held in accordance with the general election law, as such values are equalized or assessed by the Department of Revenue of the taxable property of the district.

If any road district establishes its tax rate limitation for road purposes on a permanent basis after August 1, 1967, as provided for in Section 6-504 of the Act, the county clerk shall on a permanent basis extend as taxes the amount certified by the county board, township board of trustees or highway board of trustees, as the case may be, which the highway commissioner has determined as necessary to be raised by taxation for the proper construction, maintenance and repair of the roads of the district.

HISTORY:
P.A. 85-1178.

605 ILCS 5/6-507 [Extension of tax levy; payment to treasurer]

All items of tax levy of any district authorized by Sections 6-501, 6-503 and 6-504 of this Code [605 ILCS 5/6-501, 605 ILCS 5/6-503 and 605 ILCS 5/6-504] shall be extended by the county clerk as one tax upon the collector's book and, except as hereinafter provided in this Section, shall be paid to the treasurer of the district by the collector as fast as the same is collected, other than such rate per cent as shall be allowed for collecting the same.

One half the tax required to be levied by Section 6-501 of this Code [605 ILCS 5/6-501], on the property lying within a municipality in which the streets and alleys are under the care of the municipality shall be paid over to the treasurer of the municipality, to be appropriated to the improvement of roads or streets, either within or without the municipality and within the road district under the direction of the corporate authorities of the municipality. However, when any of the tax is expended beyond the limits of the municipality it shall be with the consent of the highway commissioner of the road district.

If any municipality has not appropriated the taxes received by it as aforesaid for the improvement of roads or streets within one year from the date of the receipt thereof, then the unappropriated portion of such taxes shall forthwith be paid by the Treasurer of such municipality to the Treasurer of the road district from which such taxes were derived, to be used and expended for road purposes within such road district.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-508 [Tax for the purpose of constructing or repairing bridges, culverts, etc.; surplus funds]

(a) For the purpose of constructing or repairing bridges, culverts, drainage structures or grade separations, including approaches thereto, at the joint expense of a county and a road district and obtaining aid from the county as provided in Section 5-501 of this Code [605 ILCS 5/5-501], there may be included in the annual tax levies provided for in Section 6-501 of this Code [605 ILCS 5/6-501] a tax of not to exceed .05% of the value of all the taxable property in the road district, as equalized or assessed by the Department of Revenue, which tax shall be in addition to and may be in excess of the maximum levy and may

be extended at a rate in addition to and in excess of the tax rate for road purposes authorized under Section 6-501 of this Code.

Such tax, when collected, shall constitute and be held by the treasurer of the district as a separate fund to be expended for the construction or repair of bridges, culverts, drainage structures or grade separations, including approaches thereto, at the joint expense of the county and the road district. The highway commissioner shall separately specify in the certificate required by Section 6-501 the amount necessary to be raised by taxation for the purpose of constructing or repairing bridges, culverts, drainage structures or grade separations, including approaches thereto, at the joint expense of the county and the road district. Upon the approval by the county board of the amount so certified as provided in Section 6-501 of this Code, the county clerk shall extend the same against the taxable property of the road district, provided the amount thus approved shall not be extended at a rate in excess of .05% of value, as equalized or assessed by the Department of Revenue.

When any improvement project for which a tax may be levied under this Section has been ordered as provided in Section 5-501 and the estimated cost of such project to the road district is in excess of the amount that will be realized from the annual tax levy authorized by this Section when extended and collected, then the road district may accumulate the proceeds of such tax for such number of years as may be necessary to acquire the funds necessary to pay the district's share of the cost of such project. In counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law [35 ILCS 200/18-185 et seq.] and the imposition of the property tax extension limitation prevents a road district from levying taxes for road purposes at the required rate, a road district may retain its eligibility if, at the time the property tax extension limitation was imposed, the road district was levying at the required rate and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. It shall not be a valid objection to any subsequent tax levy made under this Section that there remains unexpended money arising from a preceding levy of a prior year because of the accumulation provided for in this Section.

The rate limitation imposed by this Section may be increased for a 10 year period to up to 0.25% of the value of all the taxable property in the road district, as equalized or assessed by the Department of Revenue if the proposition for the increased tax rate is submitted under Sections 6-504 and 6-505 [605 ILCS 5/6-504 and 605 ILCS 5/6-505] and receives a majority of all ballots cast on the proposition at the election held under Section 6-505.

(b) All surplus funds remaining in the hands of the treasurer of the road district after the completion of any construction or repairing of bridges, culverts, drainage structures or grade separations, including approaches thereto, under this Section, shall be turned over, at the request of the highway commissioner, to the regular road fund of the road district. Upon such request, no further levy under this Section is to be extended by the county clerk unless the proposition authorizing such further levy is submitted under Sections 6-504 and 6-505 and receives a majority of all ballots cast on the proposition at the election held under Section 6-505.

(c) The moneys from this tax may also be used for construction and maintenance of bridges, culverts and other drainage facilities, or grade separations, including approaches thereto, on, under, or over the district roads, without joint county funds being involved and without limitation as to size of project, but only if adequate funds are available for all projects for which the road district has petitioned the county for joint participation.

HISTORY:
P.A. 84-1342; 90-110, § 10; 92-268, § 5; 92-800, § 5; 93-164, § 5.

605 ILCS 5/6-508.1 [Acquiring machinery and equipment; acquiring, constructing, or reconstructing buildings for housing machinery and equipment]

For the purpose of acquiring machinery and equipment or for the purpose of acquiring, constructing, or reconstructing buildings for housing machinery and equipment used in the construction, repair, and maintenance of township or district roads, or for both those purposes, the township board of trustees or highway board of trustees, as the case may be, or the highway commissioner in a county not under township organization, after a favorable vote as provided in this Section, may levy an annual tax of not to exceed .035% of the value of all the taxable property in the road district, as equalized or assessed by the Department of Revenue. The tax shall be in addition to and in excess of all other taxes and tax rates that may be levied or extended for road purposes in a road district under any other Section of this Code. Any tax levy authorized under this Section shall be certified to and extended by the county clerk as a separate tax to be known as the "equipment and building tax" of the road district but shall not be extended at a rate in excess of .035% of the value of the taxable property of the district, as equalized or assessed by the Department of Revenue. The maximum rate for these purposes may be increased to .10% of the value of the taxable property of the district, as equalized or assessed by the Department of Revenue, however, when authorized by a referendum held in accordance with the general election law.

In any county not under township organization, however, the amount of the levy must first be approved by the county board before the certification and extension.

The tax, when collected, shall constitute and be held by the treasurer of the district as a separate

fund to be known as the "equipment and building fund" and shall be expended only for the purpose or purposes for which it was levied.

The road district shall cause the ordinance or resolution levying the tax to be published in one or more newspapers published in the district within 10 days after the levy is made. If no newspaper is published in the district, the ordinance or resolution shall be published in a newspaper having general circulation within the district. The publication of the ordinance or resolution shall include a notice of (i) the specific number of voters required to sign a petition requesting that the question of the adoption of the tax levy be submitted to the voters of the district; (ii) the time within which the petition must be filed; and (iii) the date of the prospective referendum. The district clerk or secretary shall provide a petition form to any individual requesting one. On the petition of 25 or more legal voters of the road district to the district clerk, the clerk shall order a referendum on the question of authorizing the levy and extension of an annual tax under this Section at the next annual town meeting or at an election in accordance with the general election law. If the referendum is ordered to be held at the town meeting, the district clerk shall give notice that at the next annual town meeting the proposition shall be voted upon. The notice shall set forth the proposition and shall be given by publication in a newspaper of general circulation in the township and by posting notices in at least 10 of the most public places in the town at least 10 days before the annual meeting. If the referendum is ordered to be held at an election, the district clerk shall certify that proposition to the proper election officials, who shall submit the proposition in accordance with the general election law. If a majority of the vote cast on the question is in favor of the tax, then the township board of trustees or highway board of trustees, as the case may be, or the highway commissioner in a county not under township organization, may levy an annual tax under this Section.

HISTORY:
P.A. 86-709; 86-1028; 86-1253; 87-768.

605 ILCS 5/6-509 [Drawing orders on the treasurer]

Whenever damages have been allowed for roads or ditches, the highway commissioner may draw orders on the treasurer, payable only out of the tax to be levied for such roads or ditches, when the money shall be collected or received, which orders shall bear interest at the rate of 6% per annum from the date on which they are issued and may be disposed of by the highway commissioner in anticipation of the tax to be levied to pay same, provided that such orders shall not be disposed of at a discount.

The highway commissioner, as soon as the tax levied for the payment of such orders is collected, shall notify the holder or holders thereof to offer same for payment; and such orders shall cease to draw any interest from and after the time that any holder thereof is notified that funds available for the payment of same is in the hands of the treasurer.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-510 [Referendum on the issuance of bonds]

On the petition either of the highway commissioner or of 25 of the legal voters of any district, to the district clerk, he shall order a referendum on the proposition "Shall bonds for road purposes be issued to the amount of $....?" at the next annual town meeting, or at an election in accordance with the general election law. If the referendum is ordered to be held at the town meeting, the district clerk shall give notice that at the next annual town meeting the proposition shall be voted upon. Such notice shall set forth the proposition and shall be given by publication in a newspaper of general circulation in the township and by posting notices in at least 10 of the most public places in the town at least 10 days prior to the annual meeting. If the referendum is ordered to be held at an election, the district clerk shall certify that proposition to the proper election officials, who shall submit the proposition to the voters in accordance with the general election law.

The proposition shall be in substantially the following form:

Shall bonds for road purposes be issued in the amount of $.....?	YES	
	NO	

If a majority of the legal voters voting on such question voted in favor of such question, the highway commissioner and the district clerk shall issue (from time to time as the work progresses) a sufficient amount of bonds of such district for the purpose of constructing or repairing roads, bridges, or any other work incident to the construction thereof, according to the prayer of such petition, if set out therein.

Such bonds shall be of such denominations, bear such date, maturity, rate of interest, not exceeding the greater of (i) the maximum rate authorized by the Bond Authorization Act [30 ILCS 305/0.01 et seq.], as amended at the time of the making of the contract, or (ii) 8% per annum payable annually or semi-annually, and be payable at such place as the highway commissioner and clerk shall determine and be disposed of as the necessities and convenience of such district may require; provided, that such bonds shall not be sold nor disposed of, either by sale or by payment to contractors for labor or materials, for less than their par value, and that such bonds shall be issued in not more than 10 annual series, the first series of which shall mature not more than 5 years from the date thereof, and each succeeding series in succeeding years thereafter. Such bonds may be lithographed and the interest for each year evidenced

by interest coupons thereto attached, which coupons shall be signed with original or facsimile signatures by the same officers who executed the bonds.

A register of all issues of such bonds shall be kept in the office of the county clerk of the county in which such district is located, showing the date, amount, rate of interest, maturity and the purpose for which such bonds were issued, which information shall be furnished to the county clerk, in writing, by the district clerk. Such county clerk shall extend annually against the taxable property in such road district a tax sufficient to pay the interest on such bonds in each year prior to the maturity of such first series and thereafter he shall extend a tax in each year sufficient to pay each series as it matures, together with interest thereon and with the interest upon the unmatured bonds outstanding; provided, that if it has been certified to the county clerk that funds from other sources have been allocated and set aside for the purpose of paying the principal or interest, or both, of such bonds, the county clerk shall, in extending the tax and fixing the rate of tax under this Section, make proper allowance and reduction in such extension of tax and tax rate to the extent of the funds so certified to be available for the payment of such principal or interest, or both.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

HISTORY:
P.A. 86-4.

605 ILCS 5/6-511 [Turning over money for the construction of state or county highways and municipal streets]

The highway commissioner of any road district may turn over to any municipality lying wholly within its limits, money from the regular road taxes, to be used by such municipality within its corporate limits in the construction, including the separation of grades, of State or county highways and municipal streets as provided for in Division 2 of Article 7 of this Code [605 ILCS 5/7-202], provided the consent of the Department is first obtained before such money can be turned over to municipalities by such highway commissioner.

HISTORY:
P.A. 77-511.

605 ILCS 5/6-512 [County Unit Road District Road Tax; County Unit Road District Bridge Tax; funds]

For the purpose of constructing, maintaining and repairing county unit district roads, bridges and drainage structures and the acquisition, maintenance, housing and repair of machinery and equipment, the county board, in any county in which a county unit road district is established, may levy annual separate taxes upon all taxable property of the county to be known as the "County Unit Road District Road Tax" and the "County Unit Road District Bridge Tax". Such taxes shall be levied and collected as other county taxes, but the road district taxes shall be in addition to the maximum of all other county taxes which the county is now or may hereafter be authorized by law to levy. The tax levies authorized in this Section shall not be extended in counties having less than 1,000,000 inhabitants at a rate in excess of .165% for the road tax, unless the maximum rate has been increased as provided in Section 6-512.1 [605 ILCS 5/6-512.1], and .05% for the bridge tax, both figures based on the value of all the taxable property within the county, as equalized or assessed by the Department of Revenue, or .01% in counties having 1,000,000 or more inhabitants, of the value, as equalized or assessed by the Department of Revenue, of all taxable property within the county; however, ½ of the County Unit Road District Road tax levied under this Section, on property lying within a municipality in which the streets and alleys are under the care of the municipality, shall, when collected, be paid over to the treasurer of the municipality to be appropriated to the improvement of roads, streets and bridges therein. In determining the amount of tax necessary to be raised and levied, the county board shall state separately the several amounts to be raised and levied for the construction of roads, the construction and maintenance of bridges and drainage structures, the purchase of machinery, the repair of machinery, the oiling of roads and the prevention and extirpation of weeds.

All tax moneys collected as a result of the levies authorized by this Section shall be deposited in separate county unit road district accounts known, respectively, as the "county unit road district road fund" and the "county unit road district bridge and drainage fund". The county treasurer shall be custodian of these funds, but the road district funds shall be maintained separate and apart from the general county fund.

HISTORY:
P.A. 81-1509; 90-655, § 147.

605 ILCS 5/6-512.1 [Increasing rate of road tax]

Upon a petition signed by not less than 5% of the legal voters of a county having established or estab-

lishing a county unit road district and directed to the county clerk, requesting a referendum on the question of increasing the rate of the road tax to a rate not exceeding .33%, the county clerk shall certify that proposition to the proper election officials who shall submit at an election such proposition to increase the rate of the road tax. Such election shall be held and notice given in accordance with the general election law.

The proposition shall be in substantially the following form:

Shall the present maximum rate of .165% of the value as equalized or assessed by the Department of Revenue on the taxable property of ..... County for county unit road purposes be increased to a maximum rate (here state proposed increased rate) on such taxable property?	YES NO	

If a majority of all ballots cast on the proposition is in favor of the increase in the tax rate, the county clerk shall certify the results of the election to the county board. The county board shall have authority to levy a tax for the purpose stated after certification, all other tax levies for township or district road districts or county unit districts shall be nullified.

HISTORY:
P.A. 81-1509.

605 ILCS 5/6-513 [Issuance of county bonds]

The county board, in any county having the commission form of government in which a county unit road district is established, may issue bonds of the county in an amount not exceeding 2.875% of the value, as equalized and assessed by the Department of Revenue, of the property in such county or, until January 1, 1983, if greater, the sum that is produced by multiplying the county's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, for the purpose of constructing county unit district roads. However, the question of issuing such county bonds shall first be submitted to the legal voters of such county at an election. The county board shall adopt a resolution to submit the question of issuing such bonds to a vote, specifying therein the particular roads or bridges to be constructed, the type of construction to be made on each section of such roads or on such bridges, the proposed widths of the roadway, together with an estimate of the cost of such construction. The county board shall certify the resolution to the proper election officials, who shall submit at an election such proposition in accordance with the general election law. Notice of the referendum shall be given and the referendum shall be held in accordance with the general election law of the State. The proposition shall be in substantially the following form:

Shall county bonds for county unit district roads be issued to the amount of $.....?	YES NO	

If a majority of the voters voting on such question vote in favor of the proposition, the county board may at once issue the bonds and take the necessary steps to construct the roads provided for. Such bonds shall be issued to mature within 20 years from the date of issue, shall be upon such terms and conditions and shall bear such rate of interest not in excess of the amount permitted pursuant to "An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as amended [30 ILCS 305/0.01 et seq.], as shall be fixed by the county board. Such bonds shall be sold upon competitive bids; and the county board may, if it is of the opinion that the bids are unsatisfactory, reject the same and re-advertise and solicit other bids. At the time or before issuing any such bonds, the county board shall adopt a resolution fixing the details of such bonds and providing for the levy of a direct annual tax to pay the principal and interest on such bonds as the same become due. A register of all bonds so issued shall be kept in the office of the county clerk, and it shall be the duty of the county clerk to annually extend a tax upon all the taxable property of the county sufficient to pay the interest and principal on such bonds, as the same shall become due. Such tax shall not be subject to any limitation as to rate or amount. However, if it has been certified to the county clerk that funds from other sources have been allocated and set aside for the purpose of paying the principal or interest, or both, of such bonds, the county clerk shall, in extending the tax and fixing the rate of tax under this Section make proper allowance and reduction in such extension of tax and tax rate to the extent of the funds so certified to be available for the payment of such principal or interest, or both.

HISTORY:
P.A. 84-1325; 91-357, § 225.

605 ILCS 5/6-514 [Omission of the levy of taxes to pay debts; issuance of refunding bonds]

Whenever any county has elected to abandon township organization and the newly elected county board has created road districts as provided by law, and any township therein which has boundaries that were the same as the boundaries of a road district so created, has outstanding bonds for road purposes, and which bonds, or any part thereof, are past due and no funds are available to pay the same, then such county board may, upon the petition of the highway commissioner and road district clerk of such road district, omit the levy of taxes to pay such debts as contemplated by Section 25-25 of the Township Code [60 ILCS 1/25-25], provided such highway commissioner

and road district clerk shall proceed to authorize, issue and exchange, as contemplated by Sections 6-515 through 6-522 of this Article of this Code [605 ILCS 5/6-515 through 605 ILCS 5/6-522], refunding bonds for such past due road bonds of the township. When any such refunding bonds are proposed to be issued, a plan therefor shall be submitted to the county board and such refunding bonds shall not be issued unless such plan shall have been approved by such board.

If such refunding bonds shall not have been issued as contemplated by such plan within one year subsequent to the date of presentation of the plan to the board, then the county board shall cause taxes to be levied and extended against all of the taxable property situated within the territory which previously constituted such township in an amount sufficient to pay principal of and interest on such past due bonds. However, if the refunding bonds are issued, then the county board shall not levy taxes to pay such indebtedness, but the county clerk annually in manner and form provided by law shall cause taxes to be extended, and same shall be collected in amounts sufficient to pay such refunding bonds so issued by the highway commissioner and road district clerk as herein contemplated.

If such highway commissioner and road district clerk petition such board for authority to issue refunding bonds to take up and retire any bonds issued by such prior existing township which are not then due, such officers shall have authority to issue such refunding bonds if the county board shall find that it is for the best interests of such road district that same be issued. Such refunding bonds to take up and retire bonds not then due shall be issued pursuant to procedure similar to that herein provided for the issuance of refunding bonds to take up and retire past due bonds.

Nothing herein contained shall be construed to impair the obligation of outstanding township road bonds.

HISTORY:
P.A. 82-783; 88-670, § 3-78.

605 ILCS 5/6-515 [Refunding bonds; registration of principal and interest]

The highway commissioner and the road district clerk of any road district, without submitting the question to the electors thereof for approval, may authorize by resolution the issuance of refunding bonds (1) to refund its bonds prior to their maturity; (2) to refund its unpaid matured bonds; (3) to refund matured coupons evidencing interest upon its unpaid bonds; (4) to refund interest at the coupon rate upon its unpaid matured bonds that has accrued since the maturity of those bonds; and (5) to refund its bonds which by their terms are subject to redemption before maturity.

The refunding bonds may be made registerable as to principal and may bear interest at a rate not to exceed the maximum rate authorized by the Bond Authorization Act [30 ILCS 305/0.01 et seq.], as amended at the time of the making of the contract, payable at such time and place as may be provided in the bond resolution.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

HISTORY:
P.A. 86-4.

605 ILCS 5/6-516 [Resolution authorizing refunding bonds]

The resolution authorizing the refunding bonds shall prescribe all details thereof and shall provide for the levy and collection of a direct annual tax upon all the taxable property within the road district sufficient to pay the principal thereof and interest thereon as it matures. This tax shall be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the road district. Tax limitations applicable to the road district provided by other statutes of this State shall not apply to taxes levied for payment of these refunding bonds.

A certified copy of the bond resolution shall be filed with the county clerk of the county in which the road district or any portion thereof is situated, and shall constitute the authority for the extension and collection of refunding bond and interest taxes as required by the constitution.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-517 [Exchange of refunding bonds]

The refunding bonds may be exchanged for the bonds to be refunded on the basis of dollar for dollar for the par value of the bonds, interest coupons, and interest not represented by coupons, if any, or they may be sold at not less than their par value and accrued interest. The proceeds received from their sale shall be used to pay the bonds, interest coupons, and interest not represented by coupons, if any. This payment may be made without any prior appropriation therefor under any budget law.

Bonds and interest coupons which have been received in exchange or paid shall be cancelled and the obligation for interest, not represented by coupons, which has been discharged, shall be evidenced by a written acknowledgment of the exchange or payment thereof.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-518 [Form and denomination of refunding bonds; maturation]

The refunding bonds shall be of such form and denomination, payable at such place, bear such date, and be executed by such officials as may be provided by the highway commissioner and the road district clerk of the road district in the bond resolution. They shall mature within not to exceed 20 years from their date, and may be made callable on any interest payment date at par and accrued interest after notice has been given at the time and in the manner provided in the bond resolution.

If there is no default in payment of the principal of or interest upon the refunding bonds, and there is sufficient money on hand to set aside a sum of money equal to the amount of interest that will accrue on the refunding bonds, and a sum of money equal to the amount of principal that will become due thereon, within the next 6 months period, the treasurer of the road district shall use the money available from the proceeds of taxes levied for the payment of the refunding bonds in calling them for payment, if, by their terms, they are subject to redemption. However, a road district may provide in the bond resolution that, whenever the road district is not in default in payment of the principal of or interest upon the refunding bonds and has set aside the sums of money provided in this paragraph for interest accruing and principal maturing within the next 6 months period, the money available from the proceeds of taxes levied for the payment of refunding bonds shall be first used in the purchase of the refunding bonds at the lowest price obtainable, but not to exceed their par value and accrued interest, after sealed tenders for their purchase have been advertised for as may be directed by the corporate authorities thereof.

Refunding bonds called for payment and paid or purchased under this section shall be marked paid and cancelled.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-519 [Reduction of taxes to be extended for payment of the principal of and interest on the remainder of the issue]

Whenever any refunding bonds are purchased and cancelled, as provided in Section 6-518 [605 ILCS 5/6-518], the taxes thereafter to be extended for payment of the principal of and interest on the remainder of the issue shall be reduced in an amount equal to the principal of and the interest that would have thereafter accrued upon the refunding bonds so cancelled, if a resolution has been adopted by the highway commissioner and the road district clerk of the road district finding these facts and a certified copy of the resolution has been filed with the county clerk specified in Section 6-516 [605 ILCS 5/6-516].

Whenever refunding bonds are issued, proper reduction of taxes theretofore levied for the payment of the bonds refunded and next to be extended for collection, shall be made by the county clerk upon receipt of a certificate signed by the clerk of the road district, showing the bonds refunded and the tax to be abated.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-520 [Sinking fund account]

Money which becomes available from taxes that were levied for prior years for payment of bonds or interest coupons that were paid or refunded before those taxes were collected, after payment of all warrants that may have been issued in anticipation of these taxes, shall be placed in the sinking fund account provided in this section. It shall be used to purchase, call for payment, or to pay at maturity refunding bonds and interest thereon as herein provided.

Money received from the proceeds of taxes levied for the payment of the principal of and interest upon refunding bonds shall be deposited in a special fund of the road district, designated the "Refunding Bond and Interest Sinking Fund Account of ....". This fund shall be applied to the purchase or payment of refunding bonds and the interest thereon.

If the money in this fund is not immediately necessary for the payment of refunding bonds or if refunding bonds can not be purchased before maturity, then, under the direction of the highway commissioner and the road district clerk of the road district, the money may be invested by the treasurer of the road district in bonds or other interest bearing obligations of the United States or in bonds of the State of Illinois, the maturity date of which securities shall be prior to the due date of any issue of refunding bonds of the road district. The highway commissioner and the road district clerk may sell these securities whenever necessary to obtain cash to meet bond and interest payments.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-521 [Informing owners of unpaid bonds regarding the financial condition of the road district]

The highway commissioner and the road district clerk of a road district may take any action necessary to inform the owners of unpaid bonds regarding the

financial condition of the road district, the necessity of refunding its unpaid bonds and readjusting the maturities thereof in order that sufficient taxes may be collected to purchase or pay for the bonds. The highway commissioner and the road district clerk may enter into any agreement required to prepare and carry out any refunding plan and, without any previous appropriation therefor under any budget law, may incur and pay expenditures necessary in order to accomplish the refunding of the bonds of the road district.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-522 [Additional powers]

Sections 6-515 through 6-521 of this Code [605 ILCS 5/6-515 through 605 ILCS 5/6-521] shall apply to any road district other than a county unit road district, regardless of the law under which it is organized and operating, and shall constitute complete authority for issuing refunding bonds as herein provided without reference to other laws and shall be construed as conferring powers in addition to, but not as limiting powers granted under, other laws.

HISTORY:
Laws 1959, p. 196.

DIVISION 6.

GRAVEL, ROCK, MACADAM AND OTHER TOWNSHIP AND DISTRICT ROAD IMPROVEMENT BY SPECIAL TAX

605 ILCS 5/6-601 [Referendum for the purpose of constructing or maintaining gravel, rock, macadam or other hard roads]

(a) On the petition of 25 legal voters of any road district to the district clerk he shall order a referendum on the proposition for or against an annual tax not to exceed .167% of the value of the taxable property, as equalized or assessed by the Department of Revenue, for the purpose of constructing or maintaining gravel, rock, macadam or other hard roads, or for improving, maintaining or repairing earth roads by draining, grading, oil treating or dragging. Such petition shall state the location and route of the proposed road or roads, and shall also state the annual rate per cent not exceeding .167% of the value, as equalized or assessed by the Department of Revenue. The referendum shall be held at the next annual town meeting, at a special town meeting called for that purpose, or at an election in accordance with the general election law. If the referendum is ordered to be held at the town meeting, or at a special town meeting called for that purpose, the district clerk shall give notice that at the next annual town meeting or special town meeting the proposition shall be voted upon. Such notice shall set forth the proposition and shall be given by publication in a newspaper of general circulation in the township and by posting notices in at least 10 of the most public places in the town at least 10 days prior to the annual or special meeting. If the referendum is ordered to be held at an election, the district clerk shall certify that proposition to the proper election officials, who shall submit the proposition in accordance with the general election law.

The proposition shall be substantially in the following form:

Shall a special tax for road purposes be levied?	YES	
	NO	

(b) The preceding rate of .167% of the value of the taxable property, as equalized or assessed by the Department of Revenue, may be increased to .25% when authorized by a referendum held in accordance with the general election law.

HISTORY:
P.A. 86-710.

605 ILCS 5/6-602 [Annual tax]

If a majority of all the ballots cast at such election on such proposition are in favor of such special tax, then the township board of trustees or highway board of trustees, as the case may be, or the highway commissioner in a county not under township organization of the road district shall levy an annual tax in accordance with such vote and certify the same to the county clerk. This certification may occur at any time after the election. That board of trustees or commissioner shall also cause a copy of such certificate of levy to be filed in the office of the district clerk as provided in Section 6-502 of this Code [605 ILCS 5/6-502]. The county clerk shall cause such levy, thus certified to him to be extended on the tax books for the current year and for each succeeding year as other taxes are extended. The highway commissioner of the road district may also receive donations in money, labor, materials or other valuable things to aid in such road construction.

Such special tax levy shall remain in effect until repealed by the legal voters of the road district, as provided in Section 6-617 of this Code [605 ILCS 5/6-617].

HISTORY:
P.A. 82-783; 98-454, § 5.

605 ILCS 5/6-603 [Extension of special tax]

The county clerk, when making out the tax books for the State and county tax for the collector, shall in each year extend the special tax in separate columns against each taxpayer's name or taxable property in the district, as other taxes are extended, which shall

be collected the same as State and county taxes, and known as the permanent road fund of the district; provided that such special tax shall not be extended in any road district located in any county in which a county unit road district has been established after the effective date, as provided in Section 6-125 of this Code [605 ILCS 5/6-125], upon which the county takes over and becomes responsible for the construction, maintenance and repair of all county unit district roads in such county.

HISTORY:
P.A. 81-821.

605 ILCS 5/6-604 [Execution of a good and sufficient bond]

The treasurer of the district, before receiving any of such fund provided for in this Division of this Code, shall execute a good and sufficient bond, with two or more sureties, to be filed with the district clerk for the benefit of the district, in double the amount which will probably come into his hands by virtue of this Division of this Code if individuals act as sureties on such bond or in the amount only of such moneys if a surety company authorized to do business in this State acts as surety on such bonds.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-605 [Payment of tax to treasurer]

The tax, when collected shall be paid to such treasurer as fast as collected, except such rate per cent as shall be allowed for collecting the same and such tax shall be known and kept as the permanent road fund of the district.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-615 [Extension of roads]

Whenever a special tax shall have been levied under the provisions of this Division of this Code, the highway commissioner of any road district may, by agreement with the corporate authorities of any municipality of less than 20,000 population, extend any road improved under the provisions of this Division of this Code within or through the corporate limits of such municipality. The provisions of this Section shall also apply to any municipality of more than 20,000 population when a portion of such municipality lies within the road district and the population of such portion does not exceed 20,000. However, such extension within such municipality shall be of the same cost and kind of material as the road outside such municipality, to be paid for out of such special tax and after completion to be maintained by the corporate authorities of such municipality at the cost of such municipality.

HISTORY:
Laws 1959, p. 933.

605 ILCS 5/6-616 [Surplus funds]

All surplus funds remaining in the hands of the treasurer of the district after the completion of the construction of any road provided for under this Division of this Code, shall be turned over to the regular road fund of such road district except so much thereof as the highway commissioner may order retained for the purpose of repairing such permanent road.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-617 [Repeal of special tax]

To repeal the special tax, once levied, 25 legal voters of the road district shall petition the district clerk. Such petition shall contain a request for a referendum. The district clerk shall order a referendum on such proposition at the next annual town meeting, or at an election in accordance with the general election law. If the referendum is ordered to be held at the town meeting, the district clerk shall give notice that at the next annual town meeting the proposition shall be voted upon. Such notice shall set forth the proposition and shall be given by publication in a newspaper of general circulation in the township and by posting notices in at least 10 of the most public places in the town at least 10 days prior to the annual meeting. If the referendum is ordered to be held at an election, the district clerk shall certify that proposition to the proper election officials, who shall submit the proposition in accordance with the general election law.

Provided, that after a referendum is held in accordance with this Section, at least 12 months must elapse before another referendum may be held for the same purpose.

The question shall be substantially in the following form:

Shall the special tax for road purposes be repealed?	YES	
	NO	

If a majority of the vote cast on the question is in favor of such tax, then the township board of auditors or highway board of auditors, as the case may be, or the highway board of auditors in counties not under township organization, may levy an annual tax under the provisions of this Section.

HISTORY:
P.A. 82-11.

605 ILCS 5/6-620 Validation of certain levies

(a) Any road district tax that was authorized by the electors at an annual or special town meeting during the years 1975 through 1979 for a period not exceeding 5 years, but that was not re-authorized

within 5 years after it was authorized due to Public Acts 81-779, 81-821, and 81-1509, which repealed the 5-year limitation, is hereby validated for all tax levy years subsequent to 1980 only to the extent that the authority to tax did not automatically expire after 1980.

(b) Any road district tax that was levied prior to 1980 shall not be subject to the requirements of subsection (b) of Section 30-20 of the Township Code [60 ILCS 1/30-20] if that tax was or is:

(i) re-authorized by the electors at an annual or special town meeting after the year 1980; and

(ii) levied at least once during the 3-year period preceding the reauthorization.

HISTORY:
P.A. 94-692, § 10.

DIVISION 7.

USE OF MOTOR FUEL TAX FUNDS

605 ILCS 5/6-701 [Purpose]

Motor fuel tax funds allocated for use in road districts shall be used for one or more of the purposes stated in Sections 6-701.1 through 6-701.9 [605 ILCS 5/6-701.1 through 605 ILCS 5/6-701.9].

HISTORY:
P.A. 80-691.

605 ILCS 5/6-701.1 [Construction of township or district roads; construction of grade separations and approaches]

(a) The construction of any township or district road located within the road district.

(b) The construction of grade separations and approaches thereto which avoid or replace grade crossings at intersections of township or district roads and railroad tracks.

The highway commissioners of the several road districts, in cooperation with the county superintendent of highways of their respective counties, shall select the roads and grade separations to be constructed with motor fuel tax funds. In the selection of roads, preference shall be given to public school bus routes and rural free delivery mail routes. The county superintendent of highways, in cooperation with the respective highway commissioners, shall prepare, or cause to be prepared maps showing the roads and grade separations selected and shall prepare the necessary plans, specifications and estimates of cost of such construction, all of which shall be submitted to the Department for approval. The type of construction selected shall be adequate for present or reasonably anticipated traffic needs as determined by the county superintendent of highways and the respective highway commissioners and approved by the Department.

The construction provided for in this Section may be done by contract or day labor with county or road district equipment and forces as the county superintendent of highways and the respective highway commissioners may determine. Contracts shall be advertised for and let by the county board to the lowest responsible bidder subject to the approval of the highway commissioner and such contracts also shall be subject to approval by the Department. The construction work shall be carried on under the immediate supervision of the highway commissioner and under the general supervision of the county superintendent of highways and all work upon such projects shall be subject to approval by the Department.

In any county in which a county unit road district has been created the county superintendent of highways for such county shall perform all of the functions of a highway commissioner under this Section with respect to the district roads in such county.

HISTORY:
P.A. 77-1628.

605 ILCS 5/6-701.2 [Maintenance of township or district roads]

Maintenance of any township or district road as defined in Section 2-103 [605 ILCS 5/2-103] or any grade separation constructed as provided in Section 6-701.1 [605 ILCS 5/6-701.1], subject to the approval of the county superintendent of highways and the Department.

Maintenance work may be done with county or road district equipment or forces as the county superintendent of highways and the respective highway commissioners may determine. If any road or grade separation constructed in any road district as provided in this Section is not maintained in a manner satisfactory to the Department and the county, no further funds shall be expended in such road district until such road or grade separation is so maintained or provision for such maintenance is made.

HISTORY:
P.A. 78-819.

605 ILCS 5/6-701.3 [Payment of administration and engineering costs]

Payment of administration and engineering costs which the county superintendent of highways may incur, with the approval of the county board, to carry out his duties under the provisions of Sections 6-701.1, 6-701.2 or 6-701.4 of this Code [605 ILCS 5/6-701.1, 605 ILCS 5/6-701.2 or 605 ILCS 5/6-701.4]. The administration and engineering services may be paid out of any funds available in the county treasury, but not including motor fuel tax funds advanced to the county under the provisions of Sections 5-701.1 to 5-701.7, inclusive, of this Code [605 ILCS 5/5-701.1 to 605 ILCS 5/5-701.7], and reimbursement shall be

made either (1) on an actual cost basis of such administration and engineering services, or (2) on a fixed per cent of the construction or maintenance costs, such procedure and actual cost basis or per cent to be subject to approval by the Department.

HISTORY:
Laws 1959, p. 1189.

605 ILCS 5/6-701.4 [Payment of indebtedness]

With the approval of the Department, the payment of any indebtedness hereafter incurred in the construction of any road or grade separation selected under the provisions of Section 6-701.1 [605 ILCS 5/6-701.1] as a road or grade separation to be constructed under Section 6-701.1 and the payment of engineering costs incurred in connection therewith; but if the road district desires to use motor fuel tax funds for this purpose it shall follow the same procedure in expending moneys secured in the creation of the indebtedness as if the construction was to be paid for directly with motor fuel tax funds under the provisions of Section 6-701.1.

HISTORY:
P.A. 77-1628.

605 ILCS 5/6-701.5 [Turn over of money to a local Mass Transit District]

Any township may also turn over a portion of the money allotted to it to a local Mass Transit District if the township is a participating municipality in such District pursuant to the "Local Mass Transit District Act" [70 ILCS 3610/1 et seq.] enacted by the Seventy-first General Assembly.

HISTORY:
Laws 1959, p. 1801.

605 ILCS 5/6-701.6 [Payment of principal and interest on bonds]

With the approval of the Department of Transportation, the payment of the principal and interest on bonds issued for construction or improvement of township or district roads or grade separations located within the road district. If the road district desires to use motor fuel tax funds for this purpose it shall follow the same procedure in expending moneys secured in the creation of the indebtedness as if the construction or improvement was to be paid for directly with motor fuel tax funds under the provisions of Section 6-701.1 of this Code [605 ILCS 5/6-701.1].

HISTORY:
P.A. 78-255.

605 ILCS 5/6-701.7 [Bicycle route signs or surface markings]

The placement, erection and maintenance of signs or surface markings or both to indicate officially designated bicycle routes along township or district roads.

HISTORY:
P.A. 77-734.

605 ILCS 5/6-701.8 [Maintenance or improvement of nondedicated subdivision roads]

The formula allocation for township and road districts for the distribution of motor fuel tax funds, provided for in Section 8 in the "Motor Fuel Tax Law" [35 ILCS 505/8], may be used by the highway commissioner, subject to the conditions set out in Sections 6-301, 6-701.1 and 6-701.2 [605 ILCS 5/6-301, 605 ILCS 5/6-701.1 and 605 ILCS 5/6-701.2] as respects the methods, equipment and materials appropriate for such maintenance or improvement, and, in township counties, with the approval of the board of town trustees, for the maintenance or improvement of nondedicated subdivision roads established prior to July 23, 1959. Any such road improved becomes, by operation of law, a part of the township and district road system providing such road meets standards as established by the county. In township counties, the board of town trustees shall condition its approval, as required by this Section, upon proportional matching contributions, whether in cash, kind, services or otherwise, by property owners in the subdivision where such a road is situated. No more than the amount of the increase in allocation attributable to this amendatory Act of 1979 and any subsequent amendatory Act plus 50% of such funds otherwise allocated under the formula as provided in Section 8 in the "Motor Fuel Tax Law" [35 ILCS 505/8] and subsequently approved as provided in this Section, may be expended on eligible nondedicated subdivision roads. Funds may also be derived from other road district sources, not to exceed the amount that would be allocated under the motor fuel tax fund formula.

HISTORY:
P.A. 83-957; 92-800, § 5; 99-171, § 5.

605 ILCS 5/6-701.9 [Township's share of construction project]

The township's share of any project constructed under Section 3-104.3 of this Code [605 ILCS 5/3-104.3].

HISTORY:
P.A. 80-691.

605 ILCS 5/6-702 [Payment of money to counties]

Payment of money to each county by the Department of Transportation for the purposes stated in Sections 6-701.1 through 6-701.8 [605 ILCS 5/6-701.1 through 605 ILCS 5/6-701.8], shall be made as soon as possible after the allotment is made. Such money

shall be utilized by the county in accordance with the needs of the county in a manner satisfactory to the Department.

However, if any county, after having been given reasonable notice by the Department, fails to expend motor fuel tax funds in a manner satisfactory to the Department, no further payment of motor fuel tax funds shall be made to such county for construction or maintenance purposes until it corrects its unsatisfactory use of motor fuel tax funds.

HISTORY:
P.A. 78-1252; 78-1274.

DIVISION 8.

PROPERTY ACQUISITION AND DISPOSITION

605 ILCS 5/6-801 [Acquisition of property for construction, maintenance or operation of roads]

The highway commissioner may acquire any lands, rights or other property necessary for the construction, maintenance or operation of any township or district road or necessary for the locating, relocating, widening, altering, extending or straightening thereof, by purchase or gift or, if the compensation or damages cannot be agreed upon, by the exercise of the right of eminent domain under the eminent domain laws of this State. The highway commissioner shall not be required to furnish bond in any eminent domain proceeding.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-802 [Acquisition of property for ditches, drains or watercourses]

When the highway commissioner deems it necessary to build, widen, alter, relocate or straighten any ditch, drain or watercourse in order to drain or protect any road or road structure he is authorized to construct, maintain or operate, or when he deems it necessary to acquire materials for the construction, maintenance or operation of any such road, he may acquire the necessary property, or such interest or right therein as may be required, by gift or purchase or, if the compensation or damages cannot be agreed upon, by the exercise of the right of eminent domain under the eminent domain laws of this State. The highway commissioner shall not be required to furnish bond in any eminent domain proceeding.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-803 [Entering upon lands or waters of persons or corporations]

For the purpose of making surveys and the determination of the amount of property necessary to be taken or damaged in connection with any township or district road project, the highway commissioner, his agents or employees, after notice to the owner, may enter upon the lands or waters of any person or corporation, but subject to responsibility for all damages that may be occasioned thereby.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-803.1 Surplus public real estate

A road district may sell surplus real estate owned by the district as provided in this Section.

(a) In road districts in counties under township organization, at an annual or special township meeting the electors of the road district by resolution may authorize the sale of surplus public real estate owned by the road district. The value of the real estate shall be determined by a written MAI certified appraisal or by a written certified appraisal of a State certified or licensed real estate appraiser. The appraisal shall be available for public inspection. The resolution may direct the sale to be conducted by the highway commissioner or a person designated by the highway commissioner or by listing the real estate with local licensed real estate agencies (in which case the terms of the agent's compensation shall be included in the resolution). The resolution shall be published at the first opportunity following passage in a newspaper published in the road district or, if there is none, then in a newspaper published in the county in which the road district is located. The resolution shall also contain pertinent information concerning the size, use, and zoning of the real estate and the terms of sale. The highway commissioner may accept any contract proposal he determines to be in the best interest of the township, but in no event shall the real estate be sold at a price less than 80% of its appraised value.

(b) In road districts in counties not under township organization, the highway commissioner may sell surplus public real estate owned by the road district. The value of the real estate shall be determined by a written MAI certified appraisal or by a written certified appraisal of a State certified or licensed real estate appraiser. The appraisal shall be available for public inspection. The sale may be conducted by the highway commissioner or a person designated by the highway commissioner or by listing the real estate with local licensed real estate agencies. A notice of the highway commissioner's intent to sell the real estate shall be published at the first opportunity in a newspaper published in the road district or, if there is none, then in a newspaper published in the county in which the road district is located. The notice shall also contain pertinent information concerning the size, use, and zoning of the real estate and the terms of sale (including the terms of the real estate agent's compensation, if applicable). The highway commissioner may accept any contract proposal he determines to be in the best interest of

the road district, but in no event shall the real estate be sold at a price less than 80% of its appraised value.

HISTORY:
P.A. 87-1208, § 10.

605 ILCS 5/6-804 [Acquisition of property by county]

When in any county a county unit road district has been created, the county has the powers provided in Division 8 of Article 5 of this Code [605 ILCS 5/5-801 et seq.] to acquire property and rights therein for district road purposes.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/6-805 Township road districts

Township road districts may acquire the fee simple title, or any lesser interest the district desires, to any land, rights, or other property incidental to road district purposes by purchase or gift.

HISTORY:
P.A. 90-439, § 10.

DIVISION 9.

STATE FUNDING OF ROAD DISTRICT BRIDGES

605 ILCS 5/6-901 [Appropriation of annual funds]

Annually, the General Assembly shall appropriate to the Department of Transportation from the road fund, the general revenue fund, any other State funds or a combination of those funds, $15,000,000 for apportionment to counties for the use of road districts for the construction of bridges 20 feet or more in length, as provided in Sections 6-902 through 6-905 [605 ILCS 5/6-902 through 605 ILCS 5/6-905].

The Department of Transportation shall apportion among the several counties of this State for the use of road districts the amounts appropriated under this Section. The amount apportioned to a county shall be in the proportion which the total mileage of township or district roads in the county bears to the total mileage of all township and district roads in the State. Each county shall allocate to the several road districts in the county the funds so apportioned to the county. The allocation to road districts shall be made in the same manner and be subject to the same conditions and qualifications as are provided by Section 8 of the "Motor Fuel Tax Law", approved March 25, 1929, as amended [35 ILCS 505/8], with respect to the allocation to road districts of the amount allotted from the Motor Fuel Tax Fund for apportionment to counties for the use of road districts, but no allocation shall be made to any road district that has not levied taxes for road and bridge purposes and for bridge construction purposes at the maximum rates permitted by Sections 6-501, 6-508 and 6-512 of this Act [605 ILCS 5/6-501, 605 ILCS 5/6-508 and 605 ILCS 5/6-512], without referendum. "Road district" and "township or district road" have the meanings ascribed to those terms in this Act.

Road districts in counties in which a property tax extension limitation is imposed under the Property Tax Extension Limitation Law [35 ILCS 200/18-185 et seq.] that are made ineligible for receipt of this appropriation due to the imposition of a property tax extension limitation may become eligible if, at the time the property tax extension limitation was imposed, the road district was levying at the required rate and continues to levy the maximum allowable amount after the imposition of the property tax extension limitation. The road district also becomes eligible if it levies at or above the rate required for eligibility by Section 8 of the Motor Fuel Tax Law.

The amounts apportioned under this Section for allocation to road districts may be used only for bridge construction as provided in this Division. So much of those amounts as are not obligated under Sections 6-902 through 6-904 [605 ILCS 5/6-902 through 605 ILCS 5/6-904] and for which local funds have not been committed under Section 6-905 [605 ILCS 5/6-905] within 48 months of the date when such apportionment is made lapses and shall not be paid to the county treasurer for distribution to road districts.

HISTORY:
P.A. 81-1377; 90-110, § 10; 96-366, § 5.

605 ILCS 5/6-902 [Selection of bridges to be constructed]

The highway commissioners of the several road districts, in cooperation with the county superintendent of highways of their respective counties, shall select the bridges to be constructed with moneys allocated under Section 6-901 [605 ILCS 5/6-901]. In the selection of bridges, the highest priority shall be given to the safe and expeditious transportation of school pupils. The second priority shall be the movement of agricultural equipment and products; the third priority shall be given rural free delivery mail routes; and, the fourth priority shall be meeting the anticipated traffic needs of the general public. The county superintendent of highways, in cooperation with the respective highway commissioners, shall prepare, or cause to be prepared maps showing the bridges selected and shall prepare or cause to be prepared the necessary plans, specifications and estimates of cost of such construction, all of which shall be submitted to the Department for approval. The type of construction selected shall be adequate for present or reasonably anticipated traffic needs as determined by the county superintendent of highways and the respective highway commissioners and approved by the Department.

HISTORY:
P.A. 79-1491.

605 ILCS 5/6-903 [Payment of indebtedness]

With the approval of the Department, a road district may use funds allocated under Section 6-901 [605 ILCS 5/6-901] for the payment of any indebtedness incurred after the effective date of this amendatory Act of 1976, in the construction of any bridge selected under Section 6-902 [605 ILCS 5/6-902] as a bridge to be constructed under Section 6-902 and the payment of engineering costs incurred in connection therewith; but if the road district desires to use such allocated funds for this purpose it shall follow the same procedure in expending moneys secured in the creation of the indebtedness as if the construction was to be paid for directly with funds under Section 6-902.

HISTORY:
P.A. 79-1491.

605 ILCS 5/6-904 [Notice]

The Department of Transportation shall notify the county superintendent of highways of each county of the apportionment and allotment under Section 6-901 [605 ILCS 5/6-901] for the purposes stated in Sections 6-901, 6-902 and 6-903 [605 ILCS 5/6-901, 605 ILCS 5/6-902 and 605 ILCS 5/6-903] as soon as possible after the allotment is made. Any payment made pursuant to such apportionment may be utilized by the county in accordance with the needs of the county in a manner satisfactory to the Department. However, if any county, after having been given reasonable notice by the Department, fails to expend such funds in a manner satisfactory to the Department, no further payment of such funds shall be made to such county for bridge construction purposes until it corrects its unsatisfactory use of such funds.

HISTORY:
P.A. 79-1491.

605 ILCS 5/6-905 [Local funds]

The amount of grant for an approved road district project shall require at least $1 of local funds committed to the project for each $4 that may be allocated under Section 6-901 [605 ILCS 5/6-901].

HISTORY:
P.A. 81-1509.

605 ILCS 5/6-906 [Apportioned funds to be paid to the county treasurer]

So much of the amount apportioned to a county under Section 6-901 [605 ILCS 5/6-901] that is obligated under Sections 6-902 through 6-904 [605 ILCS 5/6-902 through 605 ILCS 5/6-904] and for which local funds have been committed under Section 6-905 [605 ILCS 5/6-905], within 4 years from the date the apportionment is made, shall, upon certification by the Department, be paid to the county treasurer, who shall apply those funds to the payment of such obligations. Any funds allocated to a county under Section 6-901 that are not obligated within 48 months under Sections 6-902 through 6-904 shall revert to the Road Fund.

HISTORY:
P.A. 84-1308; 98-244, § 5.

ARTICLE 7.

MUNICIPAL ADMINISTRATION OF STREETS

Division 1. General Powers

Section

Division 2. Use of Motor Fuel Tax Funds

Division 3. Planning and Programming

DIVISION 1.

GENERAL POWERS

605 ILCS 5/7-101 [Construction of streets and alleys]

Streets and alleys, including bridges and other structures, which are or will become part of the municipal street system may be laid out, established, constructed, reconstructed, altered, widened, relocated, improved, maintained, repaired and vacated by the respective municipalities in the manner provided in the Illinois Municipal Code, as heretofore or hereafter amended [65 ILCS 5/1-1-1 et seq.]; provided that the Department and counties may locate and extend State and county highways into or through a municipality in the manner provided in this Code. In addition to the powers granted to municipalities by the Illinois Municipal Code, municipalities have powers granted and duties imposed by this Code.

HISTORY:
Laws 1961, p. 1415.

DIVISION 2.

USE OF MOTOR FUEL TAX FUNDS

605 ILCS 5/7-202 [Purposes]

Motor fuel tax funds allotted to the several municipalities shall be used for one or more of the purposes stated in Sections 7-202.1 through 7-202.22 [605 ILCS 5/7-202.1 through 605 ILCS 5/702.22].

HISTORY:
P.A. 85-1010.

605 ILCS 5/7-202.1 [State or federal secondary highways]

The construction and maintenance of State highways in the municipality, or the maintenance of federal secondary highways.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/7-202.1a [County highways]

The construction and maintenance of county highways and county highway extensions in the municipality.

HISTORY:
Laws 1965, p. 427.

605 ILCS 5/7-202.1b [Municipal streets]

Construction and maintenance of any municipal street designated as a part of the federal aid primary, or the federal aid urban system of streets within the municipality.

HISTORY:
P.A. 85-1010.

605 ILCS 5/7-202.1c [Non-arterial residential streets]

Twenty-five percent of all funds received pursuant to the Motor Fuel Tax Law [35 ILCS 505/1 et seq.] by municipalities over 500,000 population shall be expended only for the reconstruction, maintenance, repair or improvement of non-arterial residential streets.

HISTORY:
P.A. 83-1363.

605 ILCS 5/7-202.2 [Municipal streets and alleys]

The construction and maintenance of municipal streets and alleys as may be designated by the corporate authorities and approved by the Department.

HISTORY:
P.A. 78-1274.

605 ILCS 5/7-202.3 [Extensions of municipal streets outside corporate limits]

The construction and maintenance of extensions of municipal streets outside the corporate limits of the municipality, including parts of such streets that extend into another municipality if such construction and maintenance is done pursuant to an agreement between the municipalities.

HISTORY:
P.A. 78-1252; 78-1274.

605 ILCS 5/7-202.4 [Extensions of municipal streets within corporate limits]

The construction and maintenance of extensions of municipal streets within the corporate limits of any park district whose territorial limits are coterminous with the territorial limits of the municipality.

HISTORY:
P.A. 76-371.

605 ILCS 5/7-202.5 [Traffic control signals; school crossing signals]

The construction or maintenance, or both, on municipal streets on which such construction is authorized by law, of:

(a) Official traffic control signals, or

(b) Permanently mounted school crossing signals meeting the warrants and conforming to the specifications contained in the Manual authorized

by Section 11-301 of The Illinois Vehicle Code [625 ILCS 5/11-301].

HISTORY:
P.A. 76-2257.

605 ILCS 5/7-202.6 [Street lighting systems]

The construction, reconstruction, maintenance and operation of street lighting systems on improved municipal streets, county highways or State highways and streets or thoroughfares constructed and paid for by special assessments levied under Division 2 of Article 9 of the Illinois Municipal Code, as heretofore or hereafter amended [65 ILCS 5/9-2-1 et seq.], within the municipality, where such improvement has been authorized by the Department.

HISTORY:
P.A. 79-418.

605 ILCS 5/7-202.7 Construction or maintenance of storm sewers — Municipal streets — County highways — State highways

The construction or maintenance of storm sewers and appurtenances thereto, or combination storm and sanitary sewers and appurtenances thereto where legally authorized, on municipal streets, county highways or State highways, within the municipality or outside the municipality to the nearest suitable drainage course.

HISTORY:
P.A. 79-539.

605 ILCS 5/7-202.8 [Pedestrian subways; over head crossings]

The construction, reconstruction and maintenance of pedestrian subways or over head crossings under or over municipal streets, county highways or State highways in the municipality; provided the Department finds that traffic conditions warrant such construction, reconstruction or maintenance.

HISTORY:
P.A. 76-371.

605 ILCS 5/7-202.10 [Payment for projects on federal aid highways]

The payment of the municipality's share, not to exceed 50%, of the cost of any federal aid transportation project either now existing or hereafter established within the corporate limits of the municipality, which payments shall be used to match funds allotted to the State for the construction of those federal aid transportation projects.

HISTORY:
Laws 1959, p. 196; P.A. 88-580, § 5.

605 ILCS 5/7-202.11 [Payments for investigations]

The payment for investigations requisite to determine the reasonably anticipated need for any of the work described in this Division. Such investigations may include, but shall not be limited to, the making of traffic surveys, the study of transportation facilities, research concerning the development of the several areas within the municipality and contiguous territory as affected by growth and changes in population and economic activity and the collection and review of data relating to all factors affecting the judicious planning of construction, reconstruction, improvement and maintenance of highways. The investigations for which any such payments are made may also be conducted in cooperation with other municipalities, counties, the State of Illinois, the United States, other states of the United States, agencies of any such governments or other persons in pursuance of agreements to share the costs thereof and authority to enter into such agreements is hereby conferred upon municipalities.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/7-202.12 [Payments of engineering costs]

The payment of engineering costs in connection with all work described in this Division of this Code. The municipality may contract for such services with any Professional Engineer.

HISTORY:
P.A. 77-1371.

605 ILCS 5/7-202.13 [Municipal indebtedness]

The payment of any municipal indebtedness which has been or may be incurred in the completion of any improvement or maintenance described in this Division, or in the payment of engineering costs in connection therewith.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/7-202.14 [Municipal allotment to local transit authorities]

Any municipality may by ordinance of the corporate authorities turn over a portion of its allotment to:

(a) a local Mass Transit District if the municipality created such a District pursuant to the "Local Mass Transit District Act", approved July 21, 1959, as now or hereafter amended [70 ILCS 3610/1 et seq.];

(b) a local Transit Commission if the municipality established such commission pursuant to Section 14-101 of The Public Utilities Act [220 ILCS 5/14-101]; or

(c) the Chicago Transit Authority established pursuant to the "Metropolitan Transit Authority Act", approved April 12, 1945, as now or hereafter amended [70 ILCS 3605/1 et seq.].

HISTORY:
P.A. 85-1209.

605 ILCS 5/7-202.15 [Sidewalk maintenance]

The construction, maintenance, or repair of sidewalks or other pedestrian paths located within the right of way of any street in the municipality.

HISTORY:
Laws 1961, p. 3663; P.A. 88-580, § 5.

605 ILCS 5/7-202.16 [Engineering studies; bond proceeds]

The payment for engineering studies for and studies to determine the feasibility of constructing a toll bridge to cross a river within this State or forming a border between this and another State. If bonds are issued for construction of such a toll bridge, however, the proceeds from the sale of those bonds shall first be applied to return to the motor fuel tax funds the amount of the payment made under this Section.

HISTORY:
Laws 1967, p. 393.

605 ILCS 5/7-202.17 [Off street parking; parking lot revenue]

Any municipality may also by ordinance use motor fuel tax funds to acquire property for the purpose of providing off street parking and to construct and maintain such parking areas. Any revenue derived from the use of those parking lots shall, however, be used to maintain those lots before motor fuel tax funds may be used for such maintenance. Any surplus funds received from parking lots may also be used to acquire, construct and maintain additional parking areas as needed. Surplus funds not needed for these purposes shall be used to reimburse the motor fuel tax account for funds originally advanced.

HISTORY:
Laws 1968, p. 408.

605 ILCS 5/7-202.18 [Principal and interest on highway bonds]

The payment of the principal and interest on bonds issued for construction or improvement of highways within the municipality.

HISTORY:
P.A. 78-255.

605 ILCS 5/7-202.19 [Motor vehicle safety inspection lanes]

Any municipality may also by ordinance use motor fuel tax funds for operation and maintenance of motor vehicle safety inspection lanes, when such lanes are of a permanent nature and in operation on a regular basis throughout the year.

HISTORY:
P.A. 76-2258.

605 ILCS 5/7-202.20 [Signs and surface markings for bicycle routes]

Any municipality may also by ordinance use motor fuel tax funds to place, erect, and maintain signs or surface markings or both to indicate officially designated bicycle routes along streets within the municipality. In addition, a municipality may use motor fuel tax funds for the construction and maintenance of bicycle paths, lanes, or bicycle parking facilities within the municipality.

HISTORY:
P.A. 77-734; 88-580, § 5.

605 ILCS 5/7-202.21 [Grade separations and approaches]

The construction and maintenance of grade separations and approaches thereto which replace or avoid grade crossings at intersections of municipal streets and railroad tracks.

HISTORY:
P.A. 77-1849.

605 ILCS 5/7-202.21a [Nondedicated subdivision roads established prior to July 23, 1959]

The formula allocation for municipalities for the distribution of motor fuel tax funds, provided for in Section 8 in the "Motor Fuel Tax Law" [35 ILCS 505/8], may be used by the municipal authority for the maintenance or improvement of nondedicated subdivision roads established prior to July 23, 1959. Any such improved road becomes, by operation of law, a part of the municipal street system of such municipality. The municipal authority shall condition its approval, as required by this Section, upon proportional matching contributions, whether in cash, kind, services or otherwise, by property owners in the subdivision where such a road is situated. No more than the amount of the increase in allocation of such funds allocated under the formula as provided in Section 8 in the "Motor Fuel Tax Law" which is attributable to this amendatory Act and any subsequent amendatory Act and subsequently approved as provided in this Section may be expended on eligible nondedicated subdivision roads.

HISTORY:
P.A. 86-447.

605 ILCS 5/7-202.22 [Increase in motor fuel tax funds allocated for unimproved or partially improved nonarterial residential streets]

If the formula for the distribution of motor fuel tax

funds, provided for in Section 8 of the "Motor Fuel Tax Law", approved March 25, 1929, as amended [35 ILCS 505/8], is changed from that in effect on January 1, 1974, so that the percentage allocated for use in municipalities is increased, the amount of any such increase received by a municipality having 500,000 or more inhabitants shall be expended only for the construction, reconstruction, or improvement of unimproved or partially improved nonarterial residential streets.

HISTORY:
P.A. 78-1252.

605 ILCS 5/7-203 [Specific ordinances or resolutions on use of motor fuel tax funds; construction ordinances; bids; contracts]

The corporate authorities of the municipality shall from time to time pass ordinances or resolutions stating specifically the purpose or purposes for which motor fuel tax funds shall be used and such ordinances or resolutions shall be subject to the approval of the Department.

In case motor fuel tax funds are to be used for construction, the ordinance or resolution shall specify the location, type or types, length and width of the proposed construction and the portion of the construction for which these funds are to be used, which portion, subject to the approval of the Department, may be part or all as the municipality may elect. Such construction shall be either with or without continuous grade separation, and of such type and not to exceed such width as is required, in the judgment of the municipality and the Department, to care for traffic and parking needs. When the ordinance or resolution has been approved by the Department, the municipality may cause surveys, plans, specifications and estimates of such construction to be made and submitted to the Department for approval.

Whenever the corporate authorities or a municipality determine that any construction consisting of paving, repaving, altering, opening, widening or otherwise improving any such streets or State highways shall be performed and that a portion of the cost thereof shall be raised by the assessment of property specially benefited, the construction shall be performed pursuant to Division 2 of Article 9 of the Illinois Municipal Code [65 ILCS 5/9-2-1 et seq.], as now or hereafter amended; provided that, as between 2 State highway projects or between 2 municipal street projects or between any other 2 projects of the same designation, so far as practicable, priority in the allocation of motor fuel tax funds received from the State shall be given the project for which a portion of the cost is to be raised by assessment of property specially benefited.

The municipality may advertise for bids and let contracts for all construction to the lowest responsible bidder; or, with the approval of the Department, may do the work itself through its officers, agents and employees. No contract shall be let without the approval of the Department, nor shall bids be advertised for until the surveys, plans, specifications and estimates have been approved by the Department. All work shall be performed in accordance with the approved ordinances or resolutions, plans, specifications, and contracts, as the case may be, and the Department shall inspect the work to such degree as may be necessary to insure compliance with this provision.

HISTORY:
P.A. 77-1371.

605 ILCS 5/7-203.1 [Motor fuel tax highway program; submission to Department; advertisement for bids; special assessments]

The corporate authorities of the municipality may adopt ordinances or resolutions outlining a motor fuel tax highway program for the ensuing year which shall include all proposed uses of motor fuel tax funds by the municipality for the purposes permitted in Section 7-202 [605 ILCS 5/7-202], in a format established by the Department in cooperation with the municipalities.

The program shall be submitted by the municipality to the Department. The uses of motor fuel tax funds as listed in the program are subject to the approval of the Department. The program may be amended from time to time by the corporate authorities of the municipality by ordinance or resolution which shall be submitted to the Department.

The municipality, with the approval of the Department, may do the work itself through its officers, agents, and employees. No advertisement to receive construction contract bids shall be made until surveys, plans, and estimates have been approved by the Department except as provided in Section 7-203.2 [605 ILCS 5/7-203.2].

Whenever the corporate authorities of a municipality determine that any construction consisting of paving, repaving, altering, opening, widening or otherwise improving any such streets or State highways shall be performed and that a portion of the cost thereof shall be raised by the assessment of property specially benefited, the construction shall be performed pursuant to Division 2 of Article 9 of the Illinois Municipal Code [65 ILCS 5/9-2-1 et seq.], as now or hereafter amended. However, as between 2 State highway projects or between 2 municipal street projects or between any other 2 projects of the same designation, so far as practicable, priority in the allocation of motor fuel tax funds received from the State shall be given the project for which a portion of the cost is to be raised by assessment of property specially benefited.

HISTORY:
P.A. 77-1371.

605 ILCS 5/7-203.2 [Municipal authority to construct and maintain streets or highways; agreement of understanding]

The municipality shall also have the authority upon the Department satisfying itself that (1) the municipality has complied with the requirements of Section 7-301 [605 ILCS 5/7-301], and (2) has appointed a full time city or public engineer and (3) that the city or public engineer's office in the municipality is adequately organized, staffed, equipped and financed to discharge satisfactorily the duties and requirements of this Section to construct and maintain streets or highways or sections of highways when such projects are financed, in whole or in part, with any motor fuel tax street or road funds received from the State except Federal-aid funds, without the approval and supervision of the Department, provided the municipality enters into an agreement of understanding with the Department. The Department, in cooperation with the municipality, shall establish the terms of the agreement of understanding to assure that the funds are expended within the intent of the law and under the rules and regulations deemed necessary by the Department. The approval and supervision of the Department may be required anew if the Department deems that the municipality, which was exempted from such supervision and approval, has not satisfactorily complied with the terms of the agreement of understanding.

HISTORY:
P.A. 77-1371.

605 ILCS 5/7-204 [Payment of motor fuel tax funds to the municipality; unsatisfactory use of funds]

Payment of motor fuel tax funds by the Department of Transportation to the municipality for the purposes stated in Sections 7-202.1 through 7-202.22 [605 ILCS 5/7-202.1 through 605 ILCS 5/7-202.22] shall be made as soon as possible after the allotment is made. Such money shall be utilized by the municipality in accordance with the needs of the municipality in a manner satisfactory to the Department.

However, if any municipality, after having been given reasonable notice by the Department fails to expend motor fuel tax funds in a manner satisfactory to the Department or fails to have construction contracts approved by the Department, no further payment of motor fuel tax funds shall be made to such municipality for construction or maintenance purposes until it corrects its unsatisfactory use of motor fuel tax funds or secures approval of construction contracts by the Department.

HISTORY:
P.A. 85-1010.

DIVISION 3.

PLANNING AND PROGRAMMING

605 ILCS 5/7-301 [20 year long-range highway transportation plan; filing]

In order to properly plan the utilization of motor fuel tax funds each municipality of over 5,000 population, but less than 1,000,000 population, shall be required to develop and update a long-range highway transportation plan for a period not to exceed 20 years. The plan shall contain an estimate of revenues which will become available during that period and a statement of intention with respect to the construction, maintenance, and other related work to be done insofar as it is possible to make such estimates. In addition, the long-range plan shall show the location of existing municipal streets and the general corridors of future highways, the projected future traffic usage on each street for the duration of the plan, a tabulation showing the design standards and the geometric features associated with different levels of traffic usage, and a listing of the major improvements anticipated with the plan. A copy of the plan shall be made publicly available. The initial plan shall be on file with the designated agencies by July 1, 1971 and shall be updated and made publicly available on an annual basis thereafter.

HISTORY:
P.A. 77-173; 2017 P.A. 100-476, § 5, effective June 1, 2018.

ARTICLE 8.

FREEWAYS

Section

605 ILCS 5/8-101 [Designation and establishment]

The Department, the county board of any county, or the corporate authorities of any municipality are hereby authorized, when the safety and convenience of highway traffic will be promoted and the public interest subserved thereby, to designate and establish any existing or proposed highway under each of

their respective jurisdiction and control and for the maintenance of which any one of which aforesaid governmental authorities is or will be wholly responsible as a freeway, and to plan, locate, relocate, construct, reconstruct, maintain, alter, improve, vacate and regulate the use of such freeway in the same manner as they now are or hereafter may be authorized by law relating to highways under their respective jurisdiction and control. The Department, the county board of any county, or the corporate authorities of any municipality are further authorized to include in the foregoing freeway designation such related portions of intersecting highways, roads, streets and other public ways not under their jurisdiction and control and for the maintenance of which they are not wholly responsible, as require such designation to promote the safety and convenience of highway traffic.

HISTORY:
Laws 1965, p. 978.

605 ILCS 5/8-102 [Ingress and egress from abutting land; extinguishment of existing rights]

When an existing highway has been designated and established as a freeway as provided in this Article, no owner of or person having interest in land abutting such freeway shall lay out, provide or construct any new means or enlarge or extend any existing means of ingress to or egress from said abutting land from or to the freeway except upon written consent of the Department, any county board or the corporate authorities of any municipality, as the case may be, and the Department, county board, or the corporate authorities of any municipality, as the case may be, shall have full authority to deny their respective consent or to specify and enforce the terms and conditions under which new means of ingress or egress may be provided or existing means enlarged or extended. The Department, the county board, or the corporate authorities of any municipality, as the case may be, shall also have authority to extinguish by purchase or condemnation any existing rights or easements of access, crossing, light, air or view to, from or over the freeway vested in abutting land, in the same manner as the Department, county board, or corporate authorities of any municipality now is or hereafter may be authorized by law to acquire private property and property rights in connection with highways under their respective jurisdiction and control.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/8-103 [Acquisition of property and property rights by purchase or condemnation]

When a proposed highway is designated and established as a freeway as provided in this Article, the Department, the county board, or the corporate authorities of any municipality shall have the right to acquire by purchase or condemnation, in the manner the Department, county board, or corporate authorities of any municipality now is or hereafter may be authorized by law, all property and property rights necessary for the location, construction, maintenance and use of such freeway, including any rights or easements of access, crossing, light, air or view to, from or over the freeway vested in property not so taken and abutting the freeway. However, the Department, county board, or corporate authorities of any municipality, as the case may be, may designate by agreement or stipulation points at which access will be permitted from the abutting property to the freeway and specify and enforce the terms and conditions thereof.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/8-104 [Restricted easements for severed tracts]

Whenever property held under one ownership is severed by a freeway, the Department, the county board, or the corporate authorities of any municipality, as the case may be, may grant a limited or restricted easement permitting crossing of the freeway at a designated location and under specified terms and conditions to be used solely for passage from one severed tract to the other. If such severed tracts at any time cease to be held under one ownership, the Department, county board, or corporate authorities of any municipality, as the case may be, may terminate and revoke such easement.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/8-105 [Local service drives]

In connection with the development of any freeway, the Department, the county board, or the corporate authorities of any municipality, as the case may be, is authorized, when traffic conditions justify, to lay out and construct local service drives or to designate existing highways or streets as local service drives to provide access to the freeway from adjacent areas at entrances provided for that purpose by the Department, county board, or the corporate authorities of any municipality or to provide access to any existing highway, road, street, alley or other public way from adjacent areas. Such local service drives shall be of appropriate design and construction and shall be separated from the freeway by parkways, curbs or other effective devices.

HISTORY:
Laws 1965, p. 2825.

605 ILCS 5/8-106 [Relocation of crossings or junctions at grade; elimination of crossings or junctions at grade]

When as a result of an engineering and traffic

study it is determined that it is necessary to traffic safety and convenience, the Department, or county board of any county may:

(a) Relocate the crossing or junction at grade of the freeway with any existing highway, road, street, alley or other public way or eliminate such crossing or junction at grade by carrying such public way over or under the freeway or by connecting it to a local service drive and may relocate or alter any such intersecting public ways in such manner as is necessary thereto. The Department, or county board, shall have the right to acquire by purchase or condemnation, in the manner the Department or county board now is, or hereafter may be authorized by law, all property and property rights necessary for such relocations and grade separations. The Department, and the county board is authorized to maintain, or to enter into maintenance agreements with the agencies having jurisdiction over the public ways prior to said relocation, for the public ways so relocated; or

(b) Eliminate the crossing or junction at grade of the freeway with any existing highway, road, street, alley or other public way by closing such public way at its intersection with the boundary of the freeway subject to the following conditions:

(1) Where the freeway is not a part of the National System of Interstate and Defense Highways or is not a highway where the authority to control access has been exercised to permit access only at certain selected public roads, by agreement with the county, road district, municipality or other authority having jurisdiction over the public way to be closed; or

(2) Where the freeway is a part of the National System of Interstate and Defense Highways or is a highway where the authority to control access has been exercised to permit access only at certain selected public roads, the Department and county board may close such public way, but only after holding a public hearing, in the county where the crossing or junction at grade is situated, at which hearing the needs of local traffic and the effect of such closing on other highways in the locality shall be considered. Such hearing shall be held prior to the preparation of final construction plans, but only after reasonable notice has been given, and shall be conducted in accordance with rules and regulations prescribed by the Department. No crossings shall be eliminated which shall unduly discommode or interfere with local traffic, or will destroy reasonable access to schools, churches, markets, trade or community centers, and all crossings not eliminated shall be grade separated with the through traffic lanes of the interstate highway or the highway where the authority to control access has been exercised to permit access only at certain selected public roads. If the closing of a public way, as herein provided, makes it necessary to construct a new or additional highway connection to serve the public need, the Department and county board shall construct such connection. When property is damaged by the closing of any public way, the damage shall be ascertained and paid as provided by law.

HISTORY:
P.A. 76-181.

605 ILCS 5/8-107 [Department consent required for new highways affecting freeways]

No new highway or other public way shall be opened into or connect with or be carried over or under any freeway until and unless the Department, the county board, or the corporate authorities of any municipality, as the case may be, consents thereto in writing, and the Department, county board, or the corporate authorities of any municipality, as the case may be, may give or withhold their respective consent or fix such terms and conditions as will best subserve the public interest.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/8-107.1 [Telephone service establishment permits]

Subject to regulations prescribed by the Department, county board, or the corporate authorities of any municipality, as the case may be, such highway authority may issue permits to a telephone company for the establishment of telephone service within the rights-of-way of fully controlled access highways at points where proper access to and from the main traveled lanes has been established, and where such facilities are necessary to the safety and welfare of the highway users.

HISTORY:
Laws 1959, p. 1799.

605 ILCS 5/8-108 [Effect of this Code on previously existing freeways]

Any highway which prior to the effective date of this Code was a freeway shall continue to be a freeway under the provisions of this Article.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/8-109 [Effect of this Article on Department, county board and municipal corporate authority powers]

The provisions of this Article are cumulative and shall be considered as conferring additional powers on the Department, the county board of any county, or the corporate authorities of any municipality and

not as limitations upon powers now exercised by the Department, county board, or corporate authorities of any municipality with respect to highways under their respective jurisdiction and control.

HISTORY:
Laws 1959, p. 196.

ARTICLE 9.

GENERAL HIGHWAY PROVISIONS

Section

605 ILCS 5/9-101 [Cooperative agreements among governmental agencies; use of funds]

Nothing in this Code shall prevent the execution of cooperative agreements among governmental agencies.

Any municipality may negotiate an agreement with the Department whereby the municipality may use such funds as are available to it for that purpose for the construction or maintenance of a State highway within its boundaries or with the corporate authority of a county or road district for the construction or maintenance of a highway on the county highway system or township or district road system outside of its municipal boundaries.

The county board may negotiate an agreement with the Department whereby the county may use such funds as are available to it for that purpose for the construction or maintenance of a highway on the State highway system or with a municipality for the construction or maintenance of streets on the municipal street system of such municipality.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/9-101.1 [Construction or improvement of drainage structures]

Whenever the proper highway authority is about to construct or improve the drainage structures of a State highway, county highways, or county unit district road, the highway authority shall meet and consult with the authorities of any municipality adjacent to or through which such highway or road runs. The purpose of such meetings is to work out an agreement with such municipality and all other interested agencies and units of local government as to the extent of such drainage construction or improvement.

If a county or State highway, in a county of under 1,000,000 population, adjoins a parcel of land proposed to be subdivided, the subdivider of the parcel shall notify the proper highway authority in writing of the proposed subdivision and provide the proper local authority that would approve the subdivision a copy of the notice. The notice shall request of the proper highway authority its need to have provided, at the cost of the highway authority or as otherwise provided by law, additional capacity in any stormwater detention facility to be constructed in the subdi-

vision for the future availability of the highway authority for meeting the stormwater detention requirements of any future public construction on the highway. The highway authority shall within 30 days of receipt of the written notice provide written information to the proper local authority relative to the request. The parties may then work out by agreement the extent of the inclusion of those stormwater detention needs, if any, in the subdivision. The proper highway authority may provide to the subdivider any funds generally available for highway construction to provide for the highway authority's proportionate share of the design of the stormwater detention and the proportionate share of the cost of the property required for the stormwater detention including the impact of density changes on said parcel as the parties may agree within 60 days of the reply to the notice issued by the highway authority. In the event that the parties are not able to reach agreement within the 60 days the parcel may be subdivided as may be approved by the proper local authority without the inclusion of said stormwater detention needs identified by the highway authority.

HISTORY:
P.A. 77-718; 88-79, § 5.

605 ILCS 5/9-101.5 Standardized electronic toll collection systems

The General Assembly finds that electronic toll collection systems in Illinois should be standardized to promote safety, efficiency, and traveler convenience. The Department shall cooperate with the Illinois State Toll Highway Authority and with other public and private entities to further the goal of standardized toll collection in Illinois. If electronic toll collection is used on any highway constructed or maintained by the Department or by a private entity pursuant to an agreement with the Department, the Department shall require the electronic toll collection system to be compatible with the electronic toll collection system used by the Illinois State Toll Highway Authority. The Department may enter into an intergovernmental agreement with the Illinois State Toll Highway Authority to provide for such compatibility or to have the Authority provide electronic toll collection or toll violation enforcement services.

HISTORY:
P.A. 97-252, § 5.

605 ILCS 5/9-102 [Traffic control during highway construction and repair; use of signs and barriers]

The proper highway authorities are authorized to keep vehicles of every kind off the public highways where necessary to properly construct or repair the same.

Whenever any public highway including any bridge or culvert thereon is being constructed or repaired, the highway authorities having such work in charge shall, when they deem it necessary, erect or cause to be erected at such points as they deem desirable, suitable barriers, with signs thereon, stating that such highway is closed.

Such authorities shall also erect or cause to be erected at such places as they deem best, detour signs directing travel around such construction or repair work.

Such signs and barricades shall conform to the Manual of Uniform Traffic Control Devices adopted by the Department.

HISTORY:
Laws 1961, p. 3509; P.A. 90-513, § 2.

605 ILCS 5/9-103 Removal or possession of control device or sign; penalty

Whenever a highway has been closed as provided in Section 9-102 [605 ILCS 5/9-102] or wherever traffic control devices or signs have been erected on any public highway as provided under this Code it is unlawful for any person to remove or knowingly possess any such barrier, traffic control device or sign, or to deface or injure the same, or to walk, ride or drive upon any part of such highway so closed, except such persons as are duly authorized to do so.

Whoever knowingly violates the provisions of this Section shall be guilty of a Class A misdemeanor, punishable by a fine of at least $500, as well as any other penalty which may be imposed. In addition thereto, such person convicted shall be held liable for any and all damages caused to such highway, including, but not limited to, any bridge or culvert work, traffic control device or sign, by reason of such violation.

The highway authorities or their duly authorized agents in direct charge of the work, are authorized to exercise in their respective jurisdictions, all the common law and statutory powers conferred upon sheriffs, and such highway authorities, or their duly authorized agents in direct charge of the work aforesaid, shall arrest without process any person who violates the provisions of this Section, and in so doing they shall be held to be acting for the State.

Any person or persons so arrested shall be delivered by the person making the arrest to some judge, sheriff, or police officer at some station or place within the county in which the offense was committed, for trial, according to law.

HISTORY:
P.A. 83-672; 88-673, § 5.

605 ILCS 5/9-104 [Corner stones; monuments]

In grading highways corner stones marking sectional or other corners shall not be disturbed, except to lower such stones so that they will not rise above the surface of the highway. If a corner stone is covered to a depth greater than 12 inches or is covered with a highway surfacing material other

than road oil, the location of the corner stone shall be preserved by setting a suitable monument over the stone which shall be level with the highway surface or by setting at least 3 offset monuments in locations where they will not be disturbed. When any corner stone is lowered or when a monument is set over a stone or when offset monuments are set it shall be done in the presence of and under the supervision of a Registered Illinois Land Surveyor who shall record the type and location of the reference monuments with respect to the corner stone in the office of the recorder in the county in which such stone is located.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/9-105 [Culverts or crossings for ditches]

In constructing a public highway, if a ditch is made at the junction of highways, or at the entrance of gates or other openings of adjoining premises, the highway authorities shall construct good and sufficient culverts or other convenient crossings. New entrance culverts or crossings or additions to existing entrance culverts or crossings along an existing public highway or street where there is a ditch may be made with the consent of the highway authorities, provided the applicant for such entrance culvert or crossing constructs at the applicant's expense a good and sufficient culvert or other convenient crossing of the type and size specified by the highway authorities, which structure shall then become the property of the public.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/9-106 [Barricading or covering freshly treated highways, driveways, parking lots or open areas]

Wherever a highway, driveway, parking lot or other area open to traffic that has been freshly treated with road oil, liquid asphalt or similar material intersects with or is otherwise located or partially located within 300 feet of a durable all-weather highway of any type except gravel or crushed stone, the highway authorities or any person responsible for applying such material shall cause such freshly treated highway, driveway, parking lot or other such area to be barricaded or covered with crushed aggregate or other suitable cover material so that traffic will not carry the fresh road oil, liquid asphalt or similar material onto the travel ways of the durable all-weather highway.

HISTORY:
P.A. 80-528.

605 ILCS 5/9-107 [Tile drains]

Whenever the highway authorities are about to lay a tile drain along any public highway the highway authorities may contract with the owners or occupants of adjoining lands to lay larger tile than would be necessary to drain the highway, and permit connection therewith by such contracting parties to drain their lands.

HISTORY:
Laws 1961, p. 2815; P.A. 94-59, § 5.

605 ILCS 5/9-108 [Destruction of willows prior to tiling]

Where willow hedges, or a line of willow trees have been planted along the margin of a highway, so as to render tiling impracticable, the highway authority having jurisdiction of such highway may contract with the owner for their destruction; and they shall be destroyed before tiling. The planting of such hedges or trees hereafter on the margin of highways is declared to be a public nuisance.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/9-109 [Safety of bridges and culverts; violations; specifications as evidence]

It is unlawful to construct any bridge or culvert upon any ravine, creek, drainage ditch or river upon a public highway in this State unless such bridge or culvert shall have the capacity of sustaining highway traffic with safety.

Any person who violates the provisions of this Section shall be guilty of a petty offense.

The fact that any such bridge or culvert does not conform with the specifications of the Department in effect at the time when the contract for such bridge or culvert is let, is prima facie evidence that the bridge or culvert does not have the capacity of sustaining highway traffic with safety.

HISTORY:
P.A. 77-2238.

605 ILCS 5/9-110 [Use of patented articles, materials or processes in construction and maintenance]

Any article, material or process covered by a patent granted by the United States government may be specified and used for constructing or maintaining any public highway if such specifications are drawn so as to provide for an alternative method or methods of construction or maintenance so that competition may be had between different types of materials answering the same general purpose.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/9-111 [Destruction of noxious weeds; violations]

The highway authorities shall annually, at the proper season, to prevent the spread of noxious

weeds as defined in the "Illinois Noxious Weed Law", approved August 17, 1971, as amended [505 ILCS 100/1 et seq.], destroy or cause to be destroyed, all such noxious weeds growing upon public highways under their respective jurisdictions. The highway authorities shall seasonably mow or manage all weeds and other vegetation growing along the highways under their respective jurisdictions.

Any highway officer failing to comply with the provisions of this Section shall be guilty of a petty offense and shall be liable to a fine of not less than $10 nor more than $25 for each season in which he neglects such requirements.

HISTORY:
P.A. 83-333.

605 ILCS 5/9-111.1 [Inspection of bridges and culverts; funds]

The highway authorities shall from time to time inspect the bridges and culverts on the public highways and streets under their respective jurisdictions which span streams and watercourses and shall remove driftwood and other materials accumulated within the right of way at such structures which obstruct the free flow of either low or highwater. Any general funds, and any forces and equipment available for maintenance of the public highways or streets may be used for the removal of such accumulated material.

HISTORY:
Laws 1961, p. 2627.

605 ILCS 5/9-112 [Clearing railroad grade crossings; violations]

At all grade crossings of public highways with railroads outside the corporate limits of any municipality, the highway authority having jurisdiction of such highways shall remove, or cause to be removed from the highway all removable obstructions to view at such grade crossings, such as unauthorized signs and billboards, brush and shrubbery, and shall trim, or cause to be trimmed, all hedges and trees upon the highway for a distance of not less than 300 feet from each side of such crossings.

No person shall place, or cause to be placed, any sign or signal on a public highway within a distance of 300 feet of any grade crossing, except official traffic control devices authorized in an Act in relation to the regulation of traffic, approved July 9, 1935, as now or hereafter amended, any signs or signals required by law or the Illinois Commerce Commission for the protection of such crossings.

Any person who violates any of the provisions of this Section shall be guilty of a petty offense and fined not less than $10 nor more than $100 for each offense.

HISTORY:
P.A. 77-2238.

605 ILCS 5/9-112.1 [Highway signs and billboards; violations]

No person shall place or cause to be placed any sign or billboard or any advertising of any kind or description upon any State highway or on any other highway outside the corporate limits of any municipality except as may be required by this Code or "The Illinois Vehicle Code", as now or hereafter amended [625 ILCS 5/1-100 et seq.]. This provision also shall apply to signs, billboards, or any other advertising upon any bridge, other structure, wire, cable, or other device, over or above such highway, whether constructed by the Department or others except signs designating the name of the railroad and the clearance provided. This Section does not prohibit or prevent any public utility from placing upon, above, below or near any of its facilities any signs or markers giving notice of the existence, identification or location of such facilities located upon or adjacent to any such highway. Such signs or markers shall be limited in size and shape to the minimum necessary consistent with the safety of the public in accordance with rules and regulations as promulgated by the Department.

Any person who violates any of the provisions of this Section shall be guilty of a petty offense and fined not less than $10 nor more than $100 for each offense.

HISTORY:
P.A. 81-840.

605 ILCS 5/9-112.2 [Highway signs and billboards similar to official traffic control devices prohibited; violations]

No person shall place, or cause to be placed upon or in view of any public highway any sign or billboard or any advertising of any kind or description which in wording, color or shape is similar to official traffic control signs or other official traffic control devices erected by the proper authority having jurisdiction over such highway in compliance with the Manual of Uniform Traffic Control Devices for Streets and Highways, as now or hereafter adopted by the Department.

No person shall place, or cause to be placed upon any building or other structure, within 200 feet of any public highway, oscillating, rotating or flashing lights which are of such intensity, when illuminated, to be visible at any time from such highway. This prohibition does not apply to a pole-supported business or brand identification sign with constant illumination and color and in which the only movement is a slow rotation of the entire body of the sign so as to be visible from all directions. This prohibition does not apply to airport lights.

Any person who violates any of the provisions of this Section shall be guilty of a petty offense and fined not less than $10 nor more than $100 for each offense.

HISTORY:
P.A. 78-255.

605 ILCS 5/9-112.3 [Public transportation shelters]

Shelters for the convenience and comfort of persons waiting for buses or other public transportation may be placed and maintained within the right of way of any street or highway, including right of way for streets and highways within municipalities, after a license or permit for the shelter and location is obtained from the highway authority having jurisdiction. Placement and location of shelters on any street or highway within a municipality shall be subject to the approval of the corporate authorities of such municipality. The owners may place advertising on the shelters if authorized by the license or permit, provided, however, that no political advertising shall be placed on any shelter on any street or highway at any time and further provided that advertising on shelters shall be limited to one-third of the vertical surface of the shelter. Shelters shall not be placed or maintained on that portion of the right of way designed and used for vehicle traffic and further shall not be so placed as to impair the street or highway or interfere with the free and safe flow of traffic.

HISTORY:
P.A. 81-436.

605 ILCS 5/9-112.4 [Signs located over sidewalks]

Signs on a State highway right of way located over sidewalks inside the corporate limits of a municipality that do not interfere with vehicular or pedestrian traffic, as determined by Department rule, shall not be removed by the Department.

HISTORY:
P.A. 88-286, § 5.

605 ILCS 5/9-112.5 Signs, billboards, and advertising in commuter parking lots

Signs, billboards, and advertising, placed in a publicly owned and operated commuter parking lot servicing public transportation and adjoined on 2 sides by interstate highways, that do not interfere with vehicular or pedestrian traffic, as determined by Department rule, shall not be removed by the Department.

HISTORY:
P.A. 89-319, § 5.

605 ILCS 5/9-112.6 Vegetation control permit.

(a) The Department may provide for vegetation control on land or a right-of-way under its jurisdiction related to the visibility of a permitted or registered outdoor advertising sign or grant a permit for such work.

(b) The Department may issue rules to provide the standards and procedures for vegetation control, including, but not limited to, permit applications, permits, revocations, and the requirements for the replacement of vegetation and landscaping removal to establish clear visibility zones of signs along highways in the State under its jurisdiction.

(c) The Department shall allow the cutting or trimming of vegetation to clear a visibility zone 250 feet in front of a single-sided sign and 250 feet in front of each side of a double-sided sign. The visibility zone for signs shall also include an additional 250-foot triangular section measured diagonally from the edge of the right-of-way to the edge of pavement. This distance shall be measured from the edge of the sign face closest to the pavement in a direction parallel to the pavement. All cutting or trimming of vegetation shall maintain environmental compliance and in no event shall the cutting or trimming of vegetation violate safety rules of the Department.

(d) The Department shall process a completed vegetation control application within 45 days of receiving such an application.

History.
2022 P.A. 102-980, § 5, effective August 27, 2022.

605 ILCS 5/9-113 [Construction under and along highways; rules and regulations; non-toll federal-aid fully access controlled highways]

(a) No ditches, drains, track, rails, poles, wires, pipe line or other equipment of any public utility company, municipal corporation or other public or private corporation, association or person shall be located, placed or constructed upon, under or along any highway, or upon any township or district road, without first obtaining the written consent of the appropriate highway authority as hereinafter provided for in this Section.

(b) The State and county highway authorities are authorized to promulgate reasonable and necessary rules, regulations, and specifications for highways for the administration of this Section. In addition to rules promulgated under this subsection (b), the State highway authority shall and a county highway authority may adopt coordination strategies and practices designed and intended to establish and implement effective communication respecting planned highway projects that the State or county highway authority believes may require removal, relocation, or modification in accordance with subsection (f) of this Section. The strategies and practices adopted shall include but need not be limited to the delivery of 5 year programs, annual programs, and the establishment of coordination councils in the locales and with the utility participation that will best facilitate and accomplish the requirements of the State and county highway authority acting under subsection (f) of this Section. The utility participation shall include assisting the appropriate highway au-

thority in establishing a schedule for the removal, relocation, or modification of the owner's facilities in accordance with subsection (f) of this Section. In addition, each utility shall designate in writing to the Secretary of Transportation or his or her designee an agent for notice and the delivery of programs. The coordination councils must be established on or before January 1, 2002. The 90 day deadline for removal, relocation, or modification of the ditches, drains, track, rails, poles, wires, pipe line, or other equipment in subsection (f) of this Section shall be enforceable upon the establishment of a coordination council in the district or locale where the property in question is located. The coordination councils organized by a county highway authority shall include the county engineer, the County Board Chairman or his or her designee, and with such utility participation as will best facilitate and accomplish the requirements of a highway authority acting under subsection (f) of this Section. Should a county highway authority decide not to establish coordination councils, the 90 day deadline for removal, relocation, or modification of the ditches, drains, track, rails, poles, wires, pipe line, or other equipment in subsection (f) of this Section shall be waived for those highways.

(c) In the case of non-toll federal-aid fully access-controlled State highways, the State highway authority shall not grant consent to the location, placement or construction of ditches, drains, track, rails, poles, wires, pipe line or other equipment upon, under or along any such non-toll federal-aid fully access-controlled State highway, which:

(1) would require cutting the pavement structure portion of such highway for installation or, except in the event of an emergency, would require the use of any part of such highway right-of-way for purposes of maintenance or repair. Where, however, the State highway authority determines prior to installation that there is no other access available for maintenance or repair purposes, use by the entity of such highway right-of-way shall be permitted for such purposes in strict accordance with the rules, regulations and specifications of the State highway authority, provided however, that except in the case of access to bridge structures, in no such case shall an entity be permitted access from the through-travel lanes, shoulders or ramps of the non-toll federal-aid fully access-controlled State highway to maintain or repair its accommodation; or

(2) would in the judgment of the State highway authority, endanger or impair any such ditches, drains, track, rails, poles, wires, pipe lines or other equipment already in place; or

(3) would, if installed longitudinally within the access control lines of such highway, be above ground after installation except that the State highway authority may consent to any above ground installation upon, under or along any bridge, interchange or grade separation within the right-of-way which installation is otherwise in compliance with this Section and any rules, regulations or specifications issued hereunder; or

(4) would be inconsistent with Federal law or with rules, regulations or directives of appropriate Federal agencies.

(d) In the case of accommodations upon, under or along non-toll federal-aid fully access-controlled State highways the State highway authority may charge an entity reasonable compensation for the right of that entity to longitudinally locate, place or construct ditches, drains, track, rails, poles, wires, pipe line or other equipment upon, under or along such highway. Such compensation may include in-kind compensation.

Where the entity applying for use of a non-toll federal-aid fully access-controlled State highway right-of-way is a public utility company, municipal corporation or other public or private corporation, association or person, such compensation shall be based upon but shall not exceed a reasonable estimate by the State highway authority of the fair market value of an easement or leasehold for such use of the highway right-of-way. Where the State highway authority determines that the applied-for use of such highway right-of-way is for private land uses by an individual and not for commercial purposes, the State highway authority may charge a lesser fee than would be charged a public utility company, municipal corporation or other public or private corporation or association as compensation for the use of the non-toll federal-aid fully access-controlled State highway right-of-way. In no case shall the written consent of the State highway authority give or be construed to give any entity any easement, leasehold or other property interest of any kind in, upon, under, above or along the non-toll federal-aid fully access-controlled State highway right-of-way.

Where the compensation from any entity is in whole or in part a fee, such fee may be reasonably set, at the election of the State highway authority, in the form of a single lump sum payment or a schedule of payments. All such fees charged as compensation may be reviewed and adjusted upward by the State highway authority once every 5 years provided that any such adjustment shall be based on changes in the fair market value of an easement or leasehold for such use of the non-toll federal-aid fully access-controlled State highway right-of-way. All such fees received as compensation by the State highway authority shall be deposited in the Road Fund.

(e) Any entity applying for consent shall submit such information in such form and detail to the appropriate highway authority as to allow the authority to evaluate the entity's application. In the case of accommodations upon, under or along non-toll federal-aid fully access-controlled State highways the entity applying for such consent shall reimburse the State highway authority for all of the authority's reasonable expenses in evaluating that entity's ap-

plication, including but not limited to engineering and legal fees.

(f) Any ditches, drains, track, rails, poles, wires, pipe line, or other equipment located, placed, or constructed upon, under, or along a highway with the consent of the State or county highway authority under this Section shall, upon written notice by the State or county highway authority be removed, relocated, or modified by the owner, the owner's agents, contractors, or employees at no expense to the State or county highway authority when and as deemed necessary by the State or county highway authority for highway or highway safety purposes. The notice shall be properly given after the completion of engineering plans, the receipt of the necessary permits issued by the appropriate State and county highway authority to begin work, and the establishment of sufficient rights-of-way for a given utility authorized by the State or county highway authority to remain on the highway right-of-way such that the unit of local government or other owner of any facilities receiving notice in accordance with this subsection (f) can proceed with relocating, replacing, or reconstructing the ditches, drains, track, rails, poles, wires, pipe line, or other equipment. If a permit application to relocate on a public right-of-way is not filed within 15 days of the receipt of final engineering plans, the notice precondition of a permit to begin work is waived. However, under no circumstances shall this notice provision be construed to require the State or any government department or agency to purchase additional rights-of-way to accommodate utilities. If, within 90 days after receipt of such written notice, the ditches, drains, track, rails, poles, wires, pipe line, or other equipment have not been removed, relocated, or modified to the reasonable satisfaction of the State or county highway authority, or if arrangements are not made satisfactory to the State or county highway authority for such removal, relocation, or modification, the State or county highway authority may remove, relocate, or modify such ditches, drains, track, rails, poles, wires, pipe line, or other equipment and bill the owner thereof for the total cost of such removal, relocation, or modification. The scope of the project shall be taken into consideration by the State or county highway authority in determining satisfactory arrangements. The State or county highway authority shall determine the terms of payment of those costs provided that all costs billed by the State or county highway authority shall not be made payable over more than a 5 year period from the date of billing. The State and county highway authority shall have the power to extend the time of payment in cases of demonstrated financial hardship by a unit of local government or other public owner of any facilities removed, relocated, or modified from the highway right-of-way in accordance with this subsection (f). This paragraph shall not be construed to prohibit the State or county highway authority from paying any part of the cost of removal, relocation, or modification where such payment is otherwise provided for by State or federal statute or regulation. At any time within 90 days after written notice was given, the owner of the drains, track, rails, poles, wires, pipe line, or other equipment may request the district engineer or, if appropriate, the county engineer for a waiver of the 90 day deadline. The appropriate district or county engineer shall make a decision concerning waiver within 10 days of receipt of the request and may waive the 90 day deadline if he or she makes a written finding as to the reasons for waiving the deadline. Reasons for waiving the deadline shall be limited to acts of God, war, the scope of the project, the State failing to follow the proper notice procedure, and any other cause beyond reasonable control of the owner of the facilities. Waiver must not be unreasonably withheld. If 90 days after written notice was given, the ditches, drains, track, rails, poles, wires, pipe line, or other equipment have not been removed, relocated, or modified to the satisfaction of the State or county highway authority, no waiver of deadline has been requested or issued by the appropriate district or county engineer, and no satisfactory arrangement has been made with the appropriate State or county highway authority, the State or county highway authority or the general contractor of the building project may file a complaint in the circuit court for an emergency order to direct and compel the owner to remove, relocate, or modify the drains, track, rails, poles, wires, pipe line, or other equipment to the satisfaction of the appropriate highway authority. The complaint for an order shall be brought in the circuit in which the subject matter of the complaint is situated or, if the subject matter of the complaint is situated in more than one circuit, in any one of those circuits.

(g) It shall be the sole responsibility of the entity, without expense to the State highway authority, to maintain and repair its ditches, drains, track, rails, poles, wires, pipe line or other equipment after it is located, placed or constructed upon, under or along any State highway and in no case shall the State highway authority thereafter be liable or responsible to the entity for any damages or liability of any kind whatsoever incurred by the entity or to the entity's ditches, drains, track, rails, poles, wires, pipe line or other equipment.

(h) Except as provided in subsection (h-1), upon receipt of an application therefor, consent to so use a highway may be granted subject to such terms and conditions not inconsistent with this Code as the highway authority deems for the best interest of the public. The terms and conditions required by the appropriate highway authority may include but need not be limited to participation by the party granted consent in the strategies and practices adopted under subsection (b) of this Section. The petitioner shall pay to the owners of property abutting upon the affected highways established as though by common law plat all damages the owners may sustain by reason of such use of the highway, such damages to

be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain.

(h-1) With regard to any public utility, as defined in Section 3-105 of the Public Utilities Act [220 ILCS 5/3-105], engaged in public water or public sanitary sewer service that comes under the jurisdiction of the Illinois Commerce Commission, upon receipt of an application therefor, consent to so use a highway may be granted subject to such terms and conditions not inconsistent with this Code as the highway authority deems for the best interest of the public. The terms and conditions required by the appropriate highway authority may include but need not be limited to participation by the party granted consent in the strategies and practices adopted under subsection (b) of this Section. If the highway authority does not have fee ownership of the property, the petitioner shall pay to the owners of property located in the highway right-of-way all damages the owners may sustain by reason of such use of the highway, such damages to be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain. The consent shall not otherwise relieve the entity granted that consent from obtaining by purchase, condemnation, or otherwise the necessary approval of any owner of the fee over or under which the highway or road is located, except to the extent that no such owner has paid real estate taxes on the property for the 2 years prior to the grant of the consent. Owners of property that abuts the right-of-way but who acquired the property through a conveyance that either expressly excludes the property subject to the right-of-way or that describes the property conveyed as ending at the right-of-way or being bounded by the right-of-way or road shall not be considered owners of property located in the right-of-way and shall not be entitled to damages by reason of the use of the highway or road for utility purposes, except that this provision shall not relieve the public utility from the obligation to pay for any physical damage it causes to improvements lawfully located in the right-of-way. Owners of abutting property whose descriptions include the right-of-way but are made subject to the right-of-way shall be entitled to compensation for use of the right-of-way. If the property subject to the right-of-way is not owned by the owners of the abutting property (either because it is expressly excluded from the property conveyed to an abutting property owner or the property as conveyed ends at or is bounded by the right-of-way or road), then the petitioner shall pay any damages, as so calculated, to the person or persons who have paid real estate taxes for the property as reflected in the county tax records. If no person has paid real estate taxes, then the public interest permits the installation of the facilities without payment of any damages. This provision of this amendatory Act of the 93rd General Assembly is intended to clarify, by codification, existing law and is not intended to change the law.

(i) Such consent shall be granted by the Department in the case of a State highway; by the county board or its designated county superintendent of highways in the case of a county highway; by either the highway commissioner or the county superintendent of highways in the case of a township or district road, provided that if consent is granted by the highway commissioner, the petition shall be filed with the commissioner at least 30 days prior to the proposed date of the beginning of construction, and that if written consent is not given by the commissioner within 30 days after receipt of the petition, the applicant may make written application to the county superintendent of highways for consent to the construction. In the case of township roads, the county superintendent of highways may either grant consent for the construction or deny the application. The county superintendent of highways shall provide written confirmation, citing the basis of the decision, to both the highway commissioner and the applicant. This Section does not vitiate, extend or otherwise affect any consent granted in accordance with law prior to the effective date of this Code to so use any highway.

(j) Nothing in this Section shall limit the right of a highway authority to permit the location, placement or construction or any ditches, drains, track, rails, poles, wires, pipe line or other equipment upon, under or along any highway or road as a part of its highway or road facilities or which the highway authority determines is necessary to service facilities required for operating the highway or road, including rest areas and weigh stations.

(k) Paragraphs (c) and (d) of this Section shall not apply to any accommodation located, placed or constructed with the consent of the State highway authority upon, under or along any non-toll federal-aid fully access-controlled State highway prior to July 1, 1984, provided that accommodation was otherwise in compliance with the rules, regulations and specifications of the State highway authority.

(*l*) Except as provided in subsection (*l*-1), the consent to be granted pursuant to this Section by the appropriate highway authority shall be effective only to the extent of the property interest of the State or government unit served by that highway authority. Such consent shall not be binding on any owner of the fee over or under which the highway or road is located and shall not otherwise relieve the entity granted that consent from obtaining by purchase, condemnation or otherwise the necessary approval of any owner of the fee over or under which the highway or road is located. This paragraph shall not be construed as a limitation on the use for highway or road purposes of the land or other property interests acquired by the public for highway or road purposes, including the space under or above such right-of-way.

(*l*-1) With regard to any public utility, as defined in Section 3-105 of the Public Utilities Act [220 ILCS 5/3-105], engaged in public water or public sanitary sewer service that comes under the jurisdiction of the Illinois Commerce Commission, the consent to be granted pursuant to this Section by the appropriate

highway authority shall be effective only to the extent of the property interest of the State or government unit served by that highway authority. Such consent shall not be binding on any owner of the fee over or under which the highway or road is located but shall be binding on any abutting property owner whose property boundary ends at the right-of-way of the highway or road. For purposes of the preceding sentence, property that includes a portion of a highway or road but is subject to the highway or road shall not be considered to end at the highway or road. The consent shall not otherwise relieve the entity granted that consent from obtaining by purchase, condemnation or otherwise the necessary approval of any owner of the fee over or under which the highway or road is located, except to the extent that no such owner has paid real estate taxes on the property for the 2 years prior to the grant of the consent. This provision is not intended to absolve a utility from obtaining consent from a lawful owner of the roadway or highway property (i.e. a person whose deed of conveyance lawfully includes the property, whether or not made subject to the highway or road) but who does not pay taxes by reason of Division 6 of Article 10 of the Property Tax Code. This paragraph shall not be construed as a limitation on the use for highway or road purposes of the land or other property interests acquired by the public for highway or road purposes, including the space under or above such right-of-way.

(m) The provisions of this Section apply to all permits issued by the Department of Transportation and the appropriate State or county highway authority.

HISTORY:
P.A. 85-540; 92-470, § 5; 93-357, § 5; 2021 P.A. 102-449, § 5, effective January 1, 2022.

605 ILCS 5/9-113.01 [Repair of utility damage to streets or roads; unit of local government]

Except when otherwise provided for by contract, permit or ordinance, a unit of local government having jurisdiction over streets or roads may repair damage to any such streets or roads caused by a public or private utility and bill the utility for the cost thereof if the utility fails to complete such repairs within 30 days after receipt of written notice from the unit of local government that such repairs must be made. Primary responsibility for such repairs shall remain with the utility.

As used in this Section, "unit of local government" means a county, municipality, township or other unit designated as a unit of local government by law.

HISTORY:
P.A. 81-1377.

605 ILCS 5/9-113.02 Damage to State-owned or local government-owned roadway property; highway and highway property.

(a) Any agency or instrumentality of the State of Illinois or unit of local government may seek recovery for the cost of the repair or replacement of damaged or destroyed roadway property. As used in this Section, "roadway property" includes road safety equipment and emergency equipment. Depreciation may not be used as a factor in determining the cost of the damaged or destroyed roadway property for which recovery is sought.

(b) Any agency or instrumentality of the State of Illinois or unit of local government may seek recovery for the cost of the repair of damaged or destroyed highways, highway structures, or traffic-control devices that result from operating, driving, or moving a truck tractor-semitrailer combination exceeding 55 feet in overall dimension authorized under paragraph (1) of subsection (b) or paragraph (1) of subsection (f) of Section 15-107 of the Illinois Vehicle Code [625 ILCS 5/15-107]. The measure of liability for the damage is the cost of repairing the highway, highway structure, or traffic-control device, or the depreciated replacement cost of a highway structure or traffic-control device.

HISTORY:
P.A. 93-793, § 5; 97-373, § 5; 2017 P.A. 100-343, § 5, effective January 1, 2018.

605 ILCS 5/9-113.1 [Commercial establishments on highway land; rest stops; vending machines]

(a) Except as otherwise provided in Sections 4-201.19 and 8-107.1 of this Code [605 ILCS 5/4-201.19 and 605 ILCS 5/8-107.1] and in subsection (b) of this Section, and except to the extent authorized in "An Act in relation to the construction, operation, regulation and maintenance of a system of toll highways and to create The Illinois State Toll Highway Authority, and to define its powers and duties, to make an appropriation in conjunction therewith", approved August 7, 1967, as amended [605 ILCS 10/1 et seq.], no commercial establishment for serving motorists or highway users shall be constructed or located within the right-of-way of, or on publicly-owned or publicly-leased land acquired or used for or in connection with a highway. Nothing in this Act shall affect or impair the application of Sections 4-210 and 4-211 of the Illinois Highway Code [605 ILCS 5/4-210 and 605 ILCS 5/4-211], as now or hereafter amended to that portion of any highway where the rights of direct private access thereto generally from abutting property have not been extinguished by due process.

Nothing in this Code shall prohibit the solicitation of donations or contributions by a local nonprofit organization at a courtesy rest stop which has been established by that organization. A courtesy rest stop is a temporary facility, locally sponsored, to encourage safety only on nationally recognized holidays by promoting a "refreshment break" for motorists. The courtesy rest stop must be conducted for the express purpose of improving the safety of highway travel

and not primarily as an advertisement for any organization or other activity.

All courtesy rest stop activity shall be conducted completely within existing safety rest areas located on freeways or other State highways and only on those days recognized as national holidays. Before granting authorization to establish a courtesy rest area, the Department shall determine that sufficient parking in the safety rest area or stop is available without requiring vehicles to stop or park on any ramp or other surface used for the movement of vehicles. The refreshments and any other service offered must be free of charge to the motorists. However, solicitation of free-will donations or contributions shall be permitted. The Department shall cooperate with the sponsoring organizations in the establishment of courtesy rest stops.

(b) The Department may permit the placement and operation of vending machines in safety rest areas constructed or located on rights-of-way of non-toll fully access controlled State highways. The Department shall adopt rules and regulations governing the type of services provided, location and operation of machines, and all other aspects necessary to provide the best public service consistent with federal and State statutes. The Department, when allowing for the installation of vending machines, shall provide for the operation of such facilities through the Department of Human Services, which is the State licensing agency designated pursuant to Section 2(a)(5) of the federal Randolph-Sheppard Vending Stand Act of June 20, 1936 (49 Stat. 1559, Title 20, Sections 107-107F) [20 U.S.C. § 107 et seq.]. The Department of Human Services shall assign licensed blind vendors to operate these vending facilities. However, if, after notification to all licensed blind vendors of the availability of a particular site, none is interested in operating that site, the Department of Human Services may contract for the operation of that site by a private contractor. Any income, after deduction for cost of items, labor and a negotiated percentage of profit, shall accrue to the Department of Human Services for the exclusive benefit of the vending facilities for the blind program or other programs of rehabilitation and training for the blind administered by the Department of Human Services. The Department of Human Services shall periodically notify licensed blind vendors of the availability of such contractually operated sites and make them available to interested licensed blind vendors.

(c) The Department of Transportation may not charge the operators of vending facilities for any portion of the cost of rest area maintenance or oversight services provided by its employees prior to the effective date of this amendatory Act of 1985. The Department shall not require the vending machine operators to perform any services other than those related to servicing and operating the approved vending machines.

HISTORY:
P.A. 84-1308; 89-507, § 90E-27.

605 ILCS 5/9-114 [Cattle or domestic animal crossing]

Any person owning, using, or occupying lands on both sides of any public highway has the privilege of making a crossing under the highway for the purpose of letting his cattle and other domestic animals across such highway. However, such person shall erect at his own expense, a good and substantial bridge, with good railings on each side thereof, and build an embankment, of easy grade, on either side of the bridge. The bridge shall be not less than 16 feet wide, and be approved by the appropriate highway authorities having jurisdiction of such public highway. The bridge shall be kept constantly in good repair by the owner or occupant of the land, the construction subject always to the consent and approval of such appropriate highway authorities.

In case such crossing is made on any waterway or natural channel for water and where a culvert or bridge is maintained as required for highway purposes, the owners or occupants shall not be required to pay for or construct any more of the crossings than the additional cost of such crossing over and above the necessary cost of a suitable culvert or bridge for highway purposes at such place.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/9-115 [Excavation or removal of lateral highway support; deposit of spoil]

It is unlawful for any person to excavate or remove or cause the excavation or removal of the lateral support within a distance of 10 feet plus one and one-half times the depth of any excavation adjacent to the established right-of-way of any public highway located outside the corporate limits of any municipality, except that if any of the excavated materials be of solid rock, the depth of such solid rock shall not be considered in computing the limit of excavation from such right-of-way line of such public highway.

It is unlawful for any person to deposit spoil or cause the spoil from any excavation to be deposited in such a manner that the toe of such spoil will be nearer than 20 feet to any established right-of-way of any public highway located outside the corporate limits of any municipality.

Whenever any person violates or causes the foregoing provisions of this Section to be violated, he shall be guilty of a petty offense for each day such violation occurs and until such unlawful excavation is backfilled or unlawful spoil banks are removed, either by the offenders or by the public authorities as provided hereinafter in this Section.

Where any such violation occurs along any public highway the proper highway authority having jurisdiction of that particular highway is authorized to take the necessary steps as required by law to enter upon the property where such violation occurs and

backfill or cause to be backfilled the unlawful excavation or remove or cause to be removed the unlawful spoil banks, whichever case it may be, or both, in such a manner as will conform with the foregoing provisions of this Section, and the costs of such work, together with court costs, may be recovered from such violators in the circuit court in the county where such violation occurred.

Nothing in this Section shall prohibit the construction and maintenance of grade separation crossings of any public utility, private corporation or individuals, or in any way conflict with any other laws governing such grade separations; nor shall the provisions of this Section in any way apply to pipe line construction or maintenance where such work is done to the satisfaction of the highway authorities having jurisdiction over such public highway; nor to the excavation of earth necessary for the construction of foundations or basement walls.

HISTORY:
P.A. 83-345.

605 ILCS 5/9-115.1 [Construction of drainage facilities and earthen berms]

It is unlawful for any person to construct or cause to be constructed any drainage facility for the purpose of the detention or retention of water within a distance of 10 feet plus one and one-half times the depth of any drainage facility adjacent to the right-of-way of any public highway without the written permission of the highway authority having jurisdiction over the public highway.

It is unlawful for any person to construct or cause to be constructed any earthen berm such that the toe of such berm will be nearer than 10 feet to the right-of-way of any public highway without the written permission of the highway authority having jurisdiction over the public highway.

HISTORY:
P.A. 86-616.

605 ILCS 5/9-116 [Hedge fence trimming]

The owner of any hedge fence growing along the right-of-way line of any public highway shall during the year next after such hedge has obtained the age of 7 years and during each year thereafter, trim such hedge fence to a height not exceeding 5 feet, except for Osage hedge which shall be trimmed annually after the second year from the first trimming to a height not exceeding 4 feet, and the owner shall trim all such hedges on the road side so that foliage will not extend over the right-of-way line for a distance in excess of 4 feet. All such trimming so required shall be done prior to October first.

The highway authority having jurisdiction over the highway, upon application of the owner of a farm, may permit such owner to grow a hedge fence to any desired height for a distance not to exceed one-fourth the total length of the hedge fence along the highway to serve as a windbreak for livestock. Such permit is revocable at any time.

The provisions of this Section do not apply to any hedge protecting either an orchard or a building.

Any failure or refusal to comply with the provisions of this Section is a petty offense and is punishable by a fine of not less than $10 nor more than $50 for each year of such failure or refusal.

HISTORY:
P.A. 77-2238.

605 ILCS 5/9-117 [Injury or obstruction of highways; repair and removal]

If any person injures or obstructs a public highway by felling a tree or trees in, upon or across the same, or by placing or leaving any other obstruction thereon, or encroaching upon the same with any fence, or by plowing or digging any ditch or other opening thereon, or by turning a current of water so as to saturate, wash or damage the same, or by plowing in or across or on the slopes of the side gutters or ditches, or by placing any material in such ditches, or in any way interfering with the free flow of water therein, or leaves the cuttings of any hedge thereon for more than 10 days, without the permission of the highway authority having jurisdiction over such highway, he shall be guilty of a petty offense and fined for every such offense not less than $50 nor more than $500; and in case of placing any obstruction on the highway, an additional sum of not exceeding $50 per day for every day he allows such obstruction to remain after he has been ordered to remove it by the highway authority having jurisdiction over such highway. Any person feeling himself aggrieved or any such highway authority may make a complaint under this Section.

The highway authority having jurisdiction over such highway, after having given 10 days' notice to the owners of the obstruction or person so obstructing, or plowing, or digging ditches upon such highway or interfering with the free flow of water in the side gutters or ditches, of the obstruction, plowing or digging of ditches, interfering with drainage, or of the encroachment of any fence, may remove any such fence or other obstruction, fill up any ditch or excavation except ditches necessary to the drainage of an adjoining farm emptying into a ditch upon the highway, or regrade such side gutters or ditches, and recover the necessary cost of such removal or filling of any such ditch or excavation, or regrading of such side gutters or ditches from such owner or other person obstructing or damaging such highway aforesaid, to be collected by the highway authority having jurisdiction of the highway whereon such offense was committed. Any such cost recovered shall be deposited in the road fund of the political division having jurisdiction over the highway adjudged to have been obstructed or injured, and shall be used only for maintenance or construction of public highways under the jurisdiction of that division.

The 10 day notice requirement of this Section is not required for any obstruction to traffic flow including non-adherence to the provisions of a permit issued by the highway authority having jurisdiction under Section 4-209, 5-413, or 9-113 of this Code [605 ILCS 5/4-209, 605 ILCS 5/5-413, or 605 ILCS 5/9-113].

However, this section shall not apply to any person who shall lawfully fell any tree for use and shall immediately remove the same out of the highway, nor to any person through or along whose land a public highway may pass, who shall desire to drain his land, and who shall give due notice to the proper highway authority of such intention, and who shall first secure from such highway authority written permission for any work, ditching or excavating he proposes to do within the limits of the highway.

HISTORY:
P.A. 77-2238; 88-233, § 5; 93-177, § 5.

605 ILCS 5/9-118 [Planting in or upon highway right-of-way]

Any association, society, person or persons may, upon obtaining a permit from the highway authorities having jurisdiction over the particular highway, and the consent in writing of the owners of adjacent property, plant or set out trees, shrubs, plants or flowers in or upon the right-of-way of any highway within this State, provided that no such tree, shrub, or flower shall be permitted to obstruct the vision of persons traveling upon or across such highways. Consent in writing of the owners of the adjacent property shall not be mandatory, as the highway authority shall determine, for plantings in a median or in those portions of a highway where direct access from the adjacent property is not provided. The highway authority having jurisdiction may place suitable signs giving notice of the association, society, person, or persons doing the planting.

HISTORY:
Laws 1959, p. 196; P.A. 91-775, § 10.

605 ILCS 5/9-119 [Injury or removal of plants in or upon highway right-of-way]

Whoever wilfully drives upon, picks, removes, destroys, cuts down, or in any manner injures any tree, shrub, plant or flower planted or growing within the right-of-way of any public highway, shall be guilty of a petty offense and fined not more than $100. However, the provisions of this section shall not preclude the highway authority having jurisdiction over the highway from trimming, transplanting, or removing such trees, shrubs, plants or flowers when necessary, in the discretion of such authority, to facilitate the use of such highways for public travel.

HISTORY:
P.A. 77-2238.

605 ILCS 5/9-119.5 Hay harvesting permit

(a) The Department may issue a hay harvesting permit authorizing the mowing and harvesting of hay on a specified right-of-way in this State. An owner or owner's designee has priority until July 30 of each year to receive a permit for the portion of right-of-way that is adjacent to the owner's land. After July 30 of each year, a permit may be issued to an applicant that is not the owner of the land adjacent to the right-of-way for a maximum distance of 5 miles each year. A permit issued under this subsection may be valid from July 15 of each year until September 15 of each year, and the Department must include the timeframe that the permit is valid on every permit issued under this subsection. Commencement of harvesting activity notice instructions must be included on every permit under this subsection in accordance with paragraph (1) of subsection (c) of this Section. The non-refundable application fee for every permit under this subsection is $40, and all fees collected by the Department shall be deposited into the Road Fund.

(b) An applicant for a permit in subsection (a) must:

(1) sign a release acknowledging that the applicant (i) assumes all risk for the quality of the hay harvested under the permit, (ii) assumes all liability for accidents or injury that results from the activities permitted by the Department, (iii) is liable for any damage to the right-of-way described in paragraphs (5) and (6) of subsection (c), and (iv) understands that the State or any instrumentality thereof assumes no risk or liability for the activities permitted by the Department;

(2) demonstrate proof that a liability insurance policy in the amount of not less than $1,000,000 is in force to cover any accident, damage, or loss that may occur to persons or property as a result of the activities permitted by the Department; and

(3) pay a non-refundable application fee of $40.

(c) The usage of a permit in subsection (a) is subject to the following limitations:

(1) The permittee must give the Department 48 hours notice prior to commencing any activities permitted by the Department;

(2) The permittee must identify the location of noxious weeds pursuant to the Noxious Weed Law [505 ILCS 100/1 et seq.]. Noxious weeds may be mowed but may not be windrowed or baled;

(3) The permittee may use the permit only during the timeframes specified on the permit;

(4) The permittee must carry a copy of the permit at all times while performing the activities permitted by the Department;

(5) The permittee may use the permit only when soil in the right-of-way is dry enough to prevent rutting or other similar type of damage to the right-of-way; and

(6) The permittee may not alter, damage, or remove any right-of-way markers, land monuments, fences, signs, trees, shrubbery or similar landscape vegetation, or other highway features or structures.

(d) The Department may immediately terminate a permit in subsection (a) issued to a permittee for

failure to comply with the use limitations of subsection (c).

(e) The Department or the permittee may cancel the permit at any time upon 3 days written notice.

(f) The Department may promulgate rules for the administration of this Section.

HISTORY:
P.A. 96-415, § 5; 97-813, § 595.

605 ILCS 5/9-119.6 Switchgrass production permit

(a) The Department may issue a switchgrass production permit authorizing the planting and harvesting of switchgrass on a specified right-of-way in this State. An owner or owner's designee has priority until March 1 of each year to receive a permit for the portion of right-of-way that is adjacent to the owner's land and for which no permit is in effect. After March 1 of each year, a permit may be issued to an applicant that is not the owner of the land adjacent to the right-of-way for a maximum distance of 5 miles. A permit issued under this subsection may be valid for a period of 5 years, and the Department must include the timeframe that the permit is valid on every permit issued under this subsection. Commencement of harvesting activity notice instructions must be included on every permit under this subsection in accordance with paragraph (1) of subsection (c) of this Section. The non-refundable application fee for every permit under this subsection is $200, and all fees collected by the Department shall be deposited into the Road Fund.

(b) An applicant for a permit in subsection (a) must:

(1) sign a release acknowledging that the applicant (i) assumes all risk for the quality of the switchgrass produced under the permit, (ii) assumes all liability for accidents or injury that results from the activities permitted by the Department, (iii) is liable for any damage to the right-of-way described in paragraphs (3) and (4) of subsection (c), and (iv) understands that the State or any instrumentality thereof assumes no risk or liability for the activities permitted by the Department;

(2) demonstrate proof that a liability insurance policy in the amount of not less than $1,000,000 is in force to cover any accident, damage, or loss that may occur to persons or property as a result of the activities permitted by the Department; and

(3) pay a non-refundable application fee of $200.

(c) The usage of a permit in subsection (a) is subject to the following limitations:

(1) The permittee must give the Department 48 hours notice prior to commencing any activities permitted by the Department;

(2) The permittee must carry a copy of the permit at all times while performing the activities permitted by the Department;

(3) The permittee may use the permit only when soil in the right-of-way is dry enough to prevent rutting or other similar type of damage to the right-of-way; and

(4) The permittee may not alter, damage, or remove any right-of-way markers, land monuments, fences, signs, trees, shrubbery or similar landscape vegetation, or other highway features or structures.

(d) The Department may immediately terminate a permit in subsection (a) issued to a permittee for failure to comply with the use limitations of subsection (c).

(e) The Department or the permittee may cancel the permit at any time upon 3 days written notice.

(f) The Department may promulgate rules for the administration of this Section.

HISTORY:
P.A. 97-134, § 5; 97-813, § 595.

605 ILCS 5/9-121 [Dumping prohibited]

It is unlawful for any person to deposit in a public highway or rest area weeds, trash, garbage or other offensive matter or any broken bottles, glass, boards containing projecting nails or any other thing likely to cause punctures in the tires of motor vehicles; and any person so offending shall be guilty of a petty offense. However, this Section shall not apply to proper deposits of harmless materials made in good faith and in a proper manner to repair the roads or to the proper disposal of travel and picnic trash in the waste containers provided for such purpose at rest areas.

HISTORY:
P.A. 81-551.

605 ILCS 5/9-122 [Destruction or injury of sidewalks, bridges, culverts or causeways]

If any person purposely destroys or injures any sidewalk, public bridge, culvert, or causeway, or removes any of the timber or plank thereof, or obstructs the same, he shall be guilty of a petty offense, fined not more than $100, and shall be liable for all damages occasioned thereby and all necessary costs for rebuilding or repairing the same.

HISTORY:
P.A. 77-2238.

605 ILCS 5/9-123 [Discharge of sewage prohibited]

No person, firm, corporation, or institution, public or private, shall discharge or empty any type of sewage, including the effluent from septic tanks or other sewage treatment devices, or any other domestic, commercial or industrial waste, or any putrescible liquids, or cause the same to be discharged or emptied in any manner into open ditches along any public street or highway, or into any drain or drainage structure installed solely for street or highway drainage purposes.

Any person, firm, corporation, or institution, public or private, in violation of this Section, shall be guilty of a petty offense and in addition shall be fined $25 per day for each day such violation exists.

The highway authority having jurisdiction over the public street or highway affected by such violation shall enter a complaint in the proper court against any violator of this Section. Upon the failure of any such highway authority to so act, any other person, may in the name of the political division or municipality, enter such complaint.

HISTORY:
P.A. 77-2238.

605 ILCS 5/9-124 [Camping prohibited]

It is unlawful for any person to camp on any public highway in this State or to make, other than in an emergency, a rest stop except at areas designated for such rest stops.

Any resident of this State may enter complaint before the circuit court against any person or persons found violating this Section and the court shall issue a warrant for the arrest of such violators and have them brought forthwith before such court for examination. Any such violator shall be guilty of a Class C misdemeanor.

HISTORY:
P.A. 78-628.

605 ILCS 5/9-124.1 [Tethered or loose animals prohibited]

It is unlawful for any person to tether or turn loose any stock, cows, horses or other animals on any public highway in this State for the purpose of feeding the same.

Any resident of this State may enter complaint before the circuit court against any person or persons found violating this Section and the court shall issue a warrant for the arrest of such violators and have them brought forthwith before such court for examination. Any such violator shall be guilty of a Class C misdemeanor.

HISTORY:
P.A. 78-628.

605 ILCS 5/9-125 [Investigation and prosecution of violations]

The appropriate highway authorities shall seasonably prosecute for all fines and penalties provided for in this Code for violations committed on highways under their respective jurisdictions.

Whenever any person complains of a violation of this Code to the highway authority that has jurisdiction over the particular highway where the violation of this Code is alleged to have been committed, such highway authority shall proceed to investigate as to the reason for such complaint and, if the complaint is found to be just, shall at once proceed to prosecution of the offender.

In case the highway authority fails to prosecute, complaint may be made by any person before any court of proper jurisdiction.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/9-126 [Use of fines and penalties]

Fines and penalties recovered under the provisions of this Code shall be paid over to the treasurer of the highway authority responsible for the maintenance and upkeep of the public street or highway upon or along which the violation or offense occurred, and all such monies shall be used only for the construction or maintenance of such streets or highways.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/9-127 [Vacation of highways]

(a) Except as provided in subsections (b), (c), and (d) and in cases where the deed, or other instrument, dedicating a highway or part thereof, has expressly provided for a specific devolution of the title thereto upon the abandonment or vacation thereof, whenever any highway or any part thereof is vacated under or by virtue of any Act of this State or by the highway authority authorized to vacate the highway, the title to the land included within the highway or part thereof so vacated, vests in the then owners of the land abutting thereon, in the same proportions and to the same extent, as though the highway had been dedicated by a common law plat (as distinguished from a statutory plat) and as though the fee of the highway had been acquired by the owners as a part of the land abutting on the highway except, however, such vacation shall reserve to any public utility with facilities located in, under, over or upon the land an easement for the continued use, if any, by such public utility.

(b) When any highway authority determines to vacate a highway under its jurisdiction, or part thereof, established within a subdivision by a statutory plat, that authority may vacate such highway and convey the highway authority's interest in such highway to any bona fide organization of property owners of the subdivision which (1) is so organized as to be able to receive, hold and convey real property, (2) has petitioned the highway authority for the vacation of the highway, and (3) undertakes to develop the property for the use and benefit of the public. If the association abandons the property, it passes as provided in subsection (a).

(c) When any highway authority determines to vacate a highway or part of a highway under its jurisdiction established within a subdivision by a statutory plat, that authority may vacate the highway and convey the highway authority's interest in the highway to any township road district which (1)

has petitioned the highway authority for the vacation of the highway and (2) undertakes to develop the property as a bike path or alley for the use and benefit of the public. If the property is subsequently incorporated within a municipality, the township road district may transfer its interest to the municipality. If the township road district or municipality abandons the property, it passes as provided in subsection (a).

(d) When any highway authority determines to vacate a highway or a part of a highway under its jurisdiction, the authority may sell the vacated highway property to any third party at fair market value if (1) the authority has either a fee simple interest in the vacated highway property or a dedication of that property by statutory plat and (2) the right of first refusal with regard to the vacated highway property has been granted to adjoining landowners for fair market value.

HISTORY:
P.A. 86-402; 93-321, § 5; 94-476, § 5.

605 ILCS 5/9-128 [Damage or removal of signs or traffic control devices prohibited]

Any person who intentionally damages or removes an official sign or other traffic control device erected by the proper authority having jurisdiction over such highway authorized by Chapter 11, Article III of The Illinois Vehicle Code, as now or hereafter amended [625 ILCS 5/11-301 et seq.], or any other sign authorized and approved by this Code shall be guilty of a Class C misdemeanor, punishable by a fine of at least $250 in addition to any other penalties which may be imposed. This Section does not apply to persons properly authorized to repair or remove such signs or other traffic control device.

HISTORY:
P.A. 83-672.

605 ILCS 5/9-129 [Use of highways by agricultural aircraft]

Agricultural aircraft used for crop dusting or other activities in aid of agriculture as authorized by the Division of Aeronautics of the Department of Transportation may use any county highway or township road as defined under Sections 2-204 and 2-205 of this Code [605 ILCS 5/2-204 and 605 ILCS 5/2-205], if granted permission by the County Superintendent of Highways or the Highway Commissioner, whoever shall have proper jurisdiction over such road. Permission to use county highways or township roads shall only be granted by the County Superintendent of Highways or the Highway Commissioner if the average daily traffic count is less than 200. Roads used by agricultural aircraft shall be blocked by barricades conforming to the Manual of Uniform Traffic Control Devices adopted by the Department and shall be accompanied at all times, while in place upon such road, by a flagman. All barricades and flagmen shall be furnished by any individual applying for permission to use any such roads for agricultural aircraft. Traffic shall not be delayed by the use of a county highway or township road by agricultural aircraft by more than 15 minutes in each 30 minute period, and no emergency vehicle shall be delayed at any time unless the safety of either the plane or emergency vehicle would be seriously threatened if the emergency vehicle were allowed to proceed.

A county, county superintendent of highways, township or township commissioner shall not be liable for any personal injuries caused as a result of the operation of agricultural aircraft on such highways.

HISTORY:
P.A. 83-92.

605 ILCS 5/9-130 [Plowing or removal of ice or snow prohibited]

No person, firm, corporation or institution, public or private, shall plow or remove or cause to be plowed or removed ice or snow from any shopping center, parking lot, commercial or institutional service area or driveway or any other public or private service area or driveway and deposit such ice or snow upon a public highway or along the shoulder or edge of a public highway. Such prohibition shall not pertain to a residential driveway or sidewalk.

Any person, firm, corporation or institution, public or private, who violates this Section is guilty of a petty offense.

HISTORY:
P.A. 83-1362.

605 ILCS 5/9-131 Installation of fiber-optic network conduit

(a) For purposes of this Section:

"Fiber-optic network conduit" means a pipe or duct used to enclose fiber-optic cable facilities buried alongside the roadway or surface mounted on bridges, overpasses, and other facilities where below ground placement is impossible or impractical.

(b) In order to ensure affordable high-speed, world-class core information and communication networks are available throughout Illinois, the Illinois Department of Transportation and the Department of Central Management Services shall collaborate to install fiber-optic network conduit where it does not already exist in every new State-funded construction project that opens, bores, or trenches alongside a State-owned infrastructure, including, but not limited to, roadways and bridges. The Department of Central Management Services or the Department of Transportation may permit a third party to manage the fiber and conduit leasing. The Department of Central Management Services and the Department of Transportation shall take reasonable steps to ensure market-based, non-discriminatory pricing.

Public bidding notices for such projects must describe the need for fiber-optic conduit or cable. The Department of Transportation shall report annually to the Governor and the General Assembly on the progress and any associated costs incurred by this Section. This Section does not prohibit the State from purchasing or installing fiber-optic cable within the fiber-optic network conduit.

HISTORY:
P.A. 96-37, § 70-15.

605 ILCS 5/9-132 Highway design.

A unit of local government may consult a highway design publication outside the Department's Bureau of Local Roads and Streets Manual for the construction of any highway in ownership or control of the unit of local government, except for a highway that is part of the National System of Interstate and Defense Highways, if:

(1) the unit of local government receives federal or State funds for the construction project;

(2) the highway design publication is approved by the Federal Highway Administration;

(3) the highway design publication is adopted by the unit of local government; and

(4) the design complies with all other applicable federal laws.

HISTORY:
2016 P.A. 99-727, § 5, effective January 1, 2017.

ARTICLE 10.

SPECIAL PROVISIONS CONCERNING BRIDGES, FERRIES, TERMINALS AND OTHER HIGHWAY STRUCTURES

Division 1. Department Acquisition by Gift of Bridges and Approaches Across Streams Forming State Boundary and Maintenance Thereof

Division 2. Division 2. County Construction and Maintenance of Free Bridges on State Boundaries

Division 3. County Toll Bridges

Division 5. Municipal Bridges and Approaches

Division 6. Municipal Bridges, Ferries and Terminals

Division 7. Municipal Toll Bridges — Additional Authorization to Acquire, Construct, Maintain, Etc.

Division 8. Municipal Bridges over River Forming State Boundary

Division 9. Department Acquisition of Certain Ferries

Division 10. Department Maintenance and Control of Covered Bridges

DIVISION 1.

DEPARTMENT ACQUISITION BY GIFT OF BRIDGES AND APPROACHES ACROSS STREAMS FORMING STATE BOUNDARY AND MAINTENANCE THEREOF

605 ILCS 5/10-101 [Acquisition of bridges and approaches]

The Department may acquire, by gift, any bridge or part of a bridge and its approaches located in Illinois which cross any stream forming a boundary line between this State and any adjoining state whenever the bridge and its approaches constitute a direct continuation of a State highway and of an improved highway in the adjoining state.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-102 [Prerequisites to bridge acquisition; conveyance]

Before acquiring any bridge or part of a bridge and its approaches as provided in this Division of this Article [605 ILCS 5/10-101 et seq.], the Department shall ascertain, except as otherwise provided in Section 10-102.1 [605 ILCS 5/10-102.1], that the bridge and its approaches are structurally sound and in a good state of repair, that all bonds or other obligations issued to finance the cost of constructing or acquiring the bridge and its approaches have been fully retired and that all interest charges in connection therewith have been fully paid and that there are no mortgages, liens or encumbrances of any nature outstanding against the bridge and its approaches or the real property acquired in connection therewith, and, in case the bridge is across a navigable stream, that authority to construct, maintain and operate the bridge and approaches was granted by Act of Congress and that the Act, or a subsequent Act or Acts of Congress in connection therewith, granted full authority to sell, assign or transfer all rights, powers and privileges conferred by the Act of Congress. The conveyance shall be by warranty deed and run to the State of Illinois. The conveyance shall include any interest in real property acquired in connection with the bridge, and shall assign and transfer to the State all rights, powers and privileges conferred by any Act or Acts of Congress in connection with the bridge and approaches.

HISTORY:
Laws 1959, p. 196; P.A. 92-679, § 10.

605 ILCS 5/10-102.1 Transfer of McKinley Bridge [Repealed]

HISTORY:
P.A. 92-679, § 10; Repealed by P.A. 99-933, § 5-165, effective January 27, 2017.

605 ILCS 5/10-103 [Future maintenance operation and control; contracts]

(a) When the Department has acquired title to any bridge or part of a bridge and its approaches as provided in this Division, it is authorized to assume jointly with the adjoining state, or a political subdivision of the adjoining state, responsibility for the future maintenance, operation and control of such bridge. However, the Department shall not pay more than one-half of the cost of the future maintenance, operation and control of the entire bridge and its approaches, except that the Department's share may be proportionate to the length of the bridge within Illinois where required for compatibility with the adjoining state's statutes. The Department may contract with the adjoining state or with a political subdivision of the adjoining state for the maintenance, operation and control of the entire bridge and its approaches by the adjoining state or its political subdivision and for the reimbursement by the Department for the share of the cost properly chargeable to the State of Illinois. In such cases, the Department may also contract to maintain, operate and control the entire bridge itself if the contract also provides for reimbursement of the Department by the adjoining state or its political subdivision of the share of the cost properly chargeable to such adjoining state or its political subdivision.

(b) Any such contract between the Department and the adjoining state or a political subdivision of the adjoining state entered into under paragraph (a) of this Section shall be for a period not to exceed 50 years and shall be

1. renewable annually in the discretion of the Department, and

2. subject to an adequate annual appropriation by the General Assembly to fund the proportionate share of the costs of the maintenance, operation and control of the bridge and its approaches properly chargeable to the State of Illinois.

HISTORY:
P.A. 81-456.

DIVISION 2.

COUNTY CONSTRUCTION AND MAINTENANCE OF FREE BRIDGES ON STATE BOUNDARIES

605 ILCS 5/10-201 [Construction of boundary bridges]

Bridges across streams forming the boundary line

between this and any adjoining state, or bridges upon any road which lies upon the boundary line between this and any adjoining state, may be constructed or repaired by any county or counties of this State contiguous to the proposed construction or repair, acting in conjunction with any county, municipality or subordinate division of the adjoining state, as provided in this Division of this Article. A bridge may likewise be constructed at the point of intersection of any highway with the boundary line between this and any adjoining state, or a bridge already constructed at such point may likewise be repaired, as provided in this Division of this Article. A county shall be deemed contiguous to such construction or repair if any part of such county lies within 80 rods thereof. The total of the cost to be borne by any county (or counties) of this State shall not exceed one-half of the total cost of such construction or repair.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-202 [Appropriations; bond petition and referendum]

The county board of any such county is empowered to appropriate moneys for the purpose of assisting in the construction or repair of any such bridge or bridges, or bonds of such county may be issued for that purpose as follows: Upon the filing with the county clerk of a petition signed by 100 electors of such county who are owners of land therein, requesting that the proposition of issuing bonds of that county for such purpose be submitted to the electors of such county for their approval or rejection, the county clerk shall certify the petition to the proper election officials, who shall submit the proposition at a regular election. Such referendum shall be conducted and notice given in accordance with the general election law.

HISTORY:
P.A. 81-1489.

605 ILCS 5/10-203 [Proposition form]

Such proposition shall be in substantially the following form:

Shall county bonds for the purpose of ..... be issued to the amount of ..... ?	YES	
	NO	

HISTORY:
P.A. 81-1489.

605 ILCS 5/10-204 [Issuance of bonds; Omnibus Bond Acts]

If a majority of the legal voters voting at such election on such question, voted in favor of the proposition, the county clerk shall issue (from time to time as the work progresses) a sufficient amount, in the aggregate, of the bonds of such county for the purpose of assisting in the construction or repair of any such bridge or bridges, as set forth in this Division of this Article, and in accordance with the prayer of the petition. Such bonds shall be of such denominations, upon such time, bear such rate of interest (not exceeding the maximum rate authorized by the Bond Authorization Act, as amended [30 ILCS 305/0.01 et seq.] at the time of the making of the contract), and be disposed of, as the necessities and convenience of such county may require. However, such bonds shall not be sold nor disposed of, either by sale or by payment to contractors for labor or materials, for less than par value. Such bonds shall be issued in not less than 5 nor more than 30 annual series, the first series of which shall mature not more than 5 years from the date of issue, and each succeeding series in succeeding years thereafter. A register of all issues of such bonds shall be kept in the office of the county clerk of such county, showing the date, amount, rate of interest, maturity, and the purpose for which such bonds were issued, and it shall be the duty of such county clerk, to extend annually against all the property in such county, a tax sufficient to pay the interest of such bonds in each year prior to the maturity of such first series, and thereafter he shall extend a tax in each year sufficient to pay each series as it matures, together with interest thereon and with the interest upon the unmatured bonds outstanding. Such bonds may be lithographed and the interest for each year evidenced by interest coupons thereto attached, which coupons shall be signed with the original or facsimile signatures by the same officers who executed the bonds.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

HISTORY:
P.A. 86-4.

605 ILCS 5/10-205 [Bridge plans and specifications; contractor bond]

The plans and specifications for the construction or repair of any such bridge or bridges shall be approved by the county superintendent of highways (or county

superintendents of highways, in case two counties of this State are assisting in such construction or repair), and by the Department. The contract for any such work shall be let by the county board (or county boards, in case two counties of this State are assisting in such construction or repair), acting jointly with the corporate authorities of the county, municipality, or other subordinate division of the adjoining state. However, no contract shall be considered as let unless the contractor shall within 15 days after the final award of same, file with the county clerk of such county (or of each such county) a bond, with good and sufficient sureties, in a sum equal to the part of the total cost which that county is to bear, conditioned upon the faithful performance of such contract.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-206 [Payment schedule for construction or repairs]

If the cost of such construction or repair is $1,000 or less, such county (or counties) shall not be liable for any part of such expense until all the work has been fully completed, and has been accepted by the county superintendent of highways (or by each county superintendent of highways). Such official (or officials) shall certify such acceptance to his county board (or to their respective county boards), and shall accompany such certificate with an itemized statement of all expenditures in such construction or repair.

If the total cost of the construction or repair exceeds $1,000, partial payments not oftener than once a month, and not to exceed 90% of the work actually completed, may be paid the contractor by the county (or counties). No such partial payments shall be made unless approved by the county superintendent of highways (or by each county superintendent of highways), and no partial payments shall in any way be deemed an acceptance of the work until such work has been fully completed and accepted by the county superintendent (or by each county superintendent of highways) and such acceptance certified as provided above.

HISTORY:
Laws 1959, p. 196.

DIVISION 3.

COUNTY TOLL BRIDGES

605 ILCS 5/10-301 [Acquisition and maintenance of bridges over water; bridge defined]

Each county of this State, is authorized to acquire by purchase or otherwise, to construct, repair, maintain and operate a bridge or bridges over and across any navigable or non-navigable stream within such county, or forming a boundary line between such county and any other county in the State of Illinois, or forming a boundary line between the State of Illinois and any adjoining state, and shall have authority to exercise all such powers within its boundaries and in adjacent territory within this State, and in any adjoining state, after first having obtained authority, if any be necessary, from the Department and the United States. Such powers may be exercised either directly through the county board of any such county, or through a bridge commission created as in this Division of this Article provided.

For the purposes of this Division of this Article "Bridge" means any bridge over or across any stream, navigable or non-navigable, including any bridges and the approaches thereto, and all necessary elevated structures to eliminate intersection at grade with any streets, tunnels, public roads, thoroughfares, highways, railroads or street railroads.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-302 [Acquisition and maintenance of bridges over land; tolls]

Every county which, by ordinance, determines to exercise the powers granted by this Division of this Article has the right to acquire by purchase or otherwise, to construct, repair, maintain and operate any such bridge and its approaches across, above or under any railroad or public utility right-of-way, and in, upon, under or above any public or private road, highway, street, alley or public ground, or upon any property owned by any municipality, political subdivision or agency of this State, and for the purpose of acquiring property or easements necessary or incidental in the construction, repair, maintenance or operation of any such bridge and the approaches thereto, any such county shall have the right of eminent domain as provided by the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.]. The county board of each such county has power to make, enact and enforce all needful rules and regulations in connection with the acquisition, construction, maintenance, operation, management, care or protection of any such bridge, and such county board shall establish rates of toll or charges for the use of each such bridge which shall be sufficient at all times to pay the cost of maintenance and operation of such bridge and its approaches, and the principal of and interest on all bonds issued and all other obligations incurred by such county under the provisions of this Division of this Article. Rules and regulations shall be established from time to time by ordinance.

Rates of toll or charges for the use of each such bridge shall be established, revised, maintained, be payable and be enforced, including by administrative adjudication as provided in Section 10-302.5 [605 ILCS 5/10-302.5], as the county board of each such county may determine by ordinance.

The General Assembly finds that electronic toll collection systems in Illinois should be standardized to promote safety, efficiency, and traveler convenience. If electronic toll collection is used on such bridge, the county shall configure the electronic toll collection system to be compatible with the electronic toll collection system used by the Illinois State Toll Highway Authority. The county may enter into an intergovernmental agreement with the Illinois State Toll Highway Authority to provide for such compatibility or to have the Authority provide electronic toll collection or toll violation enforcement services. Any toll bridges in Winnebago County that are in operation and collecting tolls on the effective date of this amendatory Act of the 97th General Assembly [P.A. 97-252] are exempt from the provisions of the Act.

HISTORY:
P.A. 82-783; 89-120, § 4; 94-1055, § 95-10-355; 97-252, § 5.

605 ILCS 5/10-302.5 Administrative adjudication of toll violations

(a) The county may provide by ordinance for a system of administrative adjudication for fixing, assessing, and collecting civil fines for a vehicle's operation on a county toll bridge if the required toll or charge has not been paid.

(b) An ordinance establishing a system of administrative adjudication under this Section shall provide for the following:

(1) Written notice of the alleged violation sent by first class U.S. mail.

(2) Availability of a hearing in which the violation may be contested on its merits and the time and manner in which the hearing may be held.

(3) An opportunity for the person who allegedly violated the ordinance to appear at the hearing and contest the merits of the alleged violation. The rules of evidence shall not apply to the hearing.

(4) A civil fine not to exceed $500 imposed as the result of an administrative adjudication.

(5) A burden of proof on the county to establish a violation by a preponderance of the evidence.

(6) Judicial review of final determinations of ordinance violations, subject to the provisions of the Administrative Review Law [735 ILCS 5/3-101 et seq.].

(c) The county may enter into an intergovernmental agreement with the Illinois State Toll Highway Authority under which the Authority may provide administrative adjudication of toll violations occurring on a county toll bridge.

HISTORY:
P.A. 89-120, § 4; 97-252, § 5.

605 ILCS 5/10-303 [Borrowing; revenue bonds; bond issue ordinance]

For the purpose of acquiring by purchase or otherwise or the constructing of any such bridge, the county board of each such county is authorized to borrow money and in evidence thereof to issue the bonds of such county, and to refund the same from time to time, payable solely from the revenues derived from the operation of such bridge. Such bonds may be issued as serial or term bonds, shall mature in not to exceed 40 years from the date thereof, and may be made redeemable, prior to maturity, with or without premium. Such bonds may be issued in such amounts as may be necessary to provide sufficient funds to pay the cost of acquiring or constructing such bridge and the approaches thereto, including all property real or personal, necessary or incidental in the acquisition or construction of such bridge and its approaches, including reasonable legal and engineering, traffic survey, and architectural fees, costs of financing, and interest during construction and for not less than 12 months thereafter. Such bonds shall bear interest at a rate not to exceed that permitted in "An Act to authorize public corporations to issue bonds, other evidences of indebtedness and tax anticipation warrants subject to interest rate limitations set forth therein", approved May 26, 1970, as amended [30 ILCS 305/0.01 et seq.], payable semiannually. Bonds issued under the provisions of this Division of this Article have the qualities and incidents of negotiable instruments under the laws of the State of Illinois, shall be executed in the name of the county by the chairman of the county board and the county clerk of such county, and shall be sealed with the corporate seal of the county, and the interest coupons attached to such bonds shall be executed by the facsimile signatures of such chairman and county clerk, and such officials by the execution of such bonds shall adopt as and for their own proper signatures their respective facsimile signatures appearing on such coupons. In case any officer whose signature appears on any such bonds or coupons ceases to be such officer before delivery of such bonds, such signatures shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until such delivery.

Such bonds may be registered as to principal at any time prior to maturity in the name of the holder on the books of the county in the office of the county treasurer, such registration to be noted on the reverse side of the bonds by the county treasurer, and thereafter the principal of such registered bonds shall be payable only to the registered holder, his legal representatives or assigns. Such registered bonds shall be transferable to another registered holder, or back to bearer, only upon presentation to the county treasurer with the legal assignment duly acknowledged or approved. Registration of any such bonds shall not affect negotiability of the coupons thereto attached, but such coupons shall be transferable by delivery merely.

All such bonds issued by any such county shall be sold in such manner and at such time as the governing body shall determine. Whenever the governing body of any such county determines to issue bonds as provided for in this Division of this Article, it shall

adopt an ordinance describing in a general way the bridge to be acquired or constructed and its general location. Such ordinance shall set out the aggregate amount of the estimated cost of the acquisition or construction of such bridge, as prepared by the engineers employed for that purpose, determine the period of usefulness thereof and fix the amount of revenue bonds to be issued, the maturity or maturities, redemption privileges, the interest rate, sinking fund, and all other details in connection with such bonds, including such reserve accounts as the county board of such county may deem necessary. Such ordinance may contain such covenants and restrictions upon the issuance of additional revenue bonds thereafter as may be deemed necessary or advisable for the assurance of the payment of the bonds thereby authorized. Revenue bonds issued under the provisions of this Division of this Article shall be payable solely from the revenue derived from such bridge, and such bonds shall not, in any event constitute or be deemed an indebtedness of such county within the meaning of any constitutional provisions or statutory limitation as to debt, and it shall be plainly stated on the face of each bond that it does not constitute an indebtedness within any constitutional or statutory limitation. Such ordinance shall be published within 30 days after its passage in a newspaper, published and having a general circulation in such county, and shall not become effective until 10 days after its publication.

HISTORY:
P.A. 83-225.

605 ILCS 5/10-304 [Sinking fund]

Any ordinance authorizing the issuance of bonds under this Division of this Article shall provide for the creation of a sinking fund into which shall be payable from the revenues of such bridge, from month to month, as such revenues are collected, such sums in excess of the cost of maintenance and operation and the sums necessary to maintain any reserve accounts created by such ordinance, as will be sufficient to pay the accruing interest and retire the bonds at or before maturity. The moneys in such sinking fund shall be applied solely in the payment of matured interest on bonds authorized under the provisions of this Division of this Article and for the retirement of such bonds at or prior to maturity in the manner herein provided. All sums in the sinking fund in excess of the amount required for the payment of interest and principal of all outstanding bonds for the current year shall be paid out upon the order of the governing body for the purchase or redemption of bonds issued under the provisions of this Division of this Article, for the account of which such sinking fund has been accumulated, where it is possible to purchase or redeem the same at not more than par and accrued interest. If such bonds cannot be purchased or redeemed, such funds shall be used to pay the principal or interest on bonds issued under the provisions of this Division of this Article as the same become due. Any excess sums in the sinking fund which cannot be applied to the purchase or redemption of bonds may be invested in securities of the United States maturing not more than 6 months after the date such sums can be applied to the retirement of the bonds at maturity.

Upon the issuance of any bonds as in this Division of this Article provided and while any of such bonds are outstanding, all revenues, in excess of the sums required for maintenance and operation of the bridge, and the maintenance of the reserve accounts created, shall be deposited in the sinking fund, and shall be used for the purchase, redemption or payment at maturity of the interest and principal of bonds as provided in this section, that have been issued in accordance with the provisions of this Division of this Article.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-305 [Duties of county treasurer]

The county treasurer of each such county shall be the legal custodian of all funds derived from the issuance of bonds provided for under this Division of this Article and of all revenues derived from the operation of any such bridge, and before he shall receive any such funds he shall be required to post with the county board of such county and subject to their approval, a separate corporate surety bond in an amount to be determined by resolution of such county board. He shall be required to keep proceeds of bonds issued and revenues derived from the operation of any such bridge separate and apart from all other funds which come into his hands as the county treasurer, and the proceeds of bonds issued and the revenues derived from the operation of the bridge shall be by him deposited in separate bank or savings and loan association accounts to be designated for that purpose by the county board of the county. No money shall be paid out of such accounts by the county treasurer except upon an order signed by the chairman of the county board or the chairman of the finance committee of such county board and the county clerk. All such orders shall specify the purpose for which the amount thereof is to be paid with sufficient clearness to indicate the purpose for which the order is issued, and there shall be endorsed thereon the name of the particular fund out of which it is payable, and it shall be paid from the fund constituted for such purpose and from no other fund.

HISTORY:
P.A. 83-541.

605 ILCS 5/10-306 [Accounts; audit]

The county board of each such county shall install and maintain a proper system of accounts, showing the receipts from the operation of the bridge and the application of the same, and the county board shall at

least once a year cause such accounts to be properly audited by a certified public accountant and copies of such audit shall be filed in the office of the county clerk and shall be open for inspection at all proper times to any taxpayer, bondholder or other creditor of such county.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-307 [Specific performance]

Any holder of a bond or bonds, or any of the coupons of any bond or bonds issued under the provisions of this Division of this Article may, by action, mandamus, injunction or other proceeding, enforce or compel the performance of all duties required by this Division of this Article, including the fixing, maintaining and collecting of such rates of toll or charges for the use of such bridge and its approaches as will be sufficient for all the purposes provided by this Division of this Article and the application of the income and revenue therefor. All bonds issued under the provisions of this Division of this Article shall enjoy equal rights in respect of the revenues of each such bridge regardless of the time of the actual issuance or delivery thereof.

HISTORY:
P.A. 83-345.

605 ILCS 5/10-308 [Limitation on borrowing power; contracts; bids]

The county board of each such county shall have no power to borrow money for the acquisition or construction of any such toll bridge or bridges except as in this Division of this Article provided and all money borrowed and obligations incurred by each such county in the acquisition or construction, and in the repair, maintenance and operation of each such bridge shall be payable solely and only from the revenues derived from the operation of each such toll bridge.

All contracts for the construction of any such bridge and its approaches involving the sum of $500 or more, shall be let to the lowest responsible bidder therefor after notice inviting bids shall have been given by the county board. Notice inviting bids shall be published at least once in a daily or weekly newspaper, published and of general circulation in the county, the date of publication to be not less than 15 days prior to the date set for receiving bids. The county board shall have the right to reject all proposals or bids submitted, in which event a new date must be set for receiving bids and a new advertisement inviting bids published, as required in the first instance.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-309 [Title to property in county]

Title to all property acquired pursuant to this Division of this Article shall be taken in the name of the county.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-310 [Budget]

The county board of each such county shall establish by ordinance the beginning and ending of a fiscal year for the operation of each such bridge, which period shall constitute the budget year for the maintenance and operation of each such bridge, and at least 30 days prior to the beginning of the first full fiscal year after the completion of each such bridge, the county board shall prepare a tentative budget which shall include all proposed operation and maintenance expenses for the ensuing fiscal year. Such budget shall be considered by the county board and after consideration and any revision as may be determined by such county board, it shall be adopted within 30 days after the beginning of each fiscal year by such county board as the budget for the ensuing year and no expenditures in excess of the budget shall be made during such fiscal year unless authorized and directed by a four-fifths vote of the county board of each such county. It shall not be necessary to include in such budget any statement of necessary expenditures for debt service or capital outlay incurred in any preceding year, but the county board shall make provision for such payments as they become due. Upon the adoption of such budget a copy thereof shall be filed in the office of the county clerk and shall be open for inspection by the public. The funds of the county derived from the operation of any such bridge shall not be subject to the provisions of "An Act in relation to the budgets of counties not required by law to pass an annual appropriation bill," approved July 10, 1933, as amended.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-311 [County bridge commission]

The county board of each such county may in its discretion, by ordinance, create a bridge commission for the purpose of exercising the powers conferred by this Division of this Article if such county board deems it expedient and necessary. The chairman of the county board, subject to the approval of the county board, shall appoint 4 persons, all of whom, in counties under township organization, shall be members of the county board of such county, who with such chairman, ex officio, shall constitute a bridge commission to be designated the ".... County Bridge Commission."

All members appointed to such commission shall be legal voters of said county, and shall have resided in said county for at least 2 years prior to the date of their appointment to such commission. Any person holding an elective or appointive public office shall not be eligible for appointment to the commission,

and any person who has held an elective or appointive public office shall not be eligible for one year after the expiration of his term of office; provided, however, such restrictions as to eligibility for appointment shall not be applicable to members of the county board of the county who shall be eligible for appointment nevertheless.

One of such appointees shall be appointed for a term of one year, one for a term of 2 years, one for a term of 3 years, and one for a term of 4 years, and annually thereafter appointments to fill the expired terms shall be made in like manner except that the term of each such appointee shall be for a term of 4 years. Vacancies shall be filled for any unexpired term in the same manner as the original appointment. Such bridge commission shall elect a chairman and vice-chairman from its membership and a secretary who need not be a member of such commission. The members of the commission shall receive no compensation for their service and shall give such bond as may be required from time to time by the county board of the county. The commission shall fix the compensation of the secretary subject to the approval thereof by the governing body of the county. The commission shall have power to establish by-laws, rules and regulations for its own government and shall have general supervision over the construction, operation, and management of each such bridge proposed or constructed by each county under the provisions of this Division of this Article; may employ engineering, structural and construction experts, inspectors and attorneys and such other employees as may be necessary in its opinion, fix their compensation and prescribe their duties. All salaries and compensation shall be obligations of the county, payable solely from the revenues derived from the operation of the bridge as provided under this Division of this Article. The office records, books and accounts of the bridge commission shall be maintained in the office of the county clerk of the county.

Each such bridge commission may be authorized and directed by the county board to prepare all necessary plans and specifications for the construction of such bridge or bridges, select the location for the same, determine the size, type, method of construction, make all necessary estimates of the probable cost of the construction and the acquisition of land and rights necessary and incidental to the construction of the bridge and its approaches and enter into all contracts to build and construct such bridge and its approaches subject to the limitations provided in this Division of this Article. No plans and specifications or estimate of cost for the construction of any such bridge and its approaches shall be adopted by the bridge commission until it has first been submitted to the county board of the county and approved by such county board, and such bridge commission shall not enter into any contract or incur any liabilities in connection with the construction of any such bridge or its approaches unless and until such contracts or liabilities have been approved by the county board of such county.

Such bridge commission shall operate, manage and control any such bridge constructed or acquired under the provisions of this Division of this Article, fix the rates of toll, or charges for the use thereof, establish rules and regulations for the use and operation of such bridge, and if and when authorized by the county board of any such county shall have power to reconstruct, extend and enlarge any such bridge or bridges.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-312 [Cumulative powers]

The provisions of this Division of this Article shall be cumulative and shall be considered as conferring additional power on counties and as additions to and not as limitations upon the power of counties to acquire, construct, maintain or operate bridges, and as authorizing the issuance of bonds payable solely from the revenues derived from the operation of such bridges without submitting the proposition of issuing such bonds to the voters.

HISTORY:
Laws 1959, p. 196.

DIVISION 5.

MUNICIPAL BRIDGES AND APPROACHES

605 ILCS 5/10-501 [Power to acquire, construct and maintain bridges and approaches; limitation on tolls].

Each municipality in this State is authorized to construct or acquire by purchase, lease or gift, and to maintain bridges and the approaches thereto within the corporate limits, or at any point within 3 miles of the corporate limits of such municipality. All such bridges shall be free to the public, and no toll shall ever be collected by any such municipality except as hereinafter in this Division of this Article provided.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-502 [Toll for draw bridge]

In all cases where a bridge shall heretofore have been constructed or shall hereafter be constructed across a navigable stream by any municipality in whole or in part without the territorial limits of such city, where the population of such municipality furnishing the principal part of the expenses thereof shall not exceed 10,000 inhabitants, and where it is necessary to maintain a draw and lights, then a reasonable toll may be collected by the municipality building such bridge, to be set apart and appropriated to the expense of maintaining such bridge and keeping such bridge in repair, and of maintaining,

opening and closing proper draws therefor, and lights, and to the payment of bonds or interest thereon, issued therefor, as hereinafter provided in this Division of this Article.

The General Assembly finds that electronic toll collection systems in Illinois should be standardized to promote safety, efficiency, and traveler convenience. If electronic toll collection is used on such bridge, the municipality shall configure the electronic toll collection system to be compatible with the electronic toll collection system used by the Illinois State Toll Highway Authority. The municipality may enter into an intergovernmental agreement with the Illinois State Toll Highway Authority to provide for such compatibility or to have the Authority provide electronic toll collection or toll violation enforcement services.

HISTORY:
Laws 1959, p. 196; P.A. 97-252, § 5.

605 ILCS 5/10-503 [Jurisdiction]

Every bridge so owned, acquired or controlled by such municipality and the approaches thereto when in whole or in part outside the corporate limits thereof shall be subject to the municipal control and ordinances of such municipality, the same to all intents and purposes and in effect, as though such bridge and approaches thereto were entirely situated within the corporate limits of such municipality, and in such case the county may assist in the construction of such bridge as is provided by law.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-504 [Bonds]

Any municipality within this state for the purpose of acquiring, paying for, maintaining, or constructing any such bridge or bridges, and the approaches thereto as in this Division of this Article provided, is authorized to issue such bonds under the general laws of this state in an amount which, together with all the other indebtedness of such municipality, shall not exceed 5% on the assessed valuation of the taxable property within the corporate limits of such municipality as provided by law, the same to be payable out of the general revenue and funds of such municipality.

Provided, such municipality is also authorized to issue for the purposes aforesaid, or any of them, bonds in such sum as may be necessary for the purposes aforesaid or any of them, in addition to and over and above the bonds first in this section hereinbefore provided for, in excess of the said 5% of the assessed valuation of the property within any such municipality. Such bonds shall not, however, be payable out of nor be in charge upon any of the general revenue or funds of such municipality, but shall be payable out of the income derived by such municipality from the operation and maintenance of any such bridge or bridges. And provided further, that before any such bonds shall be issued, the question of the issuance thereof shall be submitted to a vote of the legal voters of the municipality at an election in accordance with the general election law and approved by a majority of those voting on the question at such election: And provided further, that for the purpose of securing such bonds so issued in excess of 5% of the assessed valuation of the taxable property within such municipality, such municipality may by the ordinance providing for the issuance of such bonds, mortgage or pledge any such bridge or approaches, and the income derived or to be derived therefrom, for the payment of such bonds, and the interest thereon: And provided further, nothing herein shall prevent such municipality from paying any such bonds issued in excess of said 5% of such assessed valuation or the interest thereon out of the general funds or revenue of such municipality, if it shall see fit so to do, if at the time of so paying same out of such general funds and revenue of such municipality, such municipality shall not be indebted in excess of 5% of the assessed valuation of the taxable property within such municipality in excess of the amount so paid by such municipality out of its general revenue and funds in the payment of such bonds. But nothing herein shall be deemed, taken or held to entitle the holder or holders of any such bond or bonds to payment of the same or of the interest thereon out of any such general funds or revenue of such municipality.

HISTORY:
P.A. 81-1489.

DIVISION 6.

MUNICIPAL BRIDGES, FERRIES AND TERMINALS

605 ILCS 5/10-601 [Acquisition of ferries, bridges, approaches and land]

The corporate authorities of any municipality, have the power to acquire by purchase, lease, or gift, ferries, bridges, the approaches thereto, and not exceeding 4 acres of land within the corporate limits, or within 5 miles of the corporate limits thereof for each ferry or bridge. They also have the power to maintain, regulate and fix the tolls on these ferries and bridges.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-602 [Powers; limitation on tolls]

Every municipality has the power:

(1) To construct, or acquire by purchase, lease, gift, or condemnation in the manner provided for the exercise of the right of eminent domain under the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.],

ferries and bridges, the necessary land therefor, and the approaches thereto, whenever the ferry, bridge, land, or approaches are within the corporate limits, or within 5 miles of the corporate limits of the municipality, and also to maintain the specified property;

(2) To construct and maintain highways within 5 miles of the corporate limits of the municipality connecting with either end of such a bridge or ferry;

(3) To construct or acquire by purchase, lease, gift, or condemnation in the manner provided for the exercise of the right of eminent domain under the Eminent Domain Act, ferries and bridges, the necessary land therefor, and the approaches thereto, within 5 miles of the corporate limits of the municipality, over any river forming a boundary of the State of Illinois, and also to maintain the specified property;

(4) To donate money to aid the road districts in which is situated any ferry, bridge, or highway connecting therewith, specified in this section, in constructing, or improving the same, and to issue the bonds of the municipality for that purpose.

All such ferries, bridges, and highways shall be free to the public and no toll shall ever be collected by the municipality except that:

(1) Tolls may be collected for transit over and use of bridges defined in Section 10-801 [605 ILCS 5/10-801], as provided for in Sections 10-802 and 10-805 [605 ILCS 5/10-802 and 605 ILCS 5/10-805].

(2) Any municipality which, within the provisions of this section, bears the principal expense and becomes indebted for any ferry, bridge, or the approach thereto, over any river forming a boundary of the State of Illinois, may collect a reasonable toll, for the use thereof, to be set apart and appropriated to the payment of that indebtedness, the interest thereon, and the expense of maintenance of that bridge, ferry, and approach thereto, but for no other purpose;

(3) Where any municipality is the owner of any toll bridges or ferries which it is keeping up and maintaining by authority of law, all ownership and rights vested in the municipality shall continue and be held and exercised by it, and the municipality from time to time may fix the rates of toll on those bridges and ferries; and

(4) In all cases where, after July 1, 1881, a bridge has been constructed, or a ferry has been acquired across a navigable stream, by any municipality in whole or in part, and where the population of the municipality furnishing the principal part of the expense thereof did not exceed 5,000, and where it is necessary to maintain a draw and lights, and where a debt was incurred by the municipality for these purposes, a reasonable toll may be collected by the municipality contracting the indebtedness. This toll shall be set apart and appropriated to the payment of that indebtedness, the interest thereon, and the expense of keeping the bridge in repair and of maintaining, opening, and closing the draws and lights, or, in case of a ferry, keeping the approaches and boat in repair and for operating the ferry.

(5) The General Assembly finds that electronic toll collection systems in Illinois should be standardized to promote safety, efficiency, and traveler convenience. If electronic toll collection is used on such bridge or ferry, the municipality shall configure the electronic toll collection system to be compatible with the electronic toll collection system used by the Illinois State Toll Highway Authority. The municipality may enter into an intergovernmental agreement with the Illinois State Toll Highway Authority to provide for such compatibility or to have the Authority provide electronic toll collection or toll violation enforcement services.

HISTORY:
P.A. 82-783; 94-1055, § 95-10-355; 97-252, § 5.

605 ILCS 5/10-603 [Jurisdiction]

Every bridge or ferry and also the approaches thereto, owned or controlled by a municipality as provided in Section 10-602 [605 ILCS 5/10-602], when outside the corporate limits, are subject to the municipal control and ordinances of the municipality, the same as though the bridge or ferry and the approaches thereto, were situated within the corporate limits of the municipality. In such case the county may assist in the construction of such bridge, as is now provided by law.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-604 [Power of municipality with population under 500,000]

Every municipality with a population of less than 500,000 which is located on a navigable stream has the power to acquire, construct, maintain, and operate either within or without its corporate limits, bridges and approaches, and transportation and other terminal facilities.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-605 [Tax levy]

For the purposes specified in Section 10-604 [605 ILCS 5/10-604], such a municipality may levy and collect a special tax annually of not more than .25 per cent of the value, as equalized or assessed by the Department of Revenue, of taxable property situated in the municipality. This tax shall be in addition to all other taxes that the municipality may be authorized by law to levy and shall be in addition to the amount authorized to be levied for general purposes as provided in Section 8-3-1 of the Illinois Municipal Code, as now or hereafter amended [65 ILCS 5/8-3-1]. However, this tax shall not be levied in the municipality until the question of levying the tax has been submitted, in accordance with the general election

laws of this State, to the electors of the municipality at an election and has been approved by a majority of the electors voting thereon. The corporate authorities of the municipality may initiate the submission of such proposition to referendum by ordinance.

The proposition shall be in substantially the following form:

Shall (insert the name of municipality) be empowered to levy and collect a special tax annually of .... per cent on each dollar of the valuation of the taxable property for the purpose of acquiring, constructing, maintaining or operating bridges or approaches and transportation and other terminal facilities, as provided in Section 10-605 [605 ILCS 5/10-605] of the Illinois Highway Code?	YES NO	

If a majority of the electors of the municipality voting thereon vote for the levy and collection of the tax provided for in this Section, the municipality has the power to levy and collect the tax.

The foregoing limitation upon tax rate may be increased or decreased according to the referendum provisions of the General Revenue Law of Illinois.

HISTORY:
P.A. 81-1509.

605 ILCS 5/10-606 [Bonds]

Any municipality specified in Section 10-604 [605 ILCS 5/10-604] may issue bonds for the purposes specified in Section 10-604. The amount of these bonds, including the existing indebtedness of the municipality, shall not exceed, in the aggregate, 5% of the value of the taxable property therein. This value shall be ascertained by the last assessment for State and county taxes previous to the issue of these bonds. The bonds authorized by this section to be issued shall not be subject to the limit of indebtedness provided for in Division 5 of Article 8 of the Illinois Municipal Code, as heretofore or hereafter amended [65 ILCS 5/8-5-1 et seq.].

HISTORY:
Laws 1961, p. 1415.

DIVISION 7.

MUNICIPAL TOLL BRIDGES — ADDITIONAL AUTHORIZATION TO ACQUIRE, CONSTRUCT, MAINTAIN, ETC.

605 ILCS 5/10-701 [Definitions]

In this Division of this Article, unless the context otherwise requires:

(1) "Bridge" means any bridge over or across a river, including any bridges on the approaches thereto to eliminate intersection at grade with any street, tunnel, public road, thoroughfare, highway, railroad or street railroad, where the complete project is located entirely within the State;

(2) "Net Revenue" means the gross revenue of a bridge less the reasonable cost of operating, maintaining, and repairing the bridge;

(3) "United States" means the United States of America and any agent or agency thereof;

(4) "Holder" means the holder or holders of any of the bonds issued under this Division of this Article.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-702 [Powers]

Every municipality has the power:

(1) To acquire, by purchase or otherwise, construct, operate and maintain, and repair any bridge within the corporate limits, or within 5 miles of the corporate limits of the municipality, including the necessary land therefor and the approaches thereto. In the exercise of the authority herein granted, the municipality may acquire such property, or any portion thereof or interest therein through condemnation proceedings for the exercise of the right of eminent domain under the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.].

(2) To acquire, purchase, hold, use, lease, mortgage, sell, transfer, and dispose of any property, real, personal, mixed, tangible or intangible, or any interest therein in connection with such a bridge or bridges;

(3) To fix, alter, charge, collect, segregate, and apply tolls and other charges for transit over and use of such a bridge or bridges, provided that, if electronic toll collection is used on such bridge or ferry, the municipality shall configure the electronic toll collection system to be compatible with the electronic toll collection system used by the Illinois State Toll Highway Authority;

(4) To borrow money, make and issue bonds payable from and secured by a pledge of net revenue of the bridge for the construction of which such bonds may be issued;

(5) To make contracts of every kind and nature and to execute all instruments necessary or convenient for the carrying out of the purposes of this Division of this Article;

(6) To accept grants from the United States and to enter into contracts with the United States in connection therewith;

(7) To enter upon any lands, areas, and premises for the purpose of making soundings, surveys and examinations;

(7.5) To enter into intergovernmental agreements with the Illinois State Toll Highway Authority to provide for the compatibility of electronic toll

collection services or to have the Authority provide electronic toll collection or toll violation enforcement services; and

(8) To do all things necessary to carry out the powers given in this Division of this Article.

HISTORY:
P.A. 82-783; 94-1055, § 95-10-355; 97-252, § 5.

605 ILCS 5/10-703 [Revenue bonds]

Without limiting any other powers granted in this Division of this Article, each municipality has the power to provide for the payment of the cost of acquiring or constructing any bridge or for the payment of any portion of the cost by one or more issues of revenue bonds of the municipality, payable solely from the net revenue of the bridge so acquired or constructed. These bonds shall be authorized by ordinance of the corporate authorities of the municipality and shall be in substantially the form set forth in the ordinance. The bonds may be serial or term; redeemable, with or without premium, or non-redeemable; shall bear interest at a rate not exceeding the maximum rate authorized by the Bond Authorization Act [30 ILCS 305/0.01 et seq.], as amended at the time of the making of the contract, payable at such times as may be provided; shall mature at such times not exceeding the life of the bridge, for the acquisition or construction of which they are issued, as estimated by the corporate authorities, but in no event exceeding 40 years; and shall be issued in such amounts and at such place as shall be prescribed in the ordinance authorizing their issuance.

The bonds shall be signed by such officers as the corporate authorities shall determine, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signatures of such officers as the corporate authorities shall determine; all as shall be prescribed in the ordinance authorizing the bonds. The bonds may be issued and delivered, notwithstanding the fact that an officer signing the bonds, or whose facsimile signature appears upon any of the coupons has ceased to hold his office at the time that the bonds are actually delivered.

The bonds of the municipality may be sold in such manner, at such times, and at such prices as the corporate authorities may determine, but no sale shall be made at a price which would make the interest cost to maturity on the money received therefor computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, exceed the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract. The principal of and interest upon the bonds shall be payable solely from the net revenue derived from the operation of the bridge acquired or constructed with proceeds of the sale of the bonds. No bond issued pursuant to this Division of this Article shall constitute an indebtedness of a municipality within the meaning of any constitutional, statutory, or charter limitation. It shall be plainly stated on the face of each bond in substance that the bond has been issued under the provisions of this Division of this Article and that the taxing power and general credit of the municipality issuing the bond are not pledged to the payment of the bond, or interest thereon, and that the bond and the interest thereon are payable solely from the net revenue of the bridge to acquire or construct which the bond is issued.

The cost of the bridge or improvement thereto shall include interest during construction, and for not exceeding 12 months thereafter, and also all engineering, legal, architectural, traffic surveying, and other expenses incident to the construction and the acquisition of the necessary property, and incident to the financing thereof, including the cost of acquiring existing franchises, rights, plans, and works of and relating to the bridge. If the proceeds of the bonds issued shall exceed the cost as finally determined, the excess shall be applied to the payment, purchase, or redemption of the bonds. Bonds and interest coupons issued under this Division of this Article shall possess all the qualities of negotiable instruments.

No ordinance pursuant to this section shall become effective until after the plans and specifications relating to the project have been submitted to and approved by the Department.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

HISTORY:
P.A. 86-4.

605 ILCS 5/10-704 [Revenue bond ordinance; publication thereof]

An ordinance authorizing bonds under this Division of this Article may contain provisions, which shall be part of the contract with the holders of the bonds, as to (1) the dates, maturities, denominations, rate of interest, places, and medium of payment of the bonds and other details in connection with the bonds or their issuance, (2) the rates of tolls and other charges to be charged by the municipality for transit over or use of the bridge, and their segregation and application, (3) the registration of the bonds as to principal only or as to both principal and

interest, and the interchangeability and exchangeability of the bonds, (4) the redemption of the bonds, and the price at which they are redeemable, (5) the setting aside of reserves or sinking funds and the regulation and disposition thereof, (6) limitations upon the issuance of additional bonds payable from the revenue of the bridge or upon the rights of the holders of these additional bonds, and (7) other agreements with the holders of the bonds or covenants or restrictions necessary or desirable to safeguard the interests of these holders.

After the passage of an ordinance providing for the issuance of revenue bonds under this Division of this Article, the ordinance shall be published in the same manner and form as is required for other ordinances of the municipality. The ordinance shall become effective 10 days after publication, or, if approval of the plans and specifications by the Department is subsequent thereto, upon the date of such approval.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-705 [Tolls; accounts]

The municipality shall fix rates of toll to be charged for transit over and use of such a bridge. These rates shall be so fixed, charged, and adjusted as to provide revenue at all times sufficient, (1) to pay the reasonable cost of maintaining (including insurance), operating, and repairing the bridge; (2) to provide a sinking fund and reserves sufficient to pay the principal of and interest on the bonds, including refunding bonds, if any, out of the revenue from the bridge, as the bonds mature and fall due; (3) to pay the redemption or repurchase price of all bonds redeemed or repurchased before maturity as provided in this Division of this Article; (4) to fulfill the terms and provisions of any agreement with holders of the bonds; and (5) to provide, in addition to the toll purposes specified in clauses (1) to (4), both inclusive, of this sentence, a sinking fund of accumulated tolls and revenue in such amount (determined by a registered professional engineer and approved by the Secretary of Transportation) that the annual interest therefrom will provide adequate income to pay the reasonable cost and extraordinary expenses of maintaining (including insurance), operating, improving and repairing the bridge when and as long as the municipality operates the bridge as a free bridge. The rates provided for by clause (5) of the preceding sentence may be charged for a period not to exceed 18 months after sufficient funds to pay all bonds, including interest thereon, have been accumulated in the sinking fund provided for by clause (2).

An accurate record of the cost of each bridge, the expenditures for maintaining, operating, and repairing the bridge, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested. The municipality shall classify in a reasonable way all traffic over the bridge, and the tolls shall be fixed and adjusted by it as to be uniform in their application to all traffic falling within any such reasonable class.

The municipality shall operate the bridge as a toll bridge until all bonds payable out of the revenue thereof are paid in full, and thereafter shall operate the bridge as a free bridge.

HISTORY:
P.A. 77-173.

605 ILCS 5/10-706 [Refunding revenue bonds]

Any municipality may by ordinance authorize the issue of refunding revenue bonds, payable solely from the revenues of a bridge to refund the principal or accrued interest, or both, of its outstanding revenue bonds issued hereunder, prior to their maturity, and the principal and accrued interest of its matured outstanding revenue bonds issued under the provisions of this Division of this Article, and which by their terms are payable solely from the net revenues of the bridge. The refunding revenue bonds may be made registerable as to principal and bear interest at a rate not to exceed the maximum rate authorized by the Bond Authorization Act [30 ILCS 305/0.01 et seq.], as amended at the time of the making of the contract, payable at such time or at such place as may be provided for in the ordinance authorizing the issue thereof.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

HISTORY:
P.A. 86-4.

605 ILCS 5/10-707 [Refunding bond ordinance]

The ordinance authorizing such refunding revenue bonds shall prescribe all the details thereof and the bonds shall be in such form and denomination payable at such places, bear such date and be executed by such officials as may be provided in the bond ordinance. The ordinance also shall determine the life of the bridge. The refunding revenue bonds shall mature within the life of the bridge as so determined and shall mature, in any event, within not to exceed 40 years from their date, and may be made callable on any interest payment date at a price of par and

accrued interest, after notice shall be given by publication or otherwise at any time or times and in the manner as may be prescribed for in the bond ordinance.

The ordinance may contain such covenants and restrictions upon the issuance of additional refunding revenue bonds, or revenue bonds for the improvement and extension of such bridge as may be deemed necessary or advisable for the assurance of the payment of the refunding revenue bonds thereby authorized; such bonds shall be payable from the net revenues of the bridge and such bonds shall not, in any event, constitute an indebtedness of the municipality within the meaning of any constitutional or statutory limitation, and it shall be plainly stated on the face of each bond that it does not constitute an indebtedness of the municipality within any constitutional or statutory provision or limitation.

The validity of any refunding revenue bonds shall remain unimpaired, although one or more of the officials executing the same shall cease to be such officer or officers before delivery thereof, and such bonds shall have all the qualities of negotiable instruments under the Law Merchant and the Negotiable Instrument Law.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-708 [Publication of refunding bond ordinance; petition and election]

After the ordinance providing for the issuance of refunding revenue bonds has been passed, it shall be published in the same manner and form as is required for other ordinances of the municipality. The ordinance shall become effective 30 days after publication, which publication shall include a notice of (1) the specific number of voters required to sign a petition requesting that the question of the adoption of the ordinance be submitted to the electors of the municipality; (2) the time in which the petition must be filed; and (3) the date of the prospective referendum, unless within such period a petition is filed with the municipal clerk, signed by electors of the district numbering 10% or more of the number of registered voters in the district, asking that the question of issuing such bonds be submitted to the electors of the municipality. The municipal clerk shall provide a petition form to any individual requesting one. Upon the filing of such petition the municipal clerk shall certify the proposition to the proper election officials, who shall submit at an election such proposition in the manner provided by the general election law. Such referendum shall be held and notice given in accordance with the general election law. If a majority of the electors voting upon the proposition voted in favor of the issuance of the bonds, the ordinance shall be in effect; but if a majority of the votes cast are against the issuance of the bonds, the ordinance shall not go into effect.

HISTORY:
P.A. 87-767.

605 ILCS 5/10-709 [Exchange of refunding bonds]

Such refunding revenue bonds may be exchanged on a basis of par for the securities to be refunded, or such bonds may be sold at not less than their par value and accrued interest and the proceeds received shall be used to pay the bonds which are to be refunded thereby.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-710 [Powers of municipal authority regarding refunding bonds]

The corporate authorities of any such municipality are authorized to take any action that may be necessary to inform owners of outstanding bonds regarding the financial condition of the fund out of which the bonds are payable and the necessity of refunding the same and readjusting the maturities thereof and the corporate authorities may enter into any agreements required to prepare and carry out any refunding plan, and without previous appropriation therefor under any law may incur and pay expenditures that may be necessary in order to accomplish the refunding of such bonds.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-711 [Specific performance]

The holder of any bond or refunding bond or interest coupon by a civil action, may enforce and compel performance of all duties of the issuing municipality as required by this Division of this Article and the ordinance authorizing the issuance of the bonds, including the duties of fixing sufficient tolls and charges and the collection, segregation, and application of the revenue derived from the operation of the bridge. In case of default, a receiver may be appointed by a judge of the circuit court to take possession of, operate, and maintain the bridge, charge and collect tolls, and segregate and apply the money received in accordance with the ordinance relating thereto.

HISTORY:
P.A. 79-1366.

605 ILCS 5/10-712 [Bond issue without election]

Revenue bonds, including refunding bonds, may be issued under this Division of this Article without submitting the proposition of the approval of the ordinance or the question of the issuance of the bonds to the electors of the municipality, except as otherwise provided in Section 10-708 [605 ILCS 5/10-708].

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-713 [Bridge Commission]

Any municipality may by ordinance provide for the establishment of a Bridge Commission, to consist of 3 persons resident therein to be appointed by the Mayor, for terms of 4 years and until their successors are appointed; provided that of the Commissioners first appointed, one shall be appointed for a term of 2 years, one for 3 years and one for 4 years, as designated by the Mayor. The Commissioners shall receive no compensation for their services but shall be reimbursed for actual expenses incurred in the discharge of their duties. Vacancies in the office of any Commissioner shall be filled by the Mayor by appointment for the unexpired term.

The ordinance may vest in the Bridge Commission the duties and responsibilities incident to the acquisition or construction of the bridge project, the operation and maintenance of the bridge project, the execution of contracts for the acquisition, construction and maintenance thereof, the collection of the tolls and other charges of the municipality for transit over or use of the bridge, and such other powers as the corporate authorities may deem necessary or desirable. Nothing in this section shall be construed to authorize a delegation of power to the Bridge Commission to adopt any ordinance pertaining to the issuance of revenue bonds or refunding revenue bonds or the fixing of rates of toll.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-714 [Limitation on powers]

Where a municipality desires to undertake a bridge project under this Division of this Article which involves property within the corporate limits of another municipality or municipalities, the powers designated in this Division of this Article shall not be exercised in respect to such property except with the consent of the corporate authorities of such other municipality or municipalities as evidenced by an ordinance or ordinances thereof. The municipalities involved may by agreement determine their respective rights, duties and obligations thereunder.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-715 [Investment in bonds]

The State and all counties, municipalities and other municipal corporations, political subdivisions and public bodies, and public officers of any thereof, all banks, bankers, trust companies, saving banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds, including refunding bonds, issued pursuant to this Division of this Article, it being the purpose of this Section to authorize the investment in such bonds of all sinking, insurance, retirement, compensation, pension and trust funds, whether owned or controlled by private or public persons or officers. However, nothing contained in this Section may be construed as relieving any person, firm, or corporation from any duty of exercising reasonable care in selecting securities for purchase or investment.

HISTORY:
Laws 1959, p. 196.

DIVISION 8.

MUNICIPAL BRIDGES OVER RIVER FORMING STATE BOUNDARY

605 ILCS 5/10-801 [Definitions]

In this Division of this Article, unless the context otherwise requires:

(1) "Bridge" means any bridge over any river forming a boundary of this State carrying highway, rail or other traffic, or any deck, level or part of such bridge whether or not the entire bridge is owned or to be owned by the municipality, and all property, rights-of-way, easements, approaches, and franchises in connection therewith, and may mean two or more of such bridges, decks, levels or parts thereof;

(2) "Net revenue" means the gross revenue of a bridge less the reasonable cost of operating, maintaining, and repairing the bridge;

(3) "United States" means the United States of America and any agent, agency, department, bureau, commission or authority thereof of whatsoever kind;

(4) "Holder" means the holder or holders of any of the bonds issued under the authority of this Division of this Article.

HISTORY:
Laws 1961, p. 2575.

605 ILCS 5/10-802 [Powers]

Each municipality has the power:

(1) To acquire, by purchase or otherwise, construct, reconstruct, improve, enlarge, better, operate, maintain and repair any bridge within the corporate limits or within 5 miles of the corporate limits of the municipality;

(2) To acquire, purchase, hold, use, lease, mortgage, sell, transfer and dispose of any property, real or personal or mixed, tangible or intangible, or any interest therein, in connection with such a bridge, including the power and authority to grant perpetual easements or franchises to any railroad or public transportation facility or any assignee thereof, as a part of the consideration of the purchase of any such bridge, for the exclusive right to the use of a portion or portions of any such bridge for the transportation of persons or property across such bridge;

(3) To fix, alter, charge, collect, segregate, and apply tolls and other charges for transit over and use of such a bridge, provided that, if electronic toll collection is used on such bridge or ferry, the municipality shall configure the electronic toll collection system to be compatible with the electronic toll collection system used by the Illinois State Toll Highway Authority;

(4) To borrow money, make and issue bonds payable from and secured by a pledge of the net revenue of the bridge for the acquisition, construction, reconstruction, improvement, enlargement, betterment or repair of which such bonds may be issued;

(5) To cooperate with any adjoining state, or any political subdivision, agency, department, bureau, commission or authority thereof, of whatsoever kind, in the acquisition, construction, reconstruction, improvement, enlargement, betterment, operation, maintenance and repair of any bridge, and in defraying the cost thereof;

(6) To make contracts of every kind and nature and to execute all instruments necessary or convenient for the carrying out of the purposes of this Division of this Article;

(7) Without limitation of the foregoing, to borrow money and to accept grants from the United States or any person, and to enter into contracts with the United States and such person in connection therewith;

(7.5) To enter into intergovernmental agreements with the Illinois State Toll Highway Authority to provide for the compatibility of electronic toll collection services or to have the Authority provide electronic toll collection or toll violation enforcement services; and

(8) To alter, widen, lay out, open or construct any streets, avenues or boulevards within or without any municipality deemed necessary to provide adequate traffic regulation and approach or approaches to such bridge or bridges, and to borrow money and issue bonds for such purpose as provided by this Division of this Article.

HISTORY:
Laws 1961, p. 2575; P.A. 97-252, § 5.

605 ILCS 5/10-803 [Revenue bonds]

Without limiting any other powers granted in this Division of this Article, each municipality has the power to provide for the payment of the cost of acquiring, constructing, reconstructing, improving, enlarging, bettering or repairing any bridge or for the payment of any portion of such cost by one or more issues of revenue bonds of the municipality, payable solely from the net revenue of such bridge. These bonds shall be authorized by ordinance of the corporate authorities of the municipality and shall be in substantially the form set forth in the ordinance. The bonds may be serial or term; redeemable, with or without premium, or non-redeemable; shall bear interest at such rate or rates, not exceeding the maximum rate authorized by the Bond Authorization Act [30 ILCS 305/0.01 et seq.], as amended at the time of the making of the contract, payable at such times as may be provided; shall mature at such times not exceeding the life of the bridge, for the acquisition, construction, reconstruction, improvement, enlargement, betterment or repair of which they are issued, as estimated by the corporate authorities, but in no event exceeding 40 years; and shall be issued in such amounts and payable at such place or places, within or without the State, as shall be prescribed in the ordinance authorizing their issuance. The bonds of any issue may be delivered in such installments from time to time, and at such place or places, within or without the State, as the corporate authorities may, by resolution, determine.

The bonds shall be signed by such officer or officers as the corporate authorities shall determine, and coupon bonds shall have attached thereto interest coupons bearing the facsimile signatures of such officer or officers as the corporate authorities shall determine, in the ordinance authorizing the bonds. The signature of only one of the officers signing the bonds need be a manual signature, and the signature of any other officers signing the bonds may be facsimile signatures. A facsimile of the seal of the municipality may be imprinted on the bonds. The bonds may be issued and delivered notwithstanding the fact that an officer signing the bonds or whose facsimile signature appears upon any of the bonds or coupons has ceased to hold his office at the time that the bonds are actually delivered, and notwithstanding the fact that an officer whose facsimile signature appears upon the bonds or coupons has ceased to hold his office at the time that the bonds are manually signed by the officer or officers required to sign the bonds manually.

The bonds of the municipality may be sold in such manner, at such times, and at such prices as the corporate authorities may determine, but no sale shall be made at a price which would make the interest cost to maturity on the money received therefor computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, exceed 6% annually. The principal of and interest upon the bonds shall be payable solely from the net revenue derived from the operation of the bridge acquired, constructed, reconstructed, improved, enlarged, bettered or repaired with the proceeds of the sale of the bonds. No bond

issued pursuant to this Division of this Article shall constitute an indebtedness of a municipality within the meaning of any constitutional, statutory or charter limitation. It shall be plainly stated on the face of each bond in substance that the bond has been issued under the provisions of this Division of this Article and that the taxing power and general credit of the municipality issuing the bond are not pledged to the payment of the bond, or interest thereon, and that the bond and the interest thereon are payable solely from the net revenue of the bridge to acquire, construct, reconstruct, improve, enlarge, better or repair which the bond is issued.

The cost of the acquisition, construction, reconstruction, improvement, enlargement, betterment or repair of any bridge shall include debt service reserves to secure the payment of bonds issued therefor under this Division of this Article, interest during the period, as estimated by the corporate authorities, of such construction, reconstruction, improvement, enlargement, betterment or repair and for not exceeding 12 months thereafter, and also all engineering, legal, architectural, traffic surveying and other expenses incident to such acquisition, construction, reconstruction, improvement, enlargement, betterment or repair and incident to the acquisition of any and all necessary property in connection therewith and also incident to the financing thereof, including the cost of acquiring existing franchises, easements, rights, plans, and works of and relating to the bridge. If the proceeds of the bonds issued shall exceed the cost as finally determined, the excess shall be applied to the payment, purchase or redemption of the bonds. Bonds and interest coupons issued under this Division of this Article shall possess all the qualities of negotiable instruments. Such bonds shall be legal investments for trustees and other fiduciaries, and for savings banks, trust companies, and insurance companies organized under the laws of the State of Illinois.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

HISTORY:
P.A. 86-4.

605 ILCS 5/10-804 [Revenue bond ordinance]

An ordinance authorizing bonds under this Division of this Article may contain provisions, which shall be part of the contract with the holders of the bonds, as to (1) the dates, maturities, denominations, rate of interest, places and medium of payment of the bonds and other details in connection with the bonds or their issuance, (2) the rates of tolls and other charges to be charged by the municipality for transit over or use of the bridge, and their segregation and application, (3) the registration of the bonds as to principal only or as to both principal and interest, and the interchangeability and exchangeability of the bonds, (4) the redemption of the bonds, and the price at which they are redeemable, (5) the setting aside of reserves or sinking funds and the regulation and disposition thereof, (6) limitations upon the issuance of additional bonds payable from the revenue of the bridge or upon the rights of the holders of these additional bonds, and (7) other agreements with the holders of the bonds or covenants or restrictions necessary or desirable to safeguard the interests of these holders.

After the passage of an ordinance providing for the issuance of the revenue bonds under this Division of this Article, the ordinance shall be published in the same manner and form as is required for other ordinances of the municipality. The ordinance shall become effective 10 days after publication.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-805 [Tolls; accounts]

The municipality shall fix rates of toll to be charged for transit over and use of such a bridge. These rates shall be so fixed, charged, and adjusted as to provide revenue at all times sufficient (1) to pay the reasonable cost of maintaining (including insurance), operating and repairing the bridge; (2) to provide a sinking fund and reserves sufficient to pay the principal of and interest on the bonds out of the revenue from the bridge, as the bonds mature and fall due; (3) to pay the redemption or repurchase price of all bonds redeemed or repurchased before maturity as provided in this Division of this Article; and (4) to fulfill the terms and provisions of any agreement with holders of the bonds.

An accurate record of the cost of each bridge, the expenditures for maintaining, operating, and repairing the bridge, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested. The municipality shall classify in a reasonable way all traffic over the bridge, and the tolls shall be fixed and adjusted by it as to be uniform in their application to all traffic falling within any such reasonable class.

The municipality shall operate the bridge as a toll bridge and after all the covenants contained in the ordinance authorizing the issuance of any revenue bonds have been complied with annually and there be any surplus revenues remaining such surplus may be appropriated by such municipality for any proper

corporate purpose, or pledged for the payment of any revenue bonds issued under this Division of this Article by the municipality for the construction or acquisition of any other bridge or bridges. After all bonds payable out of the revenues thereof have been paid in full, the municipality may continue to operate such bridge as a toll bridge and rates shall be fixed, charged and adjusted so as to produce revenue annually in an amount not to exceed 5% of the cost of the bridge as shown by the records of the municipality required to be kept as in this Division of this Article provided. The revenues thus produced shall be used to maintain, operate and repair such bridge, provided any surplus remaining after properly setting aside sums for maintenance, operation and repair of the bridge may be appropriated for any corporate purpose or pledged for the payment of any revenue bonds issued under this Division of this Article by the municipality for the construction or acquisition of any other bridge or bridges.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-806 [Refunding revenue bonds]

Any municipality may by ordinance authorize the issue of refunding revenue bonds under this Division of this Article payable solely from the net revenue of one or more bridges to refund the principal, premium, if any, and accrued interest of any one or more issues of its outstanding revenue bonds issued under the provisions of this Division of this Article and which by their terms are payable solely from the revenue of any bridge or bridges, such refunding to be made at or after maturity or prior to maturity with the consent of the holders thereof, provided that such consent shall not be required if such bonds are subject to redemption prior to maturity, and any such refunding revenue bonds may bear interest at a rate not to exceed the maximum rate authorized by the Bond Authorization Act [30 ILCS 305/0.01 et seq.], as amended at the time of the making of the contract, payable at such times as may be provided by the ordinance authorizing the issue thereof. All of the provisions of this Division of this Article with respect to the form, maturities and other details of bonds and the security therefor and covenants with respect thereto shall be applicable to such refunding bonds, and such refunding bonds may be consolidated with and be a part of an issue of revenue bonds issued pursuant to the provisions of this Division of this Article for the payment of the cost of acquiring, constructing, reconstructing, improving, enlarging, bettering or repairing any bridge or for the payment of any portion of such cost. Any ordinance authorizing such refunding revenue bonds may contain such covenants and restrictions upon the issuance of additional revenue bonds as may be deemed necessary or advisable for the assurance of the payment of the revenue bonds thereby authorized.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

HISTORY:
P.A. 86-4.

605 ILCS 5/10-807 [Specific performance]

The holder of any bond or interest coupon may, by mandamus, injunction, civil action or proceeding, enforce and compel performance of all duties of the issuing municipality as required by this Division of this Article and the ordinance authorizing the issuance of the bonds, including the duties of fixing sufficient tolls and charges and the collection, segregation, and application of the revenue derived from the operation of the bridge. In case of default, a receiver may be appointed by a judge of the circuit court to take possession of, operate, and maintain the bridge, charge and collect tolls, and segregate and apply the money received in accordance with the ordinance relating thereto.

HISTORY:
P.A. 84-1308.

605 ILCS 5/10-808 [Bond issue without election]

Revenue bonds may be issued under this Division of this Article without submitting the proposition of the approval of the ordinance or the question of the issuance of the bonds to the electors of the municipality.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/10-809 [Ratification and validation clause]

All proceedings heretofore taken by any municipality under this or any prior Act for the acquisition, construction, reconstruction, improvement, enlargement, betterment or repair of any bridge over any river forming a boundary of this State, and all revenue bonds issued by any municipality for the financing of the acquisition, construction, reconstruction, improvement, enlargement, betterment or re-

pair thereof are hereby ratified, validated and confirmed.

HISTORY:
Laws 1961, p. 2575.

DIVISION 9.

DEPARTMENT ACQUISITION OF CERTAIN FERRIES

605 ILCS 5/10-901 [Acquisition of ferries]

The Department may acquire, by purchase or by condemnation, the franchise and all equipment, boats, landing facilities, and other appurtenances of any ferry in existence on March 15, 1959, operating on the Illinois River and connecting any road a part of the county highway system in any county having not more than 7,000 inhabitants, as determined by the 1950 Federal census, with any State highway in any county having not more than 16,000 inhabitants, as determined by the same census.

HISTORY:
Laws 1959, p. 1190.

605 ILCS 5/10-902 [Maintenance and operation of ferries]

The Department may maintain and operate any ferry acquired under Section 10-901 of this Code [605 ILCS 5/10-901] as a free ferry service for the conveyance of persons, motor vehicles and other property across the Illinois River so long as such operation is justified by the amount of traffic using such ferry. The location of ferry landings and the route of any ferry acquired and operated under the authority of these sections shall be such as the Department determines will be most convenient to the majority of the users of such service considering economy of operation of such service. If deemed desirable and feasible by the Department the operation of such service may be relocated by the Department and new approaches and facilities constructed to serve the relocated site of operation.

HISTORY:
Laws 1959, p. 1190.

605 ILCS 5/10-903 [Funds]

The Department may use funds regularly appropriated to it for the construction and maintenance of highways for the purposes set forth in Section 10-901 and 10-902 of this Code [605 ILCS 5/10-901 and 605 ILCS 5/10-902].

HISTORY:
Laws 1959, p. 1190.

DIVISION 10.

DEPARTMENT MAINTENANCE AND CONTROL OF COVERED BRIDGES

605 ILCS 5/10-1001 [Maintenance and control of covered bridges]

The Department shall repair, maintain, operate, control and preserve every covered bridge (and the abutments and approaches thereof) in this State, meaning every structure which spans a watercourse, chasm, ravine, road or railroad in or forming a boundary line of this State and affording passage from one bank or side thereof to the other, and which is enclosed in such manner as to prevent a clear, unimpeded view of the interior thereof from the top or longitudinal sides thereof.

HISTORY:
Laws 1963, p. 3473.

ARTICLE 11.

EFFECT OF CODE, REPEAL AND OTHER PROVISIONS

Section

605 ILCS 5/11-101 [Headings]

Article and Division headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any article or Division hereof.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/11-102 [Internal references]

Where, in this Code, reference is made to a Section, Division or Article by its number and no Act is specified, the reference is to the correspondingly numbered Section, Division or Article of this Code. Where reference is made to "this Article" or "this Division" or "this Section" and no Act is specified, the reference is to the Article, Division or Section of this Code in which the reference appears. If any Section, Division or Article of this Code is hereafter amended, the reference shall thereafter be treated and considered as a reference to the Section, Division or Article as so amended.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/11-103 [Severability]

The invalidity of any provision of this Code shall not affect the validity of the remainder of this Code.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/11-104 [Effect of repeal; construction; references to prior law; construction of term road district]

The repeal of a statute or part thereof by this Code shall not affect any action pending or rights existing at the time this Code takes effect; neither shall this Code impair the validity of any proceedings taken or tax levied or extended under such prior statute or impair the validity of any bonds or other indebtedness outstanding at the time this Code takes effect.

The provisions of this Code insofar as they are the same or substantially the same as those of any prior statute, shall be construed as a continuation of such prior statute and not as a new enactment.

If in any other statute reference is made to an Act of the General Assembly, or a Section of such an Act, which is continued in this Code, such reference shall be held to refer to the Act or Section thereof so continued in this Code.

When a road district comprises a single township under the provisions of this Code, the term "road district" shall be construed as being synonymous with the term "township" as used in any law repealed by this Code.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/11-105 [Payment of indebtedness]

Any bond or other evidence of indebtedness issued under the provisions of any Act repealed by this Code which is outstanding and unpaid on the effective date of this Code shall be amortized and retired by taxation or revenue in the manner provided by the Act under which such indebtedness was incurred, notwithstanding the repeal of such Act.

However, the provisions of this Section shall not be construed to prevent the refunding of any such indebtedness under the provisions of this Code or as may be otherwise provided by law.

HISTORY:
Laws 1959, p. 196.

605 ILCS 5/11-106 [Cumulative effect]

The provisions of this Code shall be cumulative in effect and if any provision is inconsistent with another provision of this Code or with any other Act not expressly repealed by Section 11-107 it shall be considered as an alternative or additional power and not as a limitation upon any other power granted to or possessed by the several highway authorities.

HISTORY:
Laws 1959, p. 196.

TOLL HIGHWAY ACT

Section

605 ILCS 10/1 [Legislative determination]

It is hereby declared, as a matter of legislative determination, that in order to promote the public welfare, and to facilitate vehicular traffic by providing convenient, safe, modern and limited access highways designed for the accommodation of the needs of the traveling public through and within the State of Illinois, that it is necessary in the public interest to provide for the construction, operation, regulation and maintenance of a toll highway or a system of toll highways, incorporating therein the benefits of advanced engineering skill, design, experience and safety factors, to eliminate existing traffic hazards, and to prevent automotive injuries and fatalities, and to create The Illinois State Toll Highway Authority, as an instrumentality and administrative agency of the State of Illinois, and to confer upon and vest in said Authority all powers necessary or appropriate to enable said Authority to carry out the foregoing stated legislative purpose and determination.

HISTORY:
Laws 1967, p. 2748.

605 ILCS 10/1.1 Short title

This Act may be cited as the Toll Highway Act.

HISTORY:
P.A. 86-1324.

605 ILCS 10/2 [Definitions]

The following words and terms as used in this Act shall have the following meanings:

(a) The word "Authority" shall mean The Illinois State Toll Highway Authority.

(b) The word "person," shall mean any individual, firm, association, partnership, corporation, trustee or legal representative.

(c) The word "owner," shall include all individuals, copartnerships, firms, associations, corporations, trustees or legal representatives, and others having any title or interest in any property, rights or easements authorized to be acquired by this Act.

(d) The words "toll highway" or "toll highways," shall mean such highways as are so designed and constructed, in the best professional judgment of the engineering staff responsible, as to accomplish the purposes of this Act.

(e) The word "toll" or "tolls" shall mean the compensation to be paid to The Illinois State Toll Highway Authority for the privilege of using any toll highway, or portions or parts thereof, by vehicular or other traffic.

(f) The word "cost" as applied to a toll highway shall embrace the cost of construction, including bridges over or under existing highways and railroads, the cost of acquisition of all land, rights of way, property, rights, easements and interests acquired by the Authority for such construction, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of diverting highways, interchange of highways, access to roads to private property, including the cost of lands or easements therefor, the cost of all machinery and equipment, financing charges, interest prior to and during construction, and for one or more years after completion of construction, cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing any such toll highway, administrative expenses and such other expense as may be necessary or incident to the construction of the toll highway, the financing of such construction and the placing of the highway in operation.

HISTORY:
Laws 1967, p. 2748.

605 ILCS 10/3 [The Illinois State Toll Highway Authority]

There is hereby created an Authority to be known as The Illinois State Toll Highway Authority, which is hereby constituted an instrumentality and an administrative agency of the State of Illinois. The said Authority shall consist of 11 directors; the Governor and the Secretary of the Department of Transportation, ex officio, and 9 directors appointed by the Governor with the advice and consent of the Senate, from the State at large, which said directors and their successors are hereby authorized to carry out the provisions of this Act, and to exercise the powers herein conferred. Of the 9 directors appointed by the Governor, no more than 5 shall be members of the same political party.

Notwithstanding any provision of law to the contrary, the term of office of each director of the Authority serving on the effective date of this amendatory

Act of the 100th General Assembly, other than the Governor and the Secretary of the Department of Transportation, is abolished and a vacancy in each office is created on the effective date of this amendatory Act of the 100th General Assembly. The Governor shall appoint directors to the Authority for the vacancies created under this amendatory Act of the 100th General Assembly by February 28, 2019. Directors whose terms are abolished under this amendatory Act of the 100th General Assembly shall be eligible for reappointment.

Vacancies shall be filled for the unexpired term in the same manner as original appointments. All appointments shall be in writing and filed with the Secretary of State as a public record. It is the intention of this section that the Governor's appointments shall be made with due consideration to the location of proposed toll highway routes so that maximum geographic representation from the areas served by said toll highway routes may be accomplished insofar as practicable. The said Authority shall have the power to contract and be contracted with, to acquire, hold and convey personal and real property or any interest therein including rights of way, franchises and easements; to have and use a common seal, and to alter the same at will; to make and establish resolutions, by-laws, rules, rates and regulations, and to alter or repeal the same as the Authority shall deem necessary and expedient for the construction, operation, relocation, regulation and maintenance of a system of toll highways within and through the State of Illinois.

Appointment of the additional directors provided for by this amendatory Act of 1980 shall be made within 30 days after the effective date of this amendatory Act of 1980.

HISTORY:
P.A. 86-1164; 2018 P.A. 100-1180, § 5, effective February 28, 2019.

605 ILCS 10/3.1: [Repealed] Repealed by P.A. 92-850, § 55, effective August 26, 2002.

605 ILCS 10/4 [Chairman; tenure; powers; salary]

Of the directors appointed by the Governor, one such director shall be appointed by the Governor as chairman and shall hold office for 4 years from the date of his appointment, and until his successor shall be duly appointed and qualified, but shall be subject to removal by the Governor for incompetency, neglect of duty or malfeasance. The term of the initial chairman appointed under this amendatory Act of the 100th General Assembly shall end March 1, 2021 and the chairman shall serve until his or her successor is duly appointed and qualified.

The chairman shall preside at all meetings of the Board of Directors of the Authority; shall exercise general supervision over all powers, duties, obligations and functions of the Authority; and shall approve or disapprove all resolutions, by-laws, rules, rates and regulations made and established by the Board of Directors, and if he shall approve thereof, he shall sign the same, and such as he shall not approve he shall return to the Board of Directors with his objections thereto in writing at the next regular meeting of the Board of Directors occurring after the passage thereof. Such veto may extend to any one or more items contained in such resolution, by-law, rule, rate or regulation, or to its entirety; and in case the veto extends to a part of such resolution, by-law, rule, rate or regulation, the residue thereof shall take effect and be in force, but in case the chairman shall fail to return any resolution, by-law, rule, rate or regulation with his objections thereto by the time aforesaid, he shall be deemed to have approved the same, and the same shall take effect accordingly. Upon the return of any resolution, by-law, rule, rate or regulation by the chairman, the vote by which the same was passed shall be reconsidered by the Board of Directors, and if upon such reconsideration two-thirds of all the Directors agree by yeas and nays to pass the same, it shall go into effect notwithstanding the chairman's refusal to approve thereof. The process of approving or disapproving all resolutions, by-laws, rules, rates and regulations, as well as the ability of the Board of Directors to override the disapproval of the chairman, under this Section shall be set forth in the Authority's by-laws. Nothing in the Authority's by-laws, rules, or regulations may be contrary to this Section.

The chairman shall receive a salary of $18,000 per annum, or as set by the Compensation Review Board, whichever is greater, payable in monthly installments, together with reimbursement for necessary expenses incurred in the performance of his duties. The chairman shall be eligible for reappointment.

HISTORY:
P.A. 83-1177; 2018 P.A. 100-1180, § 5, effective February 28, 2019.

605 ILCS 10/5 [Directors; tenure; vacancies; salary]

Of the original directors, other than the chairman, so appointed by the Governor, 3 shall hold office for 2 years and 3 shall hold office for 4 years, from the date of their appointment and until their respective successors shall be duly appointed and qualified, but shall be subject to removal by the Governor for incompetency, neglect of duty or malfeasance. In case of vacancies in such offices during the recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate when he shall nominate some person to fill such office and any person so nominated, who is confirmed by the Senate, shall hold office during the remainder of the term and until his successor shall be appointed and qualified. The respective term of the first directors appointed shall be designated by the Governor at the time of appointment, but their successors shall each be appointed for a term of four years, except that any person appointed to fill a vacancy shall serve only for

the unexpired term. Directors shall be eligible for reappointment.

In making the initial appointments of the 2 additional directors provided for by this amendatory Act of 1980, the respective terms of the 2 additional directors first appointed shall be designated by the Governor at the time of appointment in such manner that the term of one such additional director shall expire at the same time as the terms of 4 of the other directors and the term of the other additional director shall expire at the same time as the terms of 3 of the other directors; thereafter the terms shall be 4 years.

Of the initial directors, other than the chairman, appointed under the provisions of this amendatory Act of the 100th General Assembly, 4 shall serve terms running through March 1, 2021. The 4 remaining directors shall serve terms running through March 1, 2023. Thereafter the terms of all directors shall be 4 years. Directors shall serve until their respective successors are duly appointed and qualified. Directors shall be eligible for reappointment.

Each such director, other than ex officio members shall receive an annual salary of $15,000, or as set by the Compensation Review Board, whichever is greater, payable in monthly installments, and shall be reimbursed for necessary expenses incurred in the performance of his duties.

HISTORY:
P.A. 86-1164; 2018 P.A. 100-1180, § 5, effective February 28, 2019.

605 ILCS 10/6 [Commencement of duties]

Immediately after such appointment and qualification as hereinafter provided said chairman and directors shall enter upon their duties. The directors shall biennially select a secretary, who may or may not be a director, and if not a director fix his compensation. Six directors shall constitute a quorum. No vacancy in the said Board of Directors shall impair the right of a quorum of the directors to exercise all the rights and perform all the duties of the Authority.

HISTORY:
P.A. 81-1363.

605 ILCS 10/7 [Execution of bond; benefits]

The chairman of the Board of Directors shall execute and file as hereinafter provided, a bond in the penal sum of $100,000. Each other director, other than the ex officio directors shall qualify by executing and filing, as hereinafter provided, a bond in the penal sum of $25,000, and the secretary, if not a member of the Authority, shall execute and file, as hereinafter provided, a bond in the penal sum of $15,000. All such bonds shall be payable to the People of the State of Illinois, and be conditioned upon the faithful performance of the duties imposed upon such chairman, directors or secretary under this Act. Said bonds shall be subject to the approval of the Governor and of the Attorney General of the State of Illinois, and shall, when executed and so approved, be filed in the office of the Secretary of State. The said bonds herein required to be furnished shall be with a surety company, or companies, authorized to do business in this State under the laws thereof, and the cost of any official bonds required to be furnished hereunder shall be paid out of any fund subject to expenditure by the Authority.

The chairman, directors and secretary of the Authority shall be eligible to participate in all pensions, accident, health and benefit plans established by the Authority for its employees in the same manner and form as all other employees.

HISTORY:
Laws 1967, p. 2748.

605 ILCS 10/7.5 Public comments at board meetings; notice.

(a) The board of directors shall set aside a portion of each meeting of the board that is open to the public pursuant to the provisions of the Open Meetings Act [5 ILCS 120/1 et seq.], except as otherwise provided in this Section, during which members of the public who are present at the meeting may comment on any subject.

(b) An agenda for each meeting of the board shall be posted on the Authority's public website and at the headquarters building of the Authority at least 2 business days in advance of the holding of the meeting. Any agenda required under this Section shall set forth the general subject matter of any issue that will be the subject of final action at the meeting and shall include specific details concerning contracts for projects entered into under this Act involving amounts over $100,000 that may be approved at the meeting, along with an Internet link to such details provided on the agenda posted at the Authority's headquarters building.

HISTORY:
P.A. 90-681, § 5; 2018 P.A. 100-867, § 5, effective January 1, 2019.

605 ILCS 10/8 [Powers — Acquisition and disposal of property; contracts; employment of personnel; legal counsel; acquisition, construction and maintenance of highways]

The Authority shall have the power:

(a) To acquire, own, use, hire, lease, operate and dispose of personal property, real property (except with respect to the headquarters building and surrounding land of the Authority located at 2700 Ogden Avenue, Downers Grove, Illinois, which may be sold or mortgaged only as provided in Section 7.5 of the State Property Control Act [30 ILCS 605/7.5] to the extent that such property is subject to the State Property Control Act [30 ILCS 605/1 et seq.] at the time of the proposed sale), any interest therein, including rights-of-way, franchises and easements.

(b) To enter into all contracts and agreements necessary or incidental to the performance of its powers under this Act. All employment contracts let under this Act shall be in conformity with the applicable provisions of "An Act regulating wages of laborers, mechanics and other workers employed under contracts for public works," approved June 26, 1941, as amended [820 ILCS 130/1 et seq.].

(c) To employ and discharge, without regard to the requirements of any civil service or personnel act, such administrative, engineering, traffic, architectural, construction, and financial experts, and inspectors, and such other employees, as are necessary in the Authority's judgment to carry out the purposes of this Act; and to establish and administer standards of classification of all of such persons with respect to their compensation, duties, performance, and tenure; and to enter into contracts of employment with such persons for such periods and on such terms as the Authority deems desirable.

(d) To appoint by and with the consent of the Attorney General, assistant attorneys for such Authority, which said assistant attorneys shall be under the control, direction and supervision of the Attorney General and shall serve at his pleasure.

(e) To retain special counsel, subject to the approval of the Attorney General, as needed from time to time, and fix their compensation, provided however, such special counsel shall be subject to the control, direction and supervision of the Attorney General and shall serve at his pleasure.

(f) To acquire, construct, relocate, operate, regulate and maintain a system of toll highways through and within the State of Illinois. However, the Authority does not have the power to acquire, operate, regulate or maintain any system of toll highways or toll bridges or portions of them (including but not limited to any system organized pursuant to Division 108 of Article 11 of the Illinois Municipal Code [65 ILCS 5/11-108-1 et seq.]) in the event either of the following conditions exists at the time the proposed acquisition, operation, regulation or maintenance of such system is to become effective:

(1) the principal or interest on bonds or other instruments evidencing indebtedness of the system are in default; or

(2) the principal or interest on bonds or other instruments evidencing indebtedness of the system have been in default at any time during the 5 year period prior to the proposed acquisition.

To facilitate such construction, operation and maintenance and subject to the approval of the Division of Highways of the Department of Transportation, the Authority shall have the full use and advantage of the engineering staff and facilities of the Department.

HISTORY:
P.A. 83-1258; 93-19, § 30.

605 ILCS 10/8.5 Toll Highway Inspector General

(a) The Governor shall, with the advice and consent of the Senate by three-fifths of the elected members concurring by record vote, appoint a Toll Highway Inspector General for the purpose of detection, deterrence, and prevention of fraud, corruption, and mismanagement in the Authority. The Toll Highway Inspector General shall serve a 5-year term. If, during a recess of the Senate, there is a vacancy in the office of the Toll Highway Inspector General, the Governor shall make a temporary appointment until the next meeting of the Senate when the Governor shall make a nomination to fill that office. No person rejected for the office of the Toll Highway Inspector General shall, except by the Senate's request, be nominated again for that office at the same session of the Senate or be appointed to that office during a recess of that Senate. The Governor may not appoint a relative, as defined by item (6) of Section 10-15 of the State Officials and Employees Ethics Act [5 ILCS 430/10-15], as the Toll Highway Inspector General. The Toll Highway Inspector General may be removed only for cause and may be removed only by the Governor.

(b) The Toll Highway Inspector General shall have the following qualifications:

(1) has not been convicted of any felony under the laws of this State, another state, or the United States;

(2) has earned a baccalaureate degree from an institution of higher education; and

(3) has 5 or more years of cumulative service (i) with a federal, state, or local law enforcement agency, at least 2 years of which have been in a progressive investigatory capacity; (ii) as a federal, state, or local prosecutor; (iii) as a federal or state judge with a criminal docket; (iv) as a senior manager or executive of a federal, state, or local agency; or (v) representing any combination of (i) through (iv).

(c) The term of the initial Toll Highway Inspector General shall commence upon qualification and shall run through June 30, 2015. The initial appointments shall be made within 60 days after the effective date of this amendatory Act of the 96th General Assembly [P.A. 96-1347]. After the initial term, each Toll Highway Inspector General shall serve for 5-year terms commencing on July 1 of the year of appointment and running through June 30 of the fifth following year. A Toll Highway Inspector General may be reappointed to one or more subsequent terms. A vacancy occurring other than at the end of a term shall be filled by the Governor only for the balance of the term of the Toll Highway Inspector General whose office is vacant. Terms shall run regardless of whether the position is filled.

(d) The Toll Highway Inspector General shall have jurisdiction over the Authority and all board members, officers, and employees of, and vendors, subcontractors, and others doing business with the Authority. The jurisdiction of the Toll Highway Inspector General is to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance. Investigations may be

based on complaints from any source, including anonymous sources, and may be self-initiated, without a complaint. An investigation may not be initiated more than five years after the most recent act of the alleged violation or of a series of alleged violations except where there is reasonable cause to believe that fraudulent concealment has occurred. To constitute fraudulent concealment sufficient to toll this limitations period, there must be an affirmative act or representation calculated to prevent discovery of the fact that a violation has occurred. The authority to investigate alleged violations of the State Officials and Employees Ethics Act [5 ILCS 430/1-1 et seq.] by officers, employees, vendors, subcontractors, and others doing business with the Authority shall remain with the Office of the Governor's Executive Inspector General. The Toll Highway Inspector General shall refer allegations of misconduct under the State Officials and Employees Ethics Act to the Office of the Governor's Executive Inspector General for investigation. Upon completion of its investigation into such allegations, the Office of the Governor's Executive Inspector General shall report the results to the Toll Highway Inspector General, and the results of the investigation shall remain subject to any applicable confidentiality provisions in the State Officials and Employees Ethics Act. Where an investigation into a target or targets is split between allegations of misconduct under the State Officials and Employees Ethics Act, investigated by the Office of the Governor's Executive Inspector General, and allegations that are not of misconduct under the State Officials and Employees Ethics Act, investigated by the Toll Highway Inspector General, the Toll Highway Inspector General shall take reasonable steps, including continued consultation with the Office of the Governor's Executive Inspector General, to ensure that its investigation will not interfere with or disrupt any investigation by the Office of the Governor's Executive Inspector General or law enforcement authorities. In instances in which the Toll Highway Inspector General continues to investigate other allegations associated with allegations that have been referred to the Office of the Governor's Executive Inspector General pursuant to this subsection, the Toll Highway Inspector General shall report the results of its investigation to the Office of the Governor's Executive Inspector General.

(e)(1) If the Toll Highway Inspector General, upon the conclusion of an investigation, determines that reasonable cause exists to believe that fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, or malfeasance has occurred, then the Toll Highway Inspector General shall issue a summary report of the investigation. The report shall be delivered to the appropriate authority pursuant to paragraph (3) of subsection (f) of this Section, which shall have 20 days to respond to the report.

(2) The summary report of the investigation shall include the following:

(A) a description of any allegations or other information received by the Toll Highway Inspector General pertinent to the investigation.

(B) a description of any alleged misconduct discovered in the course of the investigation.

(C) recommendations for any corrective or disciplinary action to be taken in response to any alleged misconduct described in the report, including but not limited to discharge.

(D) other information the Toll Highway Inspector General deems relevant to the investigation or resulting recommendations.

(3) Within 60 days after issuance of a final summary report that resulted in a suspension of at least 3 days or termination of employment, the Toll Highway Inspector General shall make the report available to the public by presenting the report to the Board of the Authority and by posting to the Authority's public website. The Toll Highway Inspector General shall redact information in the summary report that may reveal the identity of witnesses, complainants, or informants or if the Toll Highway Inspector General determines it is appropriate to protect the identity of a person before the report is made public. The Toll Highway Inspector General may also redact any information that he or she believes should not be made public, taking into consideration the factors set forth in this subsection and paragraph (1) of subsection (k) of this Section and other factors deemed relevant by the Toll Highway Inspector General to protect the Authority and any investigations by the Toll Highway Inspector General, other inspector general offices or law enforcement agencies. Prior to publication, the Toll Highway Inspector General shall permit the respondents and the appropriate authority pursuant to paragraph (3) of subsection (f) of this Section to review the report and the documents to be made public and offer suggestions for redaction or provide a response that shall be made public with the summary report, provided, however, that the Toll Highway Inspector General shall have the sole and final authority to decide what redactions should be made. The Toll Highway Inspector General may make available to the public any other summary report and any such responses or a redacted version of the report and responses.

(4) When the Toll Highway Inspector General concludes that there is insufficient evidence that a violation has occurred, the Toll Highway Inspector General shall close the investigation. The Toll Highway Inspector General shall provide the appropriate authority pursuant to paragraph (3) of subsection (f) of this Section with a written statement of the Toll Highway Inspector General's decision to close the investigation. At the request of the subject of the investigation, the Toll Highway Inspector General shall provide a written statement to the subject of the investigation of the Toll Highway Inspector General's decision to close the

investigation. Closure by the Toll Highway Inspector General does not bar the Toll Highway Inspector General from resuming the investigation if circumstances warrant.

(f) The Toll Highway Inspector General shall:

(1) have access to all information and personnel necessary to perform the duties of the office.

(2) have the power to subpoena witnesses and compel the production of books and papers pertinent to an investigation authorized by this Section. A subpoena may be issued under this subparagraph (2) only by the Toll Highway Inspector General and not by members of the Toll Highway Inspector General's staff. Any person subpoenaed by the Toll Highway Inspector General has the same rights, under Illinois law, as a person subpoenaed by a grand jury. The power to subpoena or to compel the production of books and papers, however, shall not extend to the person or documents of a labor organization or its representatives insofar as the person or documents of a labor organization relate to the function of representing an employee subject to investigation under this Section. Subject to a person's privilege against self-incrimination, any person who fails to appear in response to a subpoena, answer any question, or produce any books or papers pertinent to an investigation under this Section, except as otherwise provided in this Section, or who knowingly gives false testimony in relation to an investigation under this Section is guilty of a Class A misdemeanor.

(3) submit reports as required by this Section and applicable administrative rules. Final reports and recommendations shall be submitted to the Authority's Executive Director and the Board of Directors for investigations not involving the Board. Final reports and recommendations shall be submitted to the Chair of the Board and to the Governor for investigations of any Board member other than the Chair of the Board. Final reports and recommendations for investigations of the Chair of the Board shall be submitted to the Governor.

(4) assist and coordinate with the ethics officer for the Authority.

(5) participate in or conduct, when appropriate, multi-jurisdictional investigations provided the investigation involves the Authority in some way, including, but not limited to, joint investigations with the Office of the Governor's Executive Inspector General, or with State, local, or federal law enforcement authorities.

(6) serve as the Authority's primary liaison with law enforcement, investigatory, and prosecutorial agencies and, in that capacity, the Toll Highway Inspector General may request any information or assistance that may be necessary for carrying out the duties and responsibilities provided by this Section from any local, state, or federal governmental agency or unit thereof.

(7) review hiring and employment files of the Authority to ensure compliance with Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990), and with all applicable employment laws.

(8) establish a policy that ensures the appropriate handling and correct recording of all investigations conducted by the Office, and ensures that the policy is accessible via the Internet in order that those seeking to report suspected wrongdoing are familiar with the process and that the subjects of those allegations are treated fairly.

(9) receive and investigate complaints or information from an employee of the Authority concerning the possible existence of an activity constituting a violation of law, rules or regulations, mismanagement, abuse of authority, or substantial and specific danger to the public health and safety. Any employee of the Authority who knowingly files a false complaint or files a complaint with reckless disregard for the truth or falsity of the facts underlying the complaint may be subject to discipline.

(10) review, coordinate, and recommend methods and procedures to increase the integrity of the Authority.

(g) Within six months of appointment, the initial Toll Highway Inspector General shall propose rules, in accordance with the provisions of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.], establishing minimum requirements for initiating, conducting, and completing investigations. The rules must establish criteria for determining, based upon the nature of the allegation, the appropriate method of investigation, which may include, but is not limited to, site visits, telephone contacts, personal interviews, or requests for written responses. The rules must establish the process, contents, and timing for final reports and recommendations by the Toll Highway Inspector General and for a response and any remedial, disciplinary, or both action by an individual or individuals receiving the final reports and recommendations. The rules must also clarify how the Office of the Toll Highway Inspector General shall interact with other local, state, and federal law enforcement authorities and investigations. Such rules shall provide that investigations and inquiries by the Office of the Toll Highway Inspector General must be conducted in compliance with the provisions of any collective bargaining agreement that applies to the affected employees of the Authority and that any recommendation for discipline or other action against any employee by the Office of the Toll Highway Inspector General must comply with the provisions of any applicable collective bargaining agreement.

(h) The Office of the Toll Highway Inspector General shall be an independent office of the Authority. Within its annual budget, the Authority shall provide a clearly delineated budget for the Office of the Toll Highway Inspector General. The budget of the Office of the Toll Highway Inspector General shall be adequate to support an independent and effective office.

Except with the consent of the Toll Highway Inspector General, the Authority shall not reduce the budget of the Office of the Toll Highway Inspector General by more than 10 percent (i) within any fiscal year or (ii) over the five-year term of each Toll Highway Inspector General. To the extent allowed by law and the Authority's policies, the Toll Highway Inspector General shall have sole responsibility for organizing the Office of the Toll Highway Inspector General within the budget established by the Toll Highway Board, including the recruitment, supervision, and discipline of the employees of that office. The Toll Highway Inspector General shall report directly to the Board of Directors of the Authority with respect to the prompt and efficient operation of the Office of the Tollway Highway Inspector General.

(i)(1) No Toll Highway Inspector General or employee of the Office of the Toll Highway Inspector General may, during his or her term of appointment or employment:

(A) become a candidate for any elective office;

(B) hold any other elected or appointed public office except for appointments on governmental advisory boards or study commissions or as otherwise expressly authorized by law;

(C) be actively involved in the affairs of any political party or political organization; or

(D) advocate for the appointment of another person to an appointed public office or elected office or position or actively participate in any campaign for any elective office. As used in this paragraph (1), "appointed public office" means a position authorized by law that is filled by an appointing authority as provided by law and does not include employment by hiring in the ordinary course of business.

(2) No Toll Inspector General or employee of the Office of the Toll Highway Inspector General may, for one year after the termination of his or her appointment or employment:

(A) become a candidate for any elective office;

(B) hold any elected public office; or

(C) hold any appointed State, county, or local judicial office.

(3) The requirements of subparagraph (C) of paragraph (2) of this subsection may be waived by the Executive Ethics Commission.

(j) All Board members, officers and employees of the Authority have a duty to cooperate with the Toll Highway Inspector General and employees of the Office of the Toll Highway Inspector General in any investigation undertaken pursuant to this Section. Failure to cooperate includes, but is not limited to, intentional omissions and knowing false statements. Failure to cooperate with an investigation pursuant to this Section is grounds for disciplinary action, including termination of employment. Nothing in this Section limits or alters a person's existing rights or protections under State or federal law.

(k)(1) The identity of any individual providing information or reporting any possible or alleged misconduct to the Toll Highway Inspector General shall be kept confidential and may not be disclosed without the consent of that individual, unless the individual consents to disclosure of his or her name or disclosure of the individual's identity is otherwise required by law. The confidentiality granted by this subsection does not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation.

(2) Subject to the provisions of subsection (e) of this Section, the Toll Highway Inspector General, and employees and agents of the Office of the Toll Highway Inspector General, shall keep confidential and shall not disclose information exempted from disclosure under the Freedom of Information Act [5 ILCS 140/1 et seq.] or by this Act.

(*l*) If the Toll Highway Inspector General determines that any alleged misconduct involves any person not subject to the jurisdiction of the Toll Highway Inspector General, the Toll Highway Inspector General shall refer the reported allegations to the appropriate Inspector General, appropriate ethics commission or other appropriate body. If the Toll Highway Inspector General determines that any alleged misconduct may give rise to criminal penalties, the Toll Highway Inspector General may refer the allegations regarding that misconduct to the appropriate law enforcement authority. If a Toll Highway Inspector General determines that any alleged misconduct resulted in the loss of public funds in an amount of $5,000 or greater, the Toll Highway Inspector General shall refer the allegations regarding that misconduct to the Attorney General and any other appropriate law enforcement authority.

(m) The Toll Highway Inspector General shall provide to the Governor, the Board of the Authority, and the General Assembly a summary of reports and investigations made under this Section no later than March 31 and September 30 of each year. The summaries shall detail the final disposition of the Inspector General's recommendations. The summaries shall not contain any confidential or identifying information concerning the subjects of the reports and investigations. The summaries shall also include detailed, recommended administrative actions and matters for consideration by the Governor, the Board of the Authority, and the General Assembly.

(n) Any employee of the Authority subject to investigation or inquiry by the Toll Highway Inspector General or any agent or representative of the Toll Highway Inspector General concerning misconduct that is criminal in nature shall have the right to be notified of the right to remain silent during the investigation or inquiry and the right to be represented in the investigation or inquiry by an attorney or a representative of a labor organization that is the exclusive collective bargaining representative of employees of the Authority. Any investigation or inquiry by the Toll Highway Inspector General or any agent or representative of the Toll Highway Inspector Gen-

eral must be conducted in accordance with the rights of the employees as set forth in State and federal law and applicable judicial decisions. Any recommendations for discipline or any action taken against any employee by the Toll Highway Inspector General or any representative or agent of the Toll Highway Inspector General must comply with the provisions of the collective bargaining agreement that applies to the employee.

(o) Nothing in this Section shall diminish the rights, privileges, or remedies of a State employee under any other federal or State law, rule, or regulation or under any collective bargaining agreement.

HISTORY:
P.A. 96-1347, § 5.

605 ILCS 10/9 [Powers — Plans and specifications for highways; acquisition and use of property; acceptance of conveyances]

The Authority shall have the power:

(a) To prepare, or cause to be prepared detailed plans, specifications and estimates, from time to time, for the construction, relocation, repair, maintenance and operation of toll highways within and through the State of Illinois.

(b) To acquire, hold and use real and personal property, including rights, rights-of-way, franchises, easements and other interests in land as it may desire, or as may be necessary or convenient for its authorized purposes by purchase, gift, grant or otherwise, and to take title thereto; to acquire in the manner that may now or hereafter be provided for by the law of eminent domain of this State, any real or personal property (including road building materials and public lands, parks, playgrounds, reservations, highways or parkways, or parts thereof, or rights therein, of any person, railroad, public service, public utility, or municipality or political subdivision) necessary or convenient for its authorized purpose. Such acquisition of real property, whether by purchase, gift, condemnation or otherwise, wherever necessary or convenient in the discretion of the Authority, may include the extension of existing rights and easements of access, use and crossing held by any person or persons, interests in land abutting on existing highways, and remnants or remainder property; and such acquisitions of real property may be free and clear of, and without any rights or easements of access, use and crossing in favor of any person or persons including interest in any land adjacent or contiguous to the land so acquired, provided however, that nothing herein contained shall be construed to authorize the taking or damaging of any private property for such purposes by the Authority, without just compensation.

(c) To accept conveyance of fee simple title to, or any lesser interest in, land, rights or property conveyed by the Department of Transportation under Section 4-508.1 of the Illinois Highway Code [605 ILCS 5/4-508.1].

(c-1) To establish presently the approximate locations and widths of rights of way for future additions to the toll highway system to inform the public and prevent costly and conflicting development of the land involved.

The Authority shall hold a public hearing whenever approximate locations and widths of rights of way for future toll highway additions are to be established. The hearing shall be held in or near the county or counties in which the land to be used is located and notice of the hearing shall be published in a newspaper or newspapers of general circulation in the county or counties involved. Any interested person or his or her representative may be heard. The Authority shall evaluate the testimony given at the hearing.

The Authority shall make a survey and prepare a map showing the location and approximate widths of the rights of way needed for future additions to the toll highway system. The map shall show existing highways in the area involved and the property lines and owners of record of all land that will be needed for the future additions and all other pertinent information. Approval of the map with any changes resulting from the hearing shall be indicated in the record of the hearing and a notice of the approval and a copy of the map shall be filed in the office of the recorder for all counties in which the land needed for future additions is located.

Public notice of the approval and filing shall be given in newspapers of general circulation in all counties in which the land is located and shall be served by registered mail within 60 days thereafter on all owners of record of the land needed for future additions.

The Authority may approve changes in the map from time to time. The changes shall be filed and notice given in the manner provided for an original map.

After the map is filed and notice thereof given to the owners of record of the land needed for future additions, no person shall incur development costs or place improvements in, upon, or under the land involved nor rebuild, alter, or add to any existing structure without first giving 60 days' notice by registered mail to the Authority. This prohibition shall not apply to any normal or emergency repairs to existing structures. The Authority shall have 45 days after receipt of that notice to inform the owner of the Authority's intention to acquire the land involved, after which it shall have an additional 120 days to acquire the land by purchase or to initiate action to acquire the land through the exercise of the right of eminent domain. When the right of way is acquired by the Authority, no damages shall be allowed for any construction, alteration, or addition in violation of this subsection (c-1) unless the Authority has failed to acquire the land by purchase or has abandoned an eminent domain proceeding initiated in accordance with this subsection (c-1).

Any right of way needed for additions to the toll highway system may be acquired at any time by the Authority. The time of determination of the value of the property to be taken under this Section for additions to the toll highway system shall be the date of the actual taking, if the property is acquired by purchase, or the date of the filing of a complaint for condemnation, if the property is acquired through the exercise of the right of eminent domain, rather than the date when the map of the proposed right of way was filed of record.

(c-2) Not more than 10 years after a protected corridor is established under subsection (c-1), and not later than the expiration of each 10-year period thereafter, the Authority shall hold a public hearing to discuss the viability and feasibility of the protected corridor. Following the hearing and giving due consideration to the information obtained at the hearing, the Board of Directors of the Authority shall vote to either continue or abolish the protected corridor.

(d) It is hereby declared, as a matter of legislative determination, that the fundamental goal of the people of Illinois is the educational development of all persons to the limits of their capacities, and this educational development requires the provision of environmentally and physically safe facilities.

If the building line of a building used primarily for the purpose of educating elementary or secondary students lies within 100 feet of any ingress or egress ramp that is used or that has been used by traffic exiting or entering any toll highway operated by the Toll Highway Authority, the Toll Highway Authority shall acquire the building, together with any property owned, leased, or utilized adjacent to it and pertaining to its educational operations, from the school district that owns or operates it, for just compensation. "Just compensation" for purposes of this subsection (d) means the replacement cost of the building and adjacent property so that the students educated in the building have the opportunity to be educated according to standards prevailing in the State of Illinois.

HISTORY:
P.A. 86-1164; 89-297, § 5; 90-681, § 5.

605 ILCS 10/9.5 Acquisition by purchase or by condemnation

The Authority is authorized to acquire by purchase or by condemnation, in the manner provided for the exercise of the power of eminent domain under the Eminent Domain Act [35 ILCS 30/1-1-1 et seq.], any and all lands, buildings, and grounds necessary or convenient for its authorized purpose. The Authority shall comply with the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, Public Law 91-646 [42 U.S.C. § 4601 et seq.], as amended, and the implementing regulations in 49 CFR Part 24 and is authorized to operate a relocation program and to pay relocation costs. If there is a conflict between the provisions of this amendatory Act of 1998 and the provisions of the federal law or regulations, however, the provisions of this amendatory Act of 1998 shall control with the exception that the Authority shall use whichever law or regulation provides the highest payment limit. The Authority is authorized to exceed the maximum payment limits of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act when necessary to ensure the provision of decent, safe, or sanitary housing, or to secure a suitable relocation site. The Authority may not adopt rules to implement the federal law or regulations referenced in this Section unless those rules have received the prior approval of the Joint Committee on Administrative Rules.

HISTORY:
P.A. 90-681, § 5; 94-1055, § 95-10-360; 98-736, § 5.

605 ILCS 10/9.7 Eminent domain

Notwithstanding any other provision of this Act, any power granted under this Act to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.].

HISTORY:
P.A. 94-1055, § 95-5-750.

605 ILCS 10/9.10 Acquisition of property

(a) Prior to the initiation of negotiations, the Authority shall establish an amount that it believes is just compensation for the property. The amount shall not be less than the appraisal of the fair market value of the property. Promptly thereafter, the Authority shall make a written offer to the owner to acquire the property for the full amount believed to be just compensation. Along with the initial written purchase offer, the owner shall be given a written statement of the basis for the offer. For owner-occupied dwellings, upon the owner's request, the Authority shall exchange its approved appraisal with the owner's appraisal obtained from a State-certified general real estate appraiser.

(b) The Authority shall make every reasonable effort to contact the owner or the owner's representative and discuss its offer to purchase the property. The owner shall be given every reasonable opportunity to consider the offer and present material that the owner believes is relevant to determining the value of the property, including an appraisal obtained by the owner from a State-certified general real estate appraiser, and to suggest modifications in the proposed terms and conditions of the purchase. The Authority shall pay for the cost of the owner's appraisal for an owner-occupied dwelling.

(c) To the extent permitted by applicable law, the appraiser shall disregard any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or caused by the likelihood that the property would be acquired for the project, other than that due to the

physical deterioration of the property that was within the reasonable control of the owner. If comparable sales of similar properties are factored into the amount of just compensation offered by the Authority, those comparable sales must have been with respect to property located outside the protected corridor.

(d) When the Authority acquires an owner-occupied dwelling the Authority shall reimburse the property owner up to $500 for reasonable attorney's fees actually incurred by the property owner related to closing costs in conjunction with the property owner's purchase of a replacement dwelling.

HISTORY:
P.A. 90-681, § 5.

605 ILCS 10/9.12 Land disclosure requirements

(a) Disclosure required. The Authority may not enter into any agreement or understanding for the use or acquisition of land that is intended to be used or acquired for toll highway purposes unless full disclosure of all beneficial interests in the land is made under this Section.

(b) Condemnation proceedings. If the Authority commences condemnation proceedings to acquire land that is intended to be used or acquired for toll highway purposes, the holders of all beneficial interests in the land must make full disclosure under this Section unless the court determines that the disclosure would cause irreparable harm to one or more holders of a beneficial interest.

(c) Beneficial interests. Each holder of any beneficial interest in the land, including without limitation beneficial interests in a land trust, must be disclosed, including both individuals and other entities. If any beneficial interest is held by an entity, other than an entity whose shares are publicly traded, and not by an individual, then all the holders of any beneficial interest in that entity must be disclosed. This requirement continues at each level of holders of beneficial interests until all beneficial interests of all individuals in all entities, other than entities whose shares are publicly traded, have been disclosed.

(d) Written statement. Disclosure must be made by a written statement filed (i) with the Authority contemporaneously with the execution of the agreement or understanding or (ii) in the case of a condemnation proceeding, with the Authority and the court within a time period ordered by the court. Each individual and entity must be disclosed by name and address and by a description of the interest held, including the percentage interest in the land held by the individual or entity. The statement must be verified, subject to penalty of perjury, by the individual who holds the greatest percentage of beneficial interest in the land.

(e) Recordation. The Authority must file the statement of record with the recorder of each county in which any part of the land is located within 3 business days after the statement is filed with the Authority.

(f) Agreements and understandings void. Any agreement or understanding in violation of this Act is void.

(g) Penalty. A person who knowingly violates this Section is guilty of a business offense and shall be fined $10,000.

(h) Other disclosure requirements. The disclosure required under this Act is in addition to, and not in lieu of, any other disclosure required by law.

HISTORY:
P.A. 92-759, § 5.

605 ILCS 10/9.15 Owner retention of certain items

The owner of property to be acquired by the Authority shall have the right to retain ownership of a dwelling's cabinets, moldings, and fixtures. If the Authority acquires the dwelling, the property owner may remove cabinets, moldings, and fixtures if stipulated in the agreement to purchase the property.

HISTORY:
P.A. 90-681, § 5.

605 ILCS 10/9.20 Condemnation proceeding expenses

The owner of property to be acquired by the Authority shall be reimbursed for any reasonable expenses, including reasonable attorney, appraisal, and engineering fees, that the owner actually incurred because of a condemnation proceeding if:

(1) the final judgement of the court is that the Authority cannot acquire the property by condemnation; or

(2) the condemnation proceeding is abandoned by the Authority other than under an agreed-upon settlement.

HISTORY:
P.A. 90-681, § 5.

605 ILCS 10/9.25 Comparable replacement dwelling; additional or supplemental housing payment

Whenever the cost of a comparable replacement dwelling is greater than what the Authority paid the property owner, the Authority shall provide additional or supplemental housing payments. No person shall be required to move from a dwelling unless comparable replacement housing is available to the person. The total of additional or supplemental housing payments to a property owner under this Section shall not exceed $25,000.

HISTORY:
P.A. 90-681, § 5.

605 ILCS 10/9.30 Moving Expenses and Direct Losses of Personal Property Caused by Displacement

The Authority is authorized to pay, as part of the cost of construction of any project on a toll highway, to any person displaced by the highway project (1) actual reasonable expenses in moving himself or herself, his or her family, and his or her business, farm operation, or other personal property; (2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation but not to exceed an amount equal to the reasonable expenses that would have been required to relocate the property, as determined by the Authority; (3) actual reasonable expenses in searching for a replacement business or farm; and (4) actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed $10,000.

HISTORY:
P.A. 90-681, § 5.

605 ILCS 10/9.35 Expense and Dislocation Allowance

In lieu of the payments authorized to be paid under this Act, the Authority may pay any person displaced from a dwelling, who elects to accept the payment, an expense and dislocation allowance which shall be determined according to a schedule established by the Authority.

HISTORY:
P.A. 90-681, § 5.

605 ILCS 10/9.40 Relocation Payments

In lieu of the payments authorized to be paid under this Act, the Authority may pay any person who moves or discontinues his or her business or farm operation, who elects to accept the payment, a fixed relocation payment in an amount equal to the average annual net earnings of the business or the farm operation, except that the payment shall be not less than $1,000 nor more than $20,000.

HISTORY:
P.A. 90-681, § 5.

605 ILCS 10/9.45 Additional Payments for Dwelling and Rental of Dwelling

(a) In addition to the amounts authorized to be paid under this Act by the Authority, the Authority may, as a part of the cost of construction, make a payment not to exceed $25,000 to any displaced person who is displaced from a dwelling acquired for a toll highway project actually owned and occupied by the displaced person for not less than 180 days before the initiation of negotiations for the acquisition of the property. The payment shall include the following elements:

(1) The amount, if any, which, when added to the acquisition cost of the dwelling acquired equals the reasonable cost of a comparable replacement dwelling determined in accordance with standards established by the Authority to be a decent, safe, and sanitary dwelling adequate to accommodate the displaced person, reasonably accessible to public services and places of employment, and available on the private market.

(2) The amount, if any, which will compensate the displaced person for any increased interest costs which the person is required to pay for financing the acquisition of any such comparable replacement dwelling. The amount shall be paid only if the dwelling acquired by the Authority was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than 180 days before the initiation of negotiations for the acquisition of the dwelling.

(3) Reasonable expenses incurred by the displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(b) The additional payment authorized under subsection (a) shall not exceed $25,000 and shall be made only to a displaced person who purchases and occupies a replacement dwelling that meets the standards established by the Authority to be decent, safe and sanitary, not later than the end of the one year period beginning on the date on which he or she receives from the Authority final payment of all costs of the acquired dwelling, or on the date on which he or she moves from the dwelling acquired for the highway project, whichever is the later date.

(c) Any displaced person who is not eligible to receive payment under subsection (a) and who is displaced from any dwelling which was actually and lawfully occupied by the displaced person for not less than 90 days before the initiation of negotiations for acquisition of the dwelling, may be paid by the Authority either (1) an amount necessary to enable the displaced person to lease or rent, for a period not to exceed 42 months, a decent, safe, and sanitary dwelling of standards adequate to accommodate the person in areas not generally less desirable in regard to public utilities and public and commercial facilities and reasonably accessible to his or her place of employment, but not to exceed the sum of $5,250, or (2) the amount necessary to enable the person to make a down payment, including incidental expenses described in item (1) of this subsection (c), on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate the person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed the amount payable under item (1) of this subsection (c), except that in the case of a homeowner who owned and occupied the displaced dwelling for at least 90 days but not more than 180 days immediately before the initiating of negotiations, the down payment shall not exceed the amount payable under

this Act for persons who owned and occupied the property for 180 days before the initiation of negotiations.

(d) If comparable replacement sale or rental housing is not available within the limitations of this Section, the Authority may make a payment in excess of the maximum payments authorized by this Section as required to provide replacement housing.

HISTORY:
P.A. 90-681, § 5.

605 ILCS 10/9.50 Reimbursement for Certain Expenses and Mortgage Penalty

In addition to the other amounts authorized to be paid under this Act, the Authority may reimburse the owner of real property acquired for a toll highway project the reasonable and necessary expenses incurred for (1) recording fees, transfer taxes, and similar expenses incidental to conveying the real property; and (2) penalty costs for prepayment of any pre-existing recorded mortgages entered into in good faith encumbering the real property.

HISTORY:
P.A. 90-681, § 5.

605 ILCS 10/9.60 Construction in Relation to Eminent Domain

Nothing contained in this amendatory Act of 1998 creates in any proceedings brought under the power of eminent domain any element of damages not in existence on the effective date of this amendatory Act of 1998.

HISTORY:
P.A. 90-681, § 5.

605 ILCS 10/10 [Powers — Rules and regulations; tolls; acceptance of conveyances]

The Authority shall have power:

(a) To pass resolutions, make by-laws, rules and regulations for the management, regulation and control of its affairs, and to fix tolls, and to make, enact and enforce all needful rules and regulations in connection with the construction, operation, management, care, regulation or protection of its property or any toll highways, constructed or reconstructed hereunder. Any by-laws adopted under this Section shall include a requirement that directors disclose and avoid potential conflicts of interest. The by-laws shall be posted on the Authority's website.

(a-5) To fix, assess, and collect civil fines for a vehicle's operation on a toll highway without the required toll having been paid. The Authority may establish by rule a system of civil administrative adjudication to adjudicate only alleged instances of a vehicle's operation on a toll highway without the required toll having been paid, as detected by the Authority's video or photo surveillance system. In cases in which the operator of the vehicle is not the registered vehicle owner, the establishment of ownership of the vehicle creates a rebuttable presumption that the vehicle was being operated by an agent of the registered vehicle owner. If the registered vehicle owner liable for a violation under this Section was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator in the circuit court. Rules establishing a system of civil administrative adjudication must provide for written notice, by first class mail or other means provided by law, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of the lease, of the alleged violation and an opportunity to be heard on the question of the violation and must provide for the establishment of a toll-free telephone number to receive inquiries concerning alleged violations. The notice shall also inform the registered vehicle owner that failure to contest in the manner and time provided shall be deemed an admission of liability and that a final order of liability may be entered on that admission. A duly authorized agent of the Authority may perform or execute the preparation, certification, affirmation, or mailing of the notice. A notice of violation, sworn or affirmed to or certified by a duly authorized agent of the Authority, or a facsimile of the notice, based upon an inspection of photographs, microphotographs, videotape, or other recorded images produced by a video or photo surveillance system, shall be admitted as prima facie evidence of the correctness of the facts contained in the notice or facsimile. Only civil fines, along with the corresponding outstanding toll, and costs may be imposed by administrative adjudication. A fine may be imposed under this paragraph only if a violation is established by a preponderance of the evidence. Judicial review of all final orders of the Authority under this paragraph shall be conducted in the circuit court of the county in which the administrative decision was rendered in accordance with the Administrative Review Law [735 ILCS 5/3-101 et seq.].

The Authority may maintain a listing or searchable database on its website of persons or entities that have been issued one or more final orders of liability with a total amount due of more than $1,000 for tolls, fines, unpaid late fees, or administrative costs that remain unpaid after the exhaustion of, or the failure to exhaust, the judicial review procedures under the Administrative Review Law. Each entry may include the person's or entity's name as listed on the final order of liability.

Any outstanding toll, fine, additional late payment fine, other sanction, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of, or the

failure to exhaust, judicial review procedures under the Administrative Review Law are a debt due and owing the Authority and may be collected in accordance with applicable law. After expiration of the period in which judicial review under the Administrative Review Law may be sought, unless stayed by a court of competent jurisdiction, a final order of the Authority under this subsection (a-5) may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. Notwithstanding any other provision of this Act, the Authority may, with the approval of the Attorney General, retain a law firm or law firms with expertise in the collection of government fines and debts for the purpose of collecting fines, costs, and other moneys due under this subsection (a-5).

A system of civil administrative adjudication may also provide for a program of vehicle immobilization, tow, or impoundment for the purpose of facilitating enforcement of any final order or orders of the Authority under this subsection (a-5) that result in a finding or liability for 5 or more violations after expiration of the period in which judicial review under the Administrative Review Law may be sought. The registered vehicle owner of a vehicle immobilized, towed, or impounded for nonpayment of a final order of the Authority under this subsection (a-5) shall have the right to request a hearing before the Authority's civil administrative adjudicatory system to challenge the validity of the immobilization, tow, or impoundment. This hearing, however, shall not constitute a readjudication of the merits of previously adjudicated notices. Judicial review of all final orders of the Authority under this subsection (a-5) shall be conducted in the circuit court of the county in which the administrative decision was rendered in accordance with the Administrative Review Law.

No commercial entity that is the lessor of a vehicle under a written lease agreement shall be liable for an administrative notice of violation for toll evasion issued under this subsection (a-5) involving that vehicle during the period of the lease if the lessor provides a copy of the leasing agreement to the Authority within 30 days of the issue date on the notice of violation. The leasing agreement also must contain a provision or addendum informing the lessee that the lessee is liable for payment of all tolls and any fines for toll evasion. Each entity must also post a sign at the leasing counter notifying the lessee of that liability. The copy of the leasing agreement provided to the Authority must contain the name, address, and driver's license number of the lessee, as well as the check-out and return dates and times of the vehicle and the vehicle license plate number and vehicle make and model.

As used in this subsection (a-5), "lessor" includes commercial leasing and rental entities but does not include public passenger vehicle entities.

The Authority shall establish an amnesty program for violations adjudicated under this subsection (a-5). Under the program, any person who has an outstanding notice of violation for toll evasion or a final order of a hearing officer for toll evasion dated prior to the effective date of this amendatory Act of the 94th General Assembly [P.A. 94-636] and who pays to the Authority the full percentage amounts listed in this paragraph remaining due on the notice of violation or final order of the hearing officer and the full fees and costs paid by the Authority to the Secretary of State relating to suspension proceedings, if applicable, on or before 5:00 p.m., Central Standard Time, of the 60th day after the effective date of this amendatory Act of the 94th General Assembly shall not be required to pay more than the listed percentage of the original fine amount and outstanding toll as listed on the notice of violation or final order of the hearing officer and the full fees and costs paid by the Authority to the Secretary of State relating to suspension proceedings, if applicable. The payment percentage scale shall be as follows: a person with 25 or fewer violations shall be eligible for amnesty upon payment of 50% of the original fine amount and the outstanding tolls; a person with more than 25 but fewer than 51 violations shall be eligible for amnesty upon payment of 60% of the original fine amount and the outstanding tolls; and a person with 51 or more violations shall be eligible for amnesty upon payment of 75% of the original fine amount and the outstanding tolls. In such a situation, the Executive Director of the Authority or his or her designee is authorized and directed to waive any late fine amount above the applicable percentage of the original fine amount. Partial payment of the amount due shall not be a basis to extend the amnesty payment deadline nor shall it act to relieve the person of liability for payment of the late fine amount. In order to receive amnesty, the full amount of the applicable percentage of the original fine amount and outstanding toll remaining due on the notice of violation or final order of the hearing officer and the full fees and costs paid by the Authority to the Secretary of State relating to suspension proceedings, if applicable, must be paid in full by 5:00 p.m., Central Standard Time, of the 60th day after the effective date of this amendatory Act of the 94th General Assembly. This amendatory Act of the 94th General Assembly has no retroactive effect with regard to payments already tendered to the Authority that were full payments or payments in an amount greater than the applicable percentage, and this Act shall not be the basis for either a refund or a credit. This amendatory Act of the 94th General Assembly does not apply to toll evasion citations issued by the Illinois State Police or other authorized law enforcement agencies and for which payment may be due to or through the clerk of the circuit court. The Authority shall adopt rules as necessary to implement the provisions of this amendatory Act of the 94th General Assembly. The Authority, by a reso-

lution of the Board of Directors, shall have the discretion to implement similar amnesty programs in the future. The Authority, at its discretion and in consultation with the Attorney General, is further authorized to settle an administrative fine or penalty if it determines that settling for less than the full amount is in the best interests of the Authority after taking into account the following factors: (1) the merits of the Authority's claim against the respondent; (2) the amount that can be collected relative to the administrative fine or penalty owed by the respondent; (3) the cost of pursuing further enforcement or collection action against the respondent; (4) the likelihood of collecting the full amount owed; and (5) the burden on the judiciary. The provisions in this Section may be extended to other toll facilities in the State of Illinois through a duly executed agreement between the Authority and the operator of the toll facility.

(b) To prescribe rules and regulations applicable to traffic on highways under the jurisdiction of the Authority, concerning:

(1) Types of vehicles permitted to use such highways or parts thereof, and classification of such vehicles;

(2) Designation of the lanes of traffic to be used by the different types of vehicles permitted upon said highways;

(3) Stopping, standing, and parking of vehicles;

(4) Control of traffic by means of police officers or traffic control signals;

(5) Control or prohibition of processions, convoys, and assemblages of vehicles and persons;

(6) Movement of traffic in one direction only on designated portions of said highways;

(7) Control of the access, entrance, and exit of vehicles and persons to and from said highways; and

(8) Preparation, location and installation of all traffic signs; and to prescribe further rules and regulations applicable to such traffic, concerning matters not provided for either in the foregoing enumeration or in the Illinois Vehicle Code [625 ILCS 5/1-100 et seq.]. Notice of such rules and regulations shall be posted conspicuously and displayed at appropriate points and at reasonable intervals along said highways, by clearly legible markers or signs, to provide notice of the existence of such rules and regulations to persons traveling on said highways. At each toll station, the Authority shall make available, free of charge, pamphlets containing all of such rules and regulations.

(c) The Authority, in fixing the rate for tolls for the privilege of using the said toll highways, is authorized and directed, in fixing such rates, to base the same upon annual estimates to be made, recorded and filed with the Authority. Said estimates shall include the following: The estimated total amount of the use of the toll highways; the estimated amount of the revenue to be derived therefrom, which said revenue, when added to all other receipts and income, will be sufficient to pay the expense of maintaining and operating said toll highways, including the administrative expenses of the Authority, and to discharge all obligations of the Authority as they become due and payable.

(d) To accept from any municipality or political subdivision any lands, easements or rights in land needed for the operation, construction, relocation or maintenance of any toll highways, with or without payment therefor, and in its discretion to reimburse any such municipality or political subdivision out of its funds for any cost or expense incurred in the acquisition of land, easements or rights in land, in connection with the construction and relocation of the said toll highways, widening, extending roads, streets or avenues in connection therewith, or for the construction of any roads or streets forming extension to and connections with or between any toll highways, or for the cost or expense of widening, grading, surfacing or improving any existing streets or roads or the construction of any streets and roads forming extensions of or connections with any toll highways constructed, relocated, operated, maintained or regulated hereunder by the Authority. Where property owned by a municipality or political subdivision is necessary to the construction of an approved toll highway, if the Authority cannot reach an agreement with such municipality or political subdivision and if the use to which the property is being put in the hands of the municipality or political subdivision is not essential to the existence or the administration of such municipality or political subdivision, the Authority may acquire the property by condemnation.

HISTORY:

P.A. 86-1164; 89-120, § 5; 94-636, § 5; 98-559, § 5; 99-214, § 5; 2018 P.A. 100-1180, § 5, effective February 28, 2019.

605 ILCS 10/11 [Powers — Entry upon lands; construction of toll stations and structures; contracts; other regulations]

The Authority shall have power:

(a) To enter upon lands, waters and premises in the State for the purpose of making surveys, soundings, drillings and examinations as may be necessary, expedient or convenient for the purposes of this Act, and such entry shall not be deemed to be a trespass, nor shall an entry for such purpose be deemed an entry under any condemnation proceedings which may be then pending; provided, however, that the Authority shall make reimbursement for any actual damage resulting to such lands, waters and premises as the result of such activities.

(b) To construct, maintain and operate stations for the collection of tolls or charges upon and along any toll highways.

(c) To provide for the collection of tolls and charges for the privilege of using the said toll highways. Before it adopts an increase in the rates for toll, the Authority shall hold a public hearing at which any person may appear, express opinions, suggestions, or objections, or direct inquiries relating to the proposed increase. Any person may submit a written statement to the Authority at the hearing, whether appearing in person or not. The hearing shall be held in the county in which the proposed increase of the rates is to take place. The Authority shall give notice of the hearing by advertisement on 3 successive days at least 15 days prior to the date of the hearing in a daily newspaper of general circulation within the county within which the hearing is held. The notice shall state the date, time, and place of the hearing, shall contain a description of the proposed increase, and shall specify how interested persons may obtain copies of any reports, resolutions, or certificates describing the basis on which the proposed change, alteration, or modification was calculated. After consideration of any statements filed or oral opinions, suggestions, objections, or inquiries made at the hearing, the Authority may proceed to adopt the proposed increase of the rates for toll. No change or alteration in or modification of the rates for toll shall be effective unless at least 30 days prior to the effective date of such rates notice thereof shall be given to the public by publication in a newspaper of general circulation, and such notice, or notices, thereof shall be posted and publicly displayed at each and every toll station upon or along said toll highways.

(d) To construct, at the Authority's discretion, grade separations at intersections with any railroads, waterways, street railways, streets, thoroughfares, public roads or highways intersected by the said toll highways, and to change and adjust the lines and grades thereof so as to accommodate the same to the design of such grade separation and to construct interchange improvements. The Authority is authorized to provide such grade separations or interchange improvements at its own cost or to enter into contracts or agreements with reference to division of cost therefor with any municipality or political subdivision of the State of Illinois, or with the Federal Government, or any agency thereof, or with any corporation, individual, firm, person or association. Where such structures have been or will be built by the Authority, the local highway agency or municipality with jurisdiction shall enter into an agreement with the Authority for the ongoing maintenance of the structures.

(e) To contract with and grant concessions to or lease or license to any person, partnership, firm, association or corporation so desiring the use of any part of any toll highways, excluding the paved portion thereof, but including the right of way adjoining, under, or over said paved portion for the placing of telephone, telegraph, electric, power lines and other utilities, and for the placing of pipe lines, and to enter into operating agreements with or to contract with and grant concessions to or to lease to any person, partnership, firm, association or corporation so desiring the use of any part of the toll highways, excluding the paved portion thereof, but including the right of way adjoining, or over said paved portion for motor fuel service stations and facilities, garages, stores and restaurants, or for any other lawful purpose, and to fix the terms, conditions, rents, rates and charges for such use.

By January 1, 2016, the Authority shall construct and maintain at least one electric vehicle charging station at any location where the Authority has entered into an agreement with any entity pursuant to this subsection (e) for the purposes of providing motor fuel service stations and facilities, garages, stores, or restaurants. The Authority shall charge a fee for the use of these charging stations to offset the costs of constructing and maintaining these charging stations. The Authority shall adopt rules to implement the erection, user fees, and maintenance of electric vehicle charging stations pursuant to this subsection (e).

The Authority shall also have power to establish reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation and removal of pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called public utilities) of any public utility as defined in the Public Utilities Act [220 ILCS 5/1-101 et seq.] along, over or under any toll road project. Whenever the Authority shall determine that it is necessary that any such public utility facilities which now are located in, on, along, over or under any project or projects be relocated or removed entirely from any such project or projects, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the Authority. All costs and expenses of such relocation or removal, including the cost of installing such facilities in a new location or locations, and the cost of any land or lands, or interest in land, or any other rights required to accomplish such relocation or removal shall be ascertained and paid by the Authority as a part of the cost of any such project or projects, and further, there shall be no rent, fee or other charge of any kind imposed upon the public utility owning or operating any facilities ordered relocated on the properties of the said Authority and the said Authority shall grant to the said public utility owning or operating said facilities and its successors and assigns the right to operate the same in the new location or locations for as long a period and upon the same terms and conditions as it had the right to maintain and operate such facilities in their former location or locations.

(f) To enter into an intergovernmental agreement or contract with a unit of local government or

other public or private entity for the collection, enforcement, and administration of tolls, fees, revenue, and violations, including for a private bridge operator's collection, enforcement, and administration of tolls, violations, fees, fines, charges, and penalties in connection with a bridge authorized under the Toll Bridge Act [605 ILCS 115/1 et seq.].

The General Assembly finds that electronic toll collection systems in Illinois should be standardized to promote safety, efficiency, and traveler convenience. The Authority shall cooperate with other public and private entities to further the goal of standardized toll collection in Illinois and is authorized to provide toll collection and toll violation enforcement services to such entities when doing so is in the best interest of the Authority and consistent with its obligations under Section 23 of this Act [605 ILCS 10/23].

HISTORY:
P.A. 86-1164; 90-681, § 5; 94-636, § 5; 97-252, § 10; 98-442, § 15; 2017 P.A. 100-71, § 5, effective January 1, 2018; 2019 P.A. 101-398, § 10, effective August 16, 2019.

605 ILCS 10/11.1 Public-private partnerships

The Authority may exercise all powers granted to it under the Public-Private Partnerships for Transportation Act [630 ILCS 5/1 et seq.].

HISTORY:
P.A. 97-502, § 945.

605 ILCS 10/11.2 Innovations for Transportation Infrastructure Act.

The Authority may exercise all powers granted to it under the Innovations for Transportation Infrastructure Act [630 ILCS 10/1 et. seq.], including, but not limited to, the power to enter into all contracts or agreements necessary to perform its powers under that Act, and any powers related to a transportation facility implemented under that Act.

History.
2022 P.A. 102-1094, § 935, effective June 15, 2022.

605 ILCS 10/12 [Signs of chief accessible traffic generator]

The Authority shall erect and maintain at connecting roads on each toll highway suitable signs showing the name of the chief accessible traffic generator in either direction along each such connecting road. The size and designations on such signs and the distance from intersections where they shall be erected shall conform with the Illinois Manual on Uniform Traffic Control Devices for Streets and Highways.

HISTORY:
P.A. 83-1258.

605 ILCS 10/13 [Grants from and transactions with Federal Government]

The Authority is authorized, without limitation to the foregoing powers, to accept grants from and enter into contracts, leases, or other transactions with the Federal Government, or any agency thereof, necessary or expedient to carry out the provisions of this Act.

HISTORY:
Laws 1967, p. 2748.

605 ILCS 10/14 [Studies to determine feasibility of construction; prerequisites]

(a) The Authority shall, prior to the commencement of any engineering and traffic study or studies to determine the feasibility of constructing additional toll highways within the State of Illinois, submit to the Governor for his approval, the route, or routes, proposed for additional toll highways together with an estimate of the cost of the proposed study or studies. If the Governor shall approve such proposed study or studies and the estimated cost thereof, or shall fail to disapprove such proposed study or studies and estimate of cost thereof, within 30 days after receipt thereof, the Authority may, thereupon, proceed with such study or studies.

(b) The Authority shall create a local advisory committee of members from each county in which any portion of an additional toll highway is proposed to be constructed. The committee members shall be designated by township and municipal governing bodies in proportion to the percentage of corridor property situated within the unincorporated area of a township and incorporated municipalities located in the same township. No less than 50% of the members of this committee shall be representatives of organized citizen groups directly affected by the proposed corridor. All meetings shall be held in compliance with the Open Meetings Act [5 ILCS 120/1 et seq.]. The committee shall consider and advise the Authority with respect to the impact on property owners, land use, and other impacts of the proposed highway. The committee shall be dissolved when one year has elapsed since the opening of the tollway for which the committee was created.

HISTORY:
Laws 1967, p. 2748; P.A. 90-681, § 5; 96-304, § 5.

605 ILCS 10/14.1 [Plans of proposed location prior to issuance of bonds]

The Authority shall, prior to the issuance of any bonds under this Act, except refunding bonds, prepare and submit to the Governor for his approval preliminary plans showing the proposed location of the route or routes of the particular toll highway for which the bonds are to be issued, which plans shall designate the approximate point of the commencement and the termination of said route or routes and

shall also designate the municipalities to be afforded reasonable connections therewith, and to be served thereby. The Authority shall at the same time submit to the Governor for his approval preliminary estimates of the cost of the construction of the toll highway, shown on said preliminary plans. If the Governor shall approve the preliminary plans and the estimate of the cost thereof, the Authority may thereupon proceed with the issuance of bonds as hereinafter provided. Prior to the issuance of bonds for or the commencement of construction of any new toll highway, however, that particular toll highway shall be authorized by joint resolution of the General Assembly.

HISTORY:
P.A. 86-1164.

605 ILCS 10/14.2 [Public hearing]

Prior to submission of preliminary plans to the Governor, the Authority shall hold a public hearing at which any person may appear, express opinions, suggestions or objections or direct inquiries relating to the proposed toll highway to the Directors. Any person may submit a written statement to the Authority at the hearing, whether appearing in person or not. The hearing shall be held in a county through which the proposed toll highway is to be constructed and shall be attended by at least 5 Directors. The Authority shall give notice of the hearing by advertisement on three successive days at least 15 days prior to the date of the hearing in a daily newspaper published in and of general circulation in each county through which the proposed toll highway is to be constructed or, if there be no such newspaper, then in a daily newspaper of general circulation in the county. Such notice shall state the date, time and place of the hearing, the route of the proposed toll highway, the municipalities to be afforded immediate access thereto, and the estimated cost of the proposed toll highway. The proceedings at the hearing shall be transcribed, the transcript shall thereafter be made available at reasonable hours for public inspection and a copy thereof together with a copy of all written statements submitted at the hearing, shall be submitted to the Governor with the Authority's preliminary plans.

HISTORY:
P.A. 81-1363.

605 ILCS 10/15 [Attorney General as legal representative]

The Attorney General of the State of Illinois, shall be ex officio attorney for the said Authority and he shall be its legal adviser and legal representative. In addition to the specific duties imposed upon the said Attorney General, under the provisions of this Act, it shall be his further duty to act as attorney for the Authority in all of its transactions, and to represent the Authority in all of its litigation, and to examine and approve all contracts, leases, bonds or other undertakings or obligations entered into by the Authority, as to their form and constitutionality prior to their execution and delivery.

HISTORY:
Laws 1967, p. 2748.

605 ILCS 10/16 [Contracts for construction; bidding]

All contracts let for the construction of any work authorized to be done under the provisions of the Act, where the amount thereof is in excess of a small purchase amount, as defined in Section 20-20 of the Illinois Procurement Code [30 ILCS 500/20-20], shall be let to the lowest responsible bidder, or bidders, on open, competitive bidding after public advertisement made at least 15 days prior to the opening of bids, in the Illinois Procurement Bulletin, in such manner and at such intervals, as may be prescribed by the Authority except for contracts for the completion of a terminated or defaulted contract. The successful bidders for such work shall enter into contracts furnished and prescribed by the Authority. Such contracts shall contain a provision that such successful bidder shall indemnify and save harmless the State of Illinois for any accidental injuries or damages arising out of his negligence in the performance of such contract, and shall, and in addition, execute and give bonds, payable to the Authority, with a corporate surety authorized to do business under the laws of the State of Illinois, equal to at least 50% of the contract price, one conditioned upon faithful performance of the contract and the other for the payment of all labor furnished and materials supplied in the prosecution of the contracted work.

HISTORY:
P.A. 86-1164; 96-592, § 5.

605 ILCS 10/16.1 [Contracts for services or supplies; bidding]

(A) All contracts for services or supplies required from time to time by the Authority in the maintenance and operation of any toll highway or part thereof under the provisions of this Act or all direct contracts for supplies to be used in the construction of any toll highway or part thereof to be awarded under this Section, rather than as a part of a contract pursuant to Section 16 of this Act [605 ILCS 10/16], when the amount of any such supplies or services is in excess of a small purchase amount, as defined in Section 20-20 of the Illinois Procurement Code [30 ILCS 500/20-20], shall be let to the lowest responsible bidder or bidders, on open, competitive bidding after public advertisement made at least 5 days prior to the opening of bids, in the Illinois Procurement Bulletin, in such manner and on one or more occasions as may be prescribed by the Authority, except that bidding shall not be required in the following cases:

1. Where the goods or services to be procured are economically procurable from only one source, such as contracts for telephone service, electric energy and other public utility services, housekeeping services, books, pamphlets and periodicals and specially designed business equipment and software.

2. Where the services required are for professional, technical or artistic skills.

3. Where the services required are for advertising, promotional and public relations services.

4. In emergencies, provided that an affidavit of the person or persons authorizing the expenditure shall be filed with the Authority and the Auditor General within 10 days after such authorization setting forth the conditions and circumstances requiring the emergency purchase, the amount expended and the name of the vendor or contractor involved; if only an estimate is available, however, within the 10 days allowed for filing the affidavit, the actual cost shall be reported immediately after it is determined.

5. In case of expenditures for personal services.

6. Contracts for equipment and spare parts in support thereof for the maintenance and operation of any toll highway, or any part thereof, whenever, the Authority shall, by resolution, declare and find that a particular make and type of equipment is required for efficient maintenance and operation and proper servicing, for uniformity in and integration with the spare parts program and inventory control, or for other reasons peculiar to the problems of the toll highway or its previously acquired equipment; however, competition and competitive bids shall be obtained by the Authority with respect to such specified equipment or spare parts, insofar as possible, and when effective, pursuant to public advertisement as hereinbefore provided.

7. Contracts for insurance, fidelity and surety bonds.

8. Contracts or agreements for the completion of a terminated or defaulted contract or agreement.

(B) The solicitation for bids shall be in conformance with accepted business practices and the method of solicitation shall be set out in detail in the rules and regulations of the Authority.

(C) Proposals received pursuant to public advertisement shall be publicly opened at the day and hour and at the place specified in the solicitation for such bids.

(D) Successful bidders for such services and supplies shall enter into contracts furnished and prescribed by the Authority.

(E) All purchases, contracts or other obligations or expenditures of funds by the Authority shall be in accordance with rules and regulations governing the Authority's procurement practice and procedures and the Authority shall promulgate and publish such practices and procedures in sufficient number for distribution to persons interested in bidding on purchases or contracts to be let by the Authority. Such rules and regulations shall be kept on file with the Secretary of the Authority at all times and shall be available for inspection by members of the public at all reasonable times and hours.

Such rules and regulations shall be filed and become effective in connection with the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

(F) Any contract entered into for purchase or expenditure of funds of the Authority made in violation of this Act or the rules and regulations in pursuance thereof is void and of no effect.

(G) Warrant. All sellers to the Authority shall attach a statement to the delivery invoice attesting that the standards set forth in the contracts have been met. The statement shall be substantially in the following form:

"The Seller, ... hereby certifies that the goods, merchandise and wares shipped in accordance with the attached delivery invoice have met all the required standards set forth in the purchasing contract.

..... (Seller)."

(H) Whoever violates the provisions of this Section, or the rules and regulations adopted in pursuance thereof, is guilty of a Class A misdemeanor.

HISTORY:
P.A. 86-1164; 96-592, § 5.

605 ILCS 10/16.2 Financial benefit prohibited

(a) A director, employee, or agent of the Authority may not receive a financial benefit from a contract let by the Authority during his or her term of service with the Authority and for a period of one year following the termination of his or her term of service as a director of the Authority or as an employee or agent of the Authority.

(b) A member of the immediate family or household of a director, employee, or agent of the Authority may not receive a financial benefit from a contract let by the Authority during the immediate family or household member's term of service with the Authority and for a period of one year following the termination of the immediate family or household member's term of service as a director of the Authority or as an employee or agent of the Authority.

(c) A director, employee, or agent of the Authority may not use material non-public information for personal financial gain nor may he or she disclose that information to any other person for that person's personal financial gain when that information was obtained as a result of his or her directorship, employment, or agency with the Authority.

(d) A member of the immediate family or household of a director, employee, or agent of the Authority may not use material non-public information for personal financial gain nor may he or she disclose that information to any other person for that person's personal financial gain when that information was obtained as a result of his or her immediate family or

household member's directorship, employment, or agency with the Authority.

(e) For purposes of this Section, "immediate family or household member" means the spouse, child, parent, brother, sister, grandparent, or grandchild, whether of the whole blood or half blood or by adoption, or a person who shares a common dwelling with a director of the Authority or with an employee or agent of the Authority.

HISTORY:
P.A. 94-636, § 5.

605 ILCS 10/16.3 [Duties of authority]

Consistent with general law, the Authority shall:

(a) set goals for the award of contracts to disadvantaged businesses and attempt to meet the goals;

(b) attempt to identify disadvantaged businesses that provide or have the potential to provide supplies, materials, equipment, or services to the Authority;

(c) give disadvantaged businesses full access to the Authority's contact bidding process, inform the businesses about the process, offer the businesses assistance concerning the process, and identify and take all reasonable steps to remove barriers to the businesses' participation in the process.

HISTORY:
P.A. 94-636, § 5.

605 ILCS 10/17 [Issuance of bonds]

(a) The Authority may from time to time issue bonds for any lawful purpose including, without limitation, the costs of issuance thereof and all such bonds or other obligations of the Authority issued pursuant to this Act shall be and are hereby declared to be negotiable for all purposes notwithstanding their payment from a limited source and without regard to any other law or laws.

(b) The bonds of every issue shall be payable solely out of revenues of the Authority, accumulated reserves or sinking funds, bond proceeds, proceeds of refunding bonds, or investment earnings as the Authority shall specify in a bond resolution.

(c) The bonds may be issued as serial bonds or as term bonds, or the Authority, in its discretion, may issue bonds of both types. The bonds shall be authorized by a bond resolution of the Authority, may be issued in one or more series and shall bear such date or dates, mature at such time or times not exceeding 25 years from their respective date or dates of issue, bear interest at such rate or rates, fixed or variable, without regard to any limit contained in any other statute or law of the State of Illinois, be payable as to principal and interest at such time or times, be in such denominations, be in such form, either coupon or fully registered, carry such registration and conversion privileges, be payable in lawful money of the United States of America at such places, be subject to such terms of redemption and may contain such other terms and provisions, as such bond resolution or resolutions may provide. The bonds shall be executed by the manual or facsimile signatures of the Chairman and the Secretary. In case any of the officers whose signature appears on the bonds or coupons, if any, shall cease to be an officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes, as if he had remained in office until such delivery. The bonds shall be sold in such manner as the Authority shall determine. The proceeds from the sale of such bonds shall be paid to the Treasurer of the State of Illinois as ex officio custodian. Pending preparation of the definitive bonds, the Authority may issue interim receipts or certificates which shall be exchanged for such definitive bonds.

(d) Any bond resolution, or trust indenture entered into pursuant to a bond resolution, may contain provisions, which shall be a part of the contract with the holders of the bonds to be authorized, as to: (i) pledging or creating a lien upon all or part of the revenues of the Authority or any reserves, sinking funds, bond proceeds or investment earnings; (ii) the setting aside of reserves or sinking funds, and the regulation, investment and disposition thereof; (iii) the use and maintenance requirements for the toll highways; (iv) the purposes to which or the investments in which the proceeds of sale of any series or issue of bonds then or thereafter to be issued may be applied; (v) the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, the purposes for such additional bonds, and the terms upon which additional bonds may rank on a parity with, or be subordinate or superior to other bonds; (vi) the refunding of outstanding bonds; (vii) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given; (viii) defining the acts or omissions to act which shall constitute a default in the duties of the Authority to holders of its obligations and providing the rights and remedies of such holders in the event of a default; (ix) any other matters relating to the bonds which the Authority deems desirable.

(e) Neither the directors of the Authority nor any person executing the bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

(f) The Authority shall have power out of any funds available therefor to purchase its bonds. The Authority may hold, pledge, cancel or resell such bonds subject to and in accordance with agreements with bondholders.

(g) In the discretion of the Authority any bonds issued under the provisions of this Act may be secured by a trust indenture by and between the Authority and a trustee or trustees, which may be any trust company or bank in the State of Illinois having the powers of a trust company and possessing

capital and surplus of not less than $50,000,000. The bond resolution or trust indenture providing for the issuance of bonds so secured shall pledge such revenues of the Authority, sinking funds, bond proceeds, or investment earnings as may be specified therein, may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including particularly such provisions as have hereinabove been specifically authorized to be included in any bond resolution or trust indenture of the Authority, and may restrict the individual right of action by bondholders. In addition to the foregoing, any bond resolution or trust indenture may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders, including, but not limited to, the purchase of bond insurance and the arrangement of letters of credit, lines of credit or other credit or liquidity enhancement facilities; provided there shall be no pledge of the toll highway or any part thereof. All expenses incurred in carrying out the provisions of any bond resolution or trust indenture may be treated as a part of the cost of the operation of the toll highways.

(h) Bonds issued under the authority of this Act do not, and shall state upon the face of each bond that they do not, represent or constitute a debt of the Authority or of the State of Illinois within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit of the Authority or the State of Illinois, or grant to the owners or holders thereof any right to have the Authority or the General Assembly levy any taxes or appropriate any funds for the payment of the principal thereof or interest thereon. Such bonds shall be payable and shall state that they are payable solely from the revenues and the sources authorized under this Act and pledged for their payment in accordance with the bond resolution or trust indenture.

Nothing in this Act shall be construed to authorize the Authority or any department, board, commission or other agency to create an obligation of the State of Illinois within the meaning of the Constitution or Statutes of Illinois.

(i) Any resolution or trust indenture authorizing the issuance of the bonds may include provision for the issuance of additional bonds. All resolutions of the Authority to carry such adopted bond resolutions into effect, to provide for the sale and delivery of the bonds, for letting of contracts for the construction of toll highways and the acquisition of real and personal property deemed by the Authority necessary or convenient for the construction thereof, shall not require the approval of the Governor or of any other department, division, commission, bureau, board or other agency of the State.

HISTORY:
P.A. 83-1258.

605 ILCS 10/18 [Appropriations repaid from sale of bonds; tolls]

The sums of money appropriated by the General Assembly for the payment of ordinary and contingent expenses of the Authority or the payment of compensation of the members of the Authority expended as a part of the cost of a toll highway financed by revenue bonds issued and sold by the Authority under this Act shall be repaid to the State Treasury out of the proceeds of the sale of such bonds, for deposit in the fund from which such sums were appropriated. Any such sums remaining unpaid because expended for preliminary investigation of toll highway routes not constructed shall be repaid by the Authority out of the proceeds of the sale of any of such bonds issued to finance additional toll highways or extensions of existing toll highways. If no such new bonds are issued, and the money appropriated by the General Assembly has not otherwise been repaid in full, then the Authority shall, after payment of all existing bonds and interest thereon, continue to collect tolls for the privilege of using the toll highways constructed pursuant to the authority of "An Act in relation to the construction, operation, regulation and maintenance of a system of toll highways and to create The Illinois State Toll Highway Commission, and to define its powers and duties and to repeal an Act therein named", approved July 13, 1953, as amended, until such time as the tolls collected are sufficient to repay any such unpaid money. The tolls so collected shall be paid by the Authority to the State treasury for deposit in the fund from which such sums were appropriated.

HISTORY:
Laws 1968, p. 199.

605 ILCS 10/19 Toll rates.

The Authority shall fix and revise from time to time, tolls or charges or rates for the privilege of using each of the toll highways constructed pursuant to this Act. Such tolls shall be so fixed and adjusted at rates calculated to provide the lowest reasonable toll rates that will provide funds sufficient with other revenues of the Authority to pay, (a) the cost of the construction of a toll highway authorized by joint resolution of the General Assembly pursuant to Section 14.1 [605 ILCS 10/14.1] and the reconstruction, major repairs or improvements of toll highways, (b) the cost of maintaining, repairing, regulating and operating the toll highways including only the necessary expenses of the Authority, and (c) the principal of all bonds, interest thereon and all sinking fund requirements and other requirements provided by resolutions authorizing the issuance of the bonds as they shall become due. In fixing the toll rates pursuant to this Section 19 and Section 10(c) of this Act [605 ILCS 10/19 and 605 ILCS 10/10], the Authority shall take into account the effect of the provisions of

this Section 19 permitting the use of the toll highway system without payment of the covenants of the Authority contained in the resolutions and trust indentures authorizing the issuance of bonds of the Authority. No such provision permitting the use of the toll highway system without payment of tolls after the date of this amendatory Act of the 95th General Assembly shall be applied in a manner that impairs the rights of bondholders pursuant to any resolution or trust indentures authorizing the issuance of bonds of the Authority. The use and disposition of any sinking or reserve fund shall be subject to such regulation as may be provided in the resolution or trust indenture authorizing the issuance of the bonds. Subject to the provisions of any resolution or trust indenture authorizing the issuance of bonds any moneys in any such sinking fund in excess of an amount equal to one year's interest on the bonds then outstanding secured by such sinking fund may be applied to the purchase or redemption of bonds. All such bonds so redeemed or purchased shall forthwith be cancelled and shall not again be issued. No person shall be permitted to use any toll highway without paying the toll established under this Section except when on official Toll Highway Authority business which includes police and other emergency vehicles. However, any law enforcement agency vehicle, fire department vehicle, public or private ambulance service vehicle engaged in the performance of an emergency service or duty that necessitates the use of the toll highway system, or other emergency vehicle that is plainly marked shall not be required to pay a toll to use a toll highway. A law enforcement, fire protection, or emergency services officer driving a law enforcement, fire protection, emergency services agency vehicle, or public or private ambulance service vehicle engaging in the performance of emergency services or duties that is not plainly marked must present an Official Permit Card which the law enforcement, fire protection, or emergency services officer receives from his or her law enforcement, fire protection, emergency services agency, or public or private ambulance service in order to use a toll highway without paying the toll. A law enforcement, fire protection, emergency services agency, or public or private ambulance service engaging in the performance of emergency services or duties must apply to the Authority to receive a permit, and the Authority shall adopt rules for the issuance of a permit, that allows public or private ambulance service vehicles engaged in the performance of emergency services or duties that necessitate the use of the toll highway system and all law enforcement, fire protection, or emergency services agency vehicles of the law enforcement, fire protection, or emergency services agency to use any toll highway without paying the toll established under this Section. The Authority shall maintain in its office a list of all persons that are authorized to use any toll highway without charge when on official business of the Authority and such list shall be open to the public for inspection. In recognition of the unique role of public transportation in providing effective transportation in the Authority's service region, and to give effect to the exemption set forth in subsection (b) of Section 2.06 of the Regional Transportation Authority Act [70 ILCS 3615/2.06], the following vehicles may use any toll highway without paying the toll: (1) a vehicle owned or operated by the Suburban Bus Division of the Regional Transportation Authority that is being used to transport passengers for hire; and (2) any revenue vehicle that is owned or operated by a Mass Transit District created under Section 3 of the Local Mass Transit District Act [70 ILCS 3610/3] and running regular scheduled service.

Among other matters, this amendatory Act of 1990 is intended to clarify and confirm the prior intent of the General Assembly to allow toll revenues from the toll highway system to be used to pay a portion of the cost of the construction of the North-South Toll Highway authorized by Senate Joint Resolution 122 of the 83rd General Assembly in 1984.

HISTORY:

P.A. 86-1164; 90-152, § 5; 95-327, § 5; 97-784, § 5; 2018 P.A. 100-739, § 5, effective January 1, 2019.

605 ILCS 10/19.1 Confidentiality of personally identifiable information obtained through electronic toll collection system [Effective until July 1, 2023]

(a) For purposes of this Section:

"Electronic toll collection system" is a system where a transponder, camera-based vehicle identification system, or other electronic medium is used to deduct payment of a toll from a subscriber's account or to establish an obligation to pay a toll.

"Electronic toll collection system user" means any natural person who subscribes to an electronic toll collection system or any natural person who uses a tolled transportation facility that employs the Authority's electronic toll collection system.

"Personally identifiable information" means any information that identifies or describes an electronic toll collection system user, including but not limited to travel pattern data, address, telephone number, e-mail address, license plate number, photograph, bank account information, or credit card number.

(b) Except as otherwise provided in this Section, the Authority may not sell or otherwise provide to any person or entity personally identifiable information of any electronic toll collection system user that the Authority obtains through the operation of its electronic toll collection system.

(c) The Authority may, within practical business and cost constraints, store personally identifiable information of an electronic toll collection system user only if the information is required to perform account functions such as billing, account settlement, or toll violation enforcement activities.

(d) By no later than December 31, 2011, the Authority shall establish a privacy policy regarding the

collection and use of personally identifiable information. Upon its adoption, the policy shall be posted on the Authority's website and a copy shall be included with each transponder transmitted to a user. The policy shall include but need not be limited to the following:

(1) A description of the types of personally identifiable information collected by the Authority.

(2) The categories of third-party persons or entities with whom the Authority may share personally identifiable information and for what purposes that information is shared.

(3) The process by which the Authority notifies electronic toll collection system users of material changes to its privacy policy.

(4) The process by which an electronic toll collection system user may review and request changes to any of his or her personally identifiable information.

(5) The effective date of the privacy policy.

(e) This Section does not prohibit the Authority from:

(1) providing aggregated traveler information derived from collective data relating to a group or category of electronic toll collection system users from which personally identifiable information has been removed;

(2) sharing data with another transportation agency or third-party vendor to comply with interoperability specifications and standards regarding electronic toll collection devices and technologies, provided that the other transportation agency or third-party vendor may not use personally identifiable information obtained under this Section for a purpose other than described in this Section;

(3) performing financial, legal and accounting functions such as billing, account settlement, toll violation enforcement, or other activities required to operate and manage its toll collection system;

(4) communicating about products and services offered by itself, a business partner, or another public agency;

(5) using personally identifiable information in research projects, provided that appropriate confidentiality restrictions are employed to protect against the unauthorized release of such information;

(6) releasing personally identifiable information in response to a warrant, subpoena or lawful order from a court of competent jurisdiction;

(7) releasing personally identifiable information to law enforcement agencies in the case of an emergency when obtaining a warrant or subpoena would be impractical; and

(8) releasing personally identifiable information to the Authority's Inspector General or, at the Inspector General's direction, to law enforcement agencies under paragraphs (5) and (6) of subsection (f) of Section 8.5 of this Act [605 ILCS 10/8.5].

(f) In any agreement allowing another public entity to use the Authority's toll collection system in a transportation facility, the Authority shall require the other public entity to comply with the requirements of this Section.

(g) Personally identifiable information generated through the Authority's toll collection process that reveals the date, time, location or direction of travel by an electronic toll collection system user shall be exempt from release under the Illinois Freedom of Information Act [5 ILCS 140/1 et seq.]. The exemption in this subsection shall not apply to information that concerns (i) the public duties of public employees and officials; (ii) whether an electronic toll collection system user has paid tolls; (iii) whether the Authority is enforcing toll violation penalties against electronic toll collection users who do not pay tolls; (iv) accidents or other incidents that occur on highways under the jurisdiction of the Authority; or (v) the obligation, receipt, and use of the funds of the Authority. The exemption in this subsection (g) shall not be a limitation or restriction on other Freedom of Information Act exemptions applicable to personally identifiable information or private information.

HISTORY:
P.A. 97-342, § 10.

605 ILCS 10/19.1 Confidentiality of personally identifiable information obtained through electronic toll collection system. [Effective July 1, 2023]

(a) For purposes of this Section:

"Electronic toll collection system" is a system where a transponder, camera-based vehicle identification system, or other electronic medium is used to deduct payment of a toll from a subscriber's account or to establish an obligation to pay a toll.

"Electronic toll collection system user" means any natural person who subscribes to an electronic toll collection system or any natural person who uses a tolled transportation facility that employs the Authority's electronic toll collection system.

"Personally identifiable information" means any information that identifies or describes an electronic toll collection system user, including but not limited to travel pattern data, address, telephone number, e-mail address, license plate number, photograph, bank account information, or credit card number.

(b) Except as otherwise provided in this Section, the Authority may not sell or otherwise provide to any person or entity personally identifiable information of any electronic toll collection system user that the Authority obtains through the operation of its electronic toll collection system.

(c) The Authority may, within practical business and cost constraints, store personally identifiable information of an electronic toll collection system user only if the information is required to perform account functions such as billing, account settlement, or toll violation enforcement activities.

(d) By no later than December 31, 2011, the Authority shall establish a privacy policy regarding the collection and use of personally identifiable informa-

tion. Upon its adoption, the policy shall be posted on the Authority's website and a copy shall be included with each transponder transmitted to a user. The policy shall include but need not be limited to the following:

(1) A description of the types of personally identifiable information collected by the Authority.

(2) The categories of third-party persons or entities with whom the Authority may share personally identifiable information and for what purposes that information is shared.

(3) The process by which the Authority notifies electronic toll collection system users of material changes to its privacy policy.

(4) The process by which an electronic toll collection system user may review and request changes to any of his or her personally identifiable information.

(5) The effective date of the privacy policy.

(e) This Section does not prohibit the Authority from:

(1) providing aggregated traveler information derived from collective data relating to a group or category of electronic toll collection system users from which personally identifiable information has been removed;

(2) sharing data with another transportation agency or third-party vendor to comply with interoperability specifications and standards regarding electronic toll collection devices and technologies, provided that the other transportation agency or third-party vendor may not use personally identifiable information obtained under this Section for a purpose other than described in this Section;

(3) performing financial, legal and accounting functions such as billing, account settlement, toll violation enforcement, or other activities required to operate and manage its toll collection system;

(4) communicating about products and services offered by itself, a business partner, or another public agency;

(5) using personally identifiable information in research projects, provided that appropriate confidentiality restrictions are employed to protect against the unauthorized release of such information;

(6) releasing personally identifiable information in response to a warrant, subpoena or lawful order from a court of competent jurisdiction;

(7) releasing personally identifiable information to law enforcement agencies in the case of an emergency when obtaining a warrant or subpoena would be impractical; and

(8) releasing personally identifiable information to the Authority's Inspector General or, at the Inspector General's direction, to law enforcement agencies under paragraphs (5) and (6) of subsection (f) of Section 8.5 of this Act [605 ILCS 10/8.5].

(f) In any agreement allowing another public entity to use the Authority's toll collection system in a transportation facility, the Authority shall require the other public entity to comply with the requirements of this Section.

(g) Personally identifiable information generated through the Authority's toll collection process that reveals the date, time, location or direction of travel by an electronic toll collection system user shall be exempt from release under the Illinois Freedom of Information Act [5 ILCS 140/1 et seq.]. The exemption in this subsection shall not apply to information that concerns (i) the public duties of public employees and officials; (ii) whether an electronic toll collection system user has paid tolls; (iii) whether the Authority is enforcing toll violation penalties against electronic toll collection users who do not pay tolls; (iv) crashes or other incidents that occur on highways under the jurisdiction of the Authority; or (v) the obligation, receipt, and use of the funds of the Authority. The exemption in this subsection (g) shall not be a limitation or restriction on other Freedom of Information Act exemptions applicable to personally identifiable information or private information.

HISTORY:

P.A. 97-342, § 10; 2022 P.A. 102-982, § 95, effective July 1, 2023.

605 ILCS 10/20.1 [Refunding bonds]

(a) The Authority is hereby authorized, by resolution, to provide for the issuance, from time to time, of refunding or advance refunding bonds for the purpose of refunding any bonds then outstanding at maturity or on any redemption date, whether an entire issue or series, or one or more issues or series, or any portions or parts of any issue or series, which shall have been issued by the Authority or its predecessor, the Illinois State Toll Highway Commission.

(b) The proceeds of any such refunding bonds may be used for any one or more of the following purposes:

(1) To pay the principal amount of any outstanding bonds to be retired at maturity or redeemed prior to maturity;

(2) To pay the total amount of any redemption premium incident to redemption of such outstanding bonds to be refunded;

(3) To pay the total amount of any interest accrued or to accrue to the date or dates of redemption or maturity of such outstanding bonds to be refunded;

(4) To pay any and all costs or expenses incident to such refunding;

(5) To make deposits into an irrevocable trust in accordance with subsection (f) of this Section 20.1 [605 ILCS 10/20.1]. Refunding bonds may be issued in amounts sufficient to accomplish any one or more of the foregoing purposes, taking into consideration the income earned on bond proceeds prior to the application thereof or without taking such income into consideration.

(c) The issuance of refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the rights, duties and obligations of the Authority in respect of the same shall be governed by the provisions of this Act, insofar as the

same may be applicable, and may in harmony therewith be adjusted and modified to conform to the facts and circumstances prevailing in each instance of issuance of such refunding bonds. The Authority need not comply with the requirements of any other law applicable to the issuance of bonds other than as set forth in this Act.

(d) With reference to the investment of the proceeds of any such refunding bonds, the Authority shall not authorize or anticipate investment earnings exceeding such as are authorized or permitted under prevailing federal laws, regulations and administrative rulings and interpretations relating to arbitrage bonds.

(e) The proceeds of any such refunding bonds (together with any other funds available for application to refunding purposes, if so provided or permitted by resolution authorizing the issuance of such refunding bonds, or in a trust indenture securing the same) may be placed in trust to be applied to the purchase, retirement at maturity or redemption of the bonds to be refunded on such dates as may be determined by the Authority. Pending application thereof, the proceeds of such refunding bonds and such other available funds, if any, may be invested in direct obligations of, or obligations the principal of which and any interest on which are unconditionally guaranteed by, the United States of America which shall mature, or which shall be subject to redemption by the holder thereof at its option, not later than the respective date or dates when such proceeds and other available funds, if any, will be required for the refunding purpose intended or authorized.

(f) Upon (1) the deposit of the proceeds of the refunding bonds (together with any other funds available for application to refunding purposes, if so provided or permitted by resolution authorizing the issuance of such refunding bonds, or in a trust indenture securing the same) in an irrevocable trust pursuant to a trust agreement with a trustee requiring the trustee to satisfy the obligations of the Authority to timely pay at maturity or upon prior redemption the outstanding bonds for which the proceeds of the refunding bonds and other funds, if any, are deposited, in an amount sufficient to satisfy the obligations of the Authority to timely pay at maturity or upon prior redemption such outstanding bonds, or (2) the deposit in such irrevocable trust of direct obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States of America in an amount sufficient, without regard to investment earnings thereon, to satisfy the obligations of the Authority to timely pay at maturity or upon prior redemption such outstanding bonds, or (3) the deposit in such irrevocable trust of obligations referred to in (2) above in an amount sufficient so that, taking into account investment earnings, upon maturity (or upon optional redemption by the trustee) of such obligations amounts will be produced on a timely basis sufficient to satisfy the obligations of the Authority to timely pay at maturity or upon prior redemption such outstanding bonds, such outstanding bonds shall be deemed paid and no longer be deemed to be outstanding for purposes of such resolution or trust indenture and all rights and obligations under any such prior resolution or trust indenture shall be deemed discharged notwithstanding any provision of any such outstanding bonds or any resolution or trust indenture authorizing the issuance of such outstanding bonds; provided, however, that the holders of such outstanding bonds shall have an irrevocable and unconditional right to payment in full of all principal of and premium, if any, and interest on such outstanding bonds, at maturity or upon prior redemption, from the amounts on deposit in such trust. The trustee shall be any trust company or bank in the State of Illinois having the power of a trust company possessing capital and surplus of not less than $100,000,000.

(g) It is hereby found and determined that the contractual rights of the bondholders under any such prior resolution or trust indenture will not be impaired by a refunding pursuant to the provisions of this Section 20.1 in that, the payment of such outstanding bonds having been provided for as set forth herein, the bondholders' rights and security as to payment of the principal of, premium, if any, and interest on such outstanding bonds will have been enhanced, and the bondholders shall suffer no financial loss. It is hereby further found and determined that a refunding of any outstanding bonds of the Authority pursuant to this Section 20.1 shall further the purposes set forth in Section 1 [605 ILCS 10/1].

HISTORY:
P.A. 83-1258; 92-16, § 84.

605 ILCS 10/21 [Operation and maintenance free of tolls]

When all bonds including refunding bonds and all interest thereon have been paid, or a sufficient amount for the payment of all bonds and interest due or accrued thereon has been set aside in trust for the benefit of the bondholders and shall continue to be held for that purpose, and when all money appropriated by the General Assembly has been repaid as provided by Section 18 of this Act [605 ILCS 10/18], the toll highways and any connecting tunnels, bridges, approaches or other appurtenances to such toll highways shall become a part of the system of the State highways of the State of Illinois, and be maintained and operated free of tolls.

When all the obligations and all bonds including refunding bonds of the Authority have been paid, or the payment therefor has been provided as is required herein, the Authority shall be dissolved and all funds of the Authority not required for the payment of bonds, interest, machinery, equipment, property or other obligations of the Authority shall be paid to the State Treasurer.

HISTORY:
P.A. 83-1258.

605 ILCS 10/22 [Exemption from taxation]

All property belonging to the Authority, and the toll highways, shall be exempt from taxation. However, such part of that property as has heretofore been or shall hereafter be leased by the Authority to a private individual, association or corporation for a use which is not exempted from taxation under Article 15 of the Property Tax Code [35 ILCS 200/15-5 et seq.] is subject to taxation as provided in Section 9-195 of the Property Tax Code [35 ILCS 200/9-195], regardless of any provision in such a lease to the contrary.

HISTORY:
P.A. 78-336; 88-670, § 3-79.

605 ILCS 10/23 Legislative declaration; Authority budget

(a) It is hereby declared, as a matter of legislative determination, that it is in the best interest of the State of Illinois, the public, and the holders of Authority bonds that Authority funds be expended only on goods and services that protect and enhance the efficiency, safety, and environmental quality of the toll highway system.

(b) The Authority shall spend moneys received from the issuance of bonds and as tolls or otherwise in the operation of the toll highway system only on the following:

(1) operations and maintenance expenditures that are reasonable and necessary to keep the toll highway system in a state of good repair in accordance with contemporary highway safety and maintenance standards;

(2) principal and interest payments and payment of other obligations the Authority has incurred in connection with bonds issued under this Act;

(3) renewal and replacement expenditures necessary and sufficient to protect and preserve the long-term structural integrity of the toll highway system; and

(4) system improvement expenditures necessary and sufficient to improve and expand the toll highway system, subject to the requirements of this Act.

(c) Any moneys remaining after the expenditures listed in subsection (b) may be spent only for reasonable and necessary Authority purposes that will enhance the safety, efficiency, and environmental quality of the toll highway system in a cost-effective manner. Authority funds may not be spent for purposes not reasonably related to toll highway operations and improvements or in a manner that is not cost-effective.

(d) The Authority must at all times maintain a reserve for maintenance and operating expenses that is no more than 130% of the operating expenses it has budgeted for its current fiscal year, unless the requirements of any bond resolution or trust indenture then securing obligations of the Authority mandate a greater amount.

(e) The Authority shall file with the Governor, the Clerk of the House of Representatives, the Secretary of the Senate, and the Commission on Government Forecasting and Accountability, on or prior to March 15th of each year, a written statement and report covering its activities for the preceding calendar year. The Authority shall present, to the committees of the House of Representatives designated by the Speaker of the House and to the committees of the Senate designated by the President of the Senate, an annual report outlining its planned revenues and expenditures. The Authority shall prepare an annual capital plan which identifies capital projects by location and details the project costs in correct dollar amounts. The Authority shall also prepare and file a ten-year capital plan that includes a listing of all capital improvement projects contemplated during the ensuing ten-year period. The first ten-year capital plan shall be filed in 1991 and thereafter on the anniversary of each ten-year period.

(f) It shall be the duty of the Auditor General of the State of Illinois, annually to audit or cause to be audited the books and records of the Authority and to file a certified copy of the report of such audit with the Governor and with the Legislative Audit Commission, which audit reports, when so filed, shall be open to the public for inspection.

(g) The Authority shall hold a public hearing on its proposed annual budget, not less than 15 days before its directors meet to consider adoption of the annual budget, at which any person may appear, express opinions, suggestions, or objections, or direct inquiries relating to the proposed budget. The Authority must give notice of the hearing at least 15 days prior to the hearing stating the time, place, and purpose of the hearing in a daily newspaper of general circulation throughout the Authority's service area and by posting the meeting notice and a copy of the proposed budget on the Authority's website. The proceedings at the hearing shall be transcribed. The transcript shall be made available at reasonable hours for public inspection, and a copy of the transcript, together with a copy of all written statements submitted at the hearing, shall be submitted to the directors before the vote on adoption of the proposed annual budget.

(h) The Authority shall post on its website copies of its annual report and its budget for the current year, along with any other financial information necessary to adequately inform the public of the Authority's financial condition and capital plan.

(i) The requirements set forth in subsections (b) through (g) may not be construed or applied in a manner that impairs the rights of bondholders under any bond resolution or trust indenture entered into in accordance with a bond resolution authorized by the Authority's directors, nor may those requirements be construed as a limitation on the Authority's powers as set forth elsewhere in this Act.

HISTORY:
P.A. 86-1164; 91-256, § 5; 93-1067, § 130; 94-636, § 5.

605 ILCS 10/24 [Illinois State Toll Highway Authority Fund]

Except as otherwise provided in any bond resolution, the proceeds derived from the sale of bonds, and all receipts and income derived from tolls, licenses, gifts, donations, concessions, fees, rentals, and all other revenues from whatever source derived, shall, within three days after receipt thereof, be paid to the Treasurer of the State of Illinois, and held by him as a special fund known as the Illinois State Toll Highway Authority Fund, except that the Authority may retain portions of the Illinois State Toll Highway Authority Fund as a locally maintained construction fund revolving account and as a revenue fund revolving account, where authorized by a bond resolution, and as locally maintained change funds, where necessary for the operations of the Authority. The State Treasurer shall be ex officio custodian of such special fund, which fund shall be held, invested and disbursed for the purposes provided herein upon the order of the Authority and in accordance with provisions and covenants of any bond resolution authorizing the issuance of bonds which have not been paid or deemed paid. The interest accruing on said special fund shall be computed and added to the principal thereof every six months. In addition to the special audits prescribed by this Act, the said fund shall also be subject to audit in the same manner as is now, or may hereinafter be, provided for the audit of State funds and accounts. The said special fund shall be protected by a corporate surety bond, executed by the Treasurer, with a surety authorized to do business under the laws of the State of Illinois. The amount of said bond shall be fixed by resolution of the Authority, approved by the Governor, and may be increased or diminished at any time. The premiums on said bond shall be payable from the funds of the Authority. The bond shall be subject to the approval of the Governor and Attorney General of the State of Illinois, and, when so approved, shall be filed in the office of the Secretary of State. Said special fund shall be considered always appropriated for the purposes of disbursements, as provided in this Act, and shall be paid out and disbursed only as provided herein, and shall not, at any time be appropriated or diverted to any other use or purpose.

HISTORY:
P.A. 83-1258.

605 ILCS 10/25 [Expenses of Authority, compensation of members, costs and expenses]

After the issuance of revenue bonds to finance the construction of toll highways, and repayment from the proceeds of such bonds of any amount repayable to the state treasury pursuant to Section 18 [605 ILCS 10/18], the expenses of the Authority, and the compensation of the members thereof, and all other costs of said toll highways and its administration and operation shall be paid from the proceeds of such bond issues or from the moneys received by the Authority as tolls or otherwise in the operation of said toll highways.

HISTORY:
P.A. 83-1258.

605 ILCS 10/25.1 [No power to levy taxes]

The Authority shall have no power to levy taxes, or to pledge any of its property, other than income from whatever source derived for the payments of any of its debts or obligations.

HISTORY:
Laws 1967, p. 2748.

605 ILCS 10/26 [Penalty]

Any person who violates any resolution, rule or regulation, adopted or promulgated by the Authority, pursuant to Section 10, paragraph (b) of this Act [605 ILCS 10/10], shall be guilty of a petty offense.

HISTORY:
P.A. 77-2239.

605 ILCS 10/27 [Deposit of offensive matter prohibited; penalty]

It is unlawful for any person to deposit within the right-of-way limits of the toll highways trash, glass, weeds, garbage or other offensive matter; and any person so offending shall be guilty of a petty offense and shall be fined not more than $500.00. However, this section shall not apply to proper deposits of harmless materials made in good faith and in a proper manner to repair the toll highways.

HISTORY:
P.A. 77-2239; 89-386, § 5.

605 ILCS 10/27.1 [Counterfeit tickets, nonpayment of tolls prohibited; penalty]

Any person who shall use any spurious or counterfeit tickets, coupons or tokens in payment of any toll required to be paid by the Authority under the provisions of this Act, or who shall attempt to use the highway without payment of the tolls prescribed by the Authority, shall be deemed guilty of a petty offense and shall be fined not less than $5 nor more than $100 for each such offense. The fine range set forth in this Section for prosecution of toll evasion as a petty offense shall not apply to toll evasion offenses that are adjudicated in the Authority's administration system.

The provisions in this Section may be extended to other public toll facilities in this State through a duly executed intergovernmental agreement between the Authority and another public body.

HISTORY:
P.A. 77-2239; 94-636, § 5.

605 ILCS 10/27.2 Obstruction of registration plate or digital registration plate visibility to electronic image recording.

(a) A person may not operate on a toll highway any motor vehicle that is equipped with tinted plastic or tinted glass registration plate or digital registration plate covers or any covers, coating, wrappings, materials, streaking, distorting, holographic, reflective, or other devices that obstruct the visibility or electronic image recording of the plate or digital registration plate. This subsection (a) shall not apply to automatic vehicle identification transponder devices, cards or chips issued by a governmental body or authorized by a governmental body for the purpose of electronic payment of tolls or other authorized payments, the exemption of which shall preempt any local legislation to the contrary.

(b) If a State or local law enforcement officer having jurisdiction observes that a cover or other device or material or substance is obstructing the visibility or electronic image recording of the plate, the officer shall issue a Uniform Traffic Citation and shall confiscate the cover or other device that obstructs the visibility or electronic image recording of the plate. If the State or local law enforcement officer having jurisdiction observes that the plate itself has been physically treated with a substance or material that is obstructing the visibility or electronic image recording of the plate, the officer shall issue a Uniform Traffic Citation and shall confiscate the plate. The Secretary of State shall revoke the registration of any plate that has been found by a court or administrative tribunal to have been physically altered with any chemical or reflective substance or coating that obstructs the visibility or electronic image recording of the plate. A fine of $750 shall be imposed in any instance where a plate cover obstructs the visibility or electronic image recording of the plate. A fine of $1,000 shall be imposed where a plate has been physically altered with any chemical or reflective substance or coating that obstructs the visibility or electronic image recording of the plate.

(c) The Illinois Attorney General may file suit against any individual or entity offering or marketing the sale, including via the Internet, of any product advertised as having the capacity to obstruct the visibility or electronic image recording of a license plate or digital registration plate. In addition to injunctive and monetary relief, punitive damages, and attorneys fees, the suit shall also seek a full accounting of the records of all sales to residents of or entities within the State of Illinois.

(d) The provisions in this Section may be extended to other public toll facilities in the State of Illinois through a duly executed intergovernmental agreement between the Authority and another public body.

HISTORY:
P.A. 94-636, § 5; 2019 P.A. 101-395, § 15, effective August 16, 2019.

605 ILCS 10/28 [Breaking toll collection device prohibited; penalty]

Whoever wilfully, maliciously and forcibly breaks any mechanical or electronic toll collection device of the Authority or any appurtenance thereto with intent to commit larceny shall be deemed guilty of a Class 4 felony.

HISTORY:
P.A. 77-2239.

605 ILCS 10/28.1 [Interest of direction or officer of Authority prohibited]

No director or officer of the Authority shall be interested, directly or indirectly, in any contract, agreement, lease, work or business of the Authority, or in the sale of any article whenever the expense, price or consideration of the contract, agreement, lease, work, business or sale is paid by the Authority. No director or officer of the Authority shall be interested, directly or indirectly, in the purchase, sale or lease of any property which (1) belongs to the Authority, (2) is sold, leased or any interest therein is acquired by the Authority, or (3) is sold by virtue of legal process at the suit of the Authority.

HISTORY:
Laws 1967, p. 2748.

605 ILCS 10/29 [Omission of duty; willful and corrupt and oppression; malconduct or misfeasance; penalty]

Every chairman, director, or officer of the Authority who is guilty of a palpable omission of duty, or who is guilty of willful and corrupt oppression, malconduct, or misfeasance in office in discharge of the duties of his office shall be liable to indictment in any court of competent jurisdiction and shall be guilty of a Class A misdemeanor. Any conviction hereunder shall constitute grounds for removal as provided in Sections 4 and 5 of this Act [605 ILCS 10/4 and 605 ILCS 10/5].

HISTORY:
P.A. 77-2239.

605 ILCS 10/30 [Investment in Authority bonds]

Counties, cities, villages, incorporated towns, and other municipal corporations, political subdivisions and public bodies, and public officers of any thereof, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, insurance associations and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other

funds belonging to them or within their control in any bonds or refunding bonds issued by the Authority. It is the purpose of this section to authorize the investment in such bonds, or refunding bonds, of all sinking, insurance, retirement, compensation, pension and trust funds, whether owned or controlled by private or public persons or officers; provided, however, that nothing contained in this section may be construed as relieving any officer, person, firm or corporation from any duty of exercising reasonable care in selecting securities.

HISTORY:
Laws 1967, p. 2748.

605 ILCS 10/31 [Consent to suit]

The State of Illinois hereby consents to suits against the Authority solely as in this section provided:

(a) The holder or holders of any bonds or coupons issued by the Authority may bring civil actions to compel the observance by the Authority or by any of its officers, agents, or employees of any contract or covenant made by the Authority with the holders of such bonds or coupons, and to compel the Authority and any of its officers, agents or employees, to perform any duties required to be performed for the benefit of the holders of said bonds or coupons by the provisions of the resolution authorizing their issuance, or by this Act, or to enjoin the Authority and any of its officers, agents or employees from taking any action in conflict with such contract or covenant.

(b) Any person or persons may bring a civil action to recover damages for injury to his person or property caused by any act of the Authority or by any act of any of its officers, agents or employees done under its direction.

HISTORY:
P.A. 79-1366.

605 ILCS 10/32 [Discretion of authority conclusive]

All determinations made by the Authority in the exercise of its discretionary powers, with the approval of the Governor if such approval is expressly required by the provisions of this Act, including without limitation, the location and terminal points of any toll highway or section to be constructed by it, the materials to be used in its construction, the plans and specifications thereof, the tolls to be charged for the use thereof, and the letting of contracts for the construction of toll highways or any part thereof, or the sale of bonds, shall be conclusive and shall not be subject to review by the courts or by any administrative agency of the State.

HISTORY:
P.A. 83-1258.

605 ILCS 10/32.1 Power to construct railroad tracks

Upon written approval by the Governor, the Authority may exercise any powers that exist under this Act on the effective date of this amendatory Act of the 97th General Assembly [P.A. 97-977] to design and construct new railroad tracks. The Authority may charge an access fee to any passenger or freight rail operator who wishes to use tracks which the Authority has constructed using the powers granted by this Section. Moneys in the Road Fund may not be used to implement this Section. Authorization must be granted to the Authority for each individual and distinct railroad track project.

HISTORY:
P.A. 97-977, § 5.

605 ILCS 10/33 [Transfer of duties to Authority]

On April 1, 1968, all duties, obligations, functions and powers of The Illinois State Toll Highway Commission, together with all property, whether real or personal, rights, privileges, interest and any and all other assets whether real, personal or mixed, shall be transferred to and shall vest in The Illinois State Toll Highway Authority, which shall own, operate and control the same in accordance with the provisions of "An Act in relation to the construction, operation, regulation and maintenance of a system of toll highways and to create The Illinois State Toll Highway Commission, and to define its powers and duties and to repeal an Act therein named", approved July 13, 1953, as amended, and all terms, covenants and conditions set forth in any resolutions heretofore or hereafter adopted authorizing and providing for the issuance of Revenue Bonds by The Illinois State Toll Highway Commission under "An Act, in relation to the construction, operation, regulation and maintenance of a system of toll highways and to create The Illinois State Toll Highway Commission, and to define its powers and duties and to repeal an Act therein named", approved July 13, 1953, as amended, except as herein provided. The chairman and commissioners of The Illinois State Toll Highway Commission shall serve as the chairman and directors, respectively, of the Authority, with all of the rights, privileges and emoluments of such officers until such appointments are made by the Governor under Section 3 of this Act [605 ILCS 10/3].

It is the intention and purpose of this Section to transfer management and operation of the existing toll highways of The Illinois State Toll Highway Commission to the board of directors of The Illinois State Toll Highway Authority, but to require that the Authority comply with all covenants, conditions, terms and provisions imposed by "An Act in relation to the construction, operation, regulation and maintenance of a system of toll highways and to create The Illinois State Toll Highway Commission, and to define its powers and duties and to repeal an Act

therein named", approved July 13, 1953, as amended, until after all obligations of any kind or character whatsoever incurred by The Illinois State Toll Highway Commission under that Act have been paid in full from revenues, or income from whatever source derived, including but not limited to bonds issued under Section 17 [605 ILCS 10/17] herein. Title to such toll highway or toll highways after all such obligations have been paid in full shall be vested in the Authority hereby created, and the Authority hereby created is authorized to continue to establish tolls, rates and charges for use of such facilities and pledge the income therefrom, after maintenance and operation costs, to the payment of any or all bonds issued under this Act, until all bonds issued by the Authority under this Act have been paid in full, notwithstanding any other law to the contrary.

HISTORY:
Laws 1968, p. 199.

605 ILCS 10/34 [Effective date]

This Act becomes effective April 1, 1968 and the provisions of this Act are severable and if any of its provisions shall be held to be unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

HISTORY:
Laws 1967, p. 2748.

605 ILCS 10/35 [Appropriation from Road Fund]

(a) The sum of $1,914,000 is hereby appropriated from the Road Fund to The Illinois State Toll Highway Authority for the purpose of paying the ordinary and contingent expenses of the Authority necessary to finance engineering and traffic studies to determine the feasibility of constructing additional toll highways within the State of Illinois, to determine routes therefor, to prepare for a successful marketing of bonds to finance construction of the additional toll highways, and for the purpose of compensating all persons who must be employed for such purposes.

(b) Compensation of employees devoting their entire time in coordinating the necessary information and in determining the feasibility of constructing additional toll highways within the State of Illinois shall be paid from the amount herein appropriated, and in the case of any employee who is devoting part time to the coordination and procuring of the necessary material for a determination as to whether or not additional toll highways shall be constructed within the State of Illinois shall be paid from the amount herein appropriated, to the extent of the time devoted to such work, it being the intent and purpose that each employee account for the time so spent to be paid from this appropriation, to the end that no charges or expenses of any kind shall be made to any of the funds or accounts created by virtue of the issuing of bonds under "An Act in relation to the construction, operation, regulation and maintenance of a system of toll highways and to create The Illinois State Toll Highway Commission and to define its powers and duties and to repeal an Act therein named", approved July 13, 1953, as amended, except those necessary to the maintenance, administration and operation of the existing toll highway constructed under the provisions of the act.

(c) The amount appropriated herein shall be repaid by the Authority as provided by Section 18 of this Act [605 ILCS 10/18].

HISTORY:
Laws 1968, p. 199.

DIRKSEN MEMORIAL HIGHWAY ACT

Section

605 ILCS 15/0.01 Short title

This Act may be cited as the Dirksen Memorial Highway Act.

HISTORY:
P.A. 86-1324.

605 ILCS 15/1 [Everett McKinley Dirksen Memorial Highway]

That part of Interstate Route 74 of the National System of Interstate and Defense Highways which is in the State of Illinois is designated as the Everett McKinley Dirksen Memorial Highway. Appropriate plaques may be erected by the Department of Transportation in rest areas along this route in recognition of this designation.

HISTORY:
P.A. 81-840.

PEERSON MEMORIAL HIGHWAY ACT

Section

605 ILCS 20/0.01 Short title

This Act may be cited as the Peerson Memorial Highway Act.

HISTORY:
P.A. 86-1324.

605 ILCS 20/1 [Cleng Peerson Memorial Highway]

That part of Illinois Route 71 which begins at the southern city limits of Ottawa, Illinois and ends with

the intersection of Route 71 and Illinois Route 47 is designated as the Cleng Peerson Memorial Highway. Appropriate plaques may be erected by the Department of Transportation in rest areas along this route in recognition of the designation.

HISTORY:
P.A. 79-369.

JOLLIET-MARQUETTE TRAIL ACT

Section
605 ILCS 25/0.01 Short title
605 ILCS 25/1 [Jolliet-Marquette Trail — Route of the Voyageurs; Illinois River Road — Route of the Voyageurs]
605 ILCS 25/2 [Erection of plaques]

605 ILCS 25/0.01 Short title

This Act may be cited as the Jolliet-Marquette Trail Act.

HISTORY:
P.A. 86-1324.

605 ILCS 25/1 [Jolliet-Marquette Trail — Route of the Voyageurs; Illinois River Road — Route of the Voyageurs]

Certain portage trails in Illinois between the City of Chicago and the City of Joliet which are locally marked are designated the "Jolliet-Marquette Trail — Route of the Voyageurs" and certain scenic all-weather routes in Illinois now existing and bordering the east and west banks of the Illinois River between the City of Joliet and the City of Grafton and designated the "Illinois River Road — Route of the Voyageurs", as herein described.

The Eastern "Illinois River Road — Route of the Voyageurs" is designated as follows:

Starting at the junction of US 6 and Ill. 7 at Joliet, US 6 through Channahon, Morris, Seneca, Marseilles, and Ottawa to its junction with Ill. 71; Ill. 71 through Starved Rock State Park and Oglesby, west through Cedar Point, Standard, Granville, and Mark to its junction with Ill. 26 at Hennepin; Ill. 26 south through Lacon, Spring Bay and Bay View Gardens to its junction with Ill. 116 north of East Peoria; Ill. 116 to its junction with Ill. 29 in East Peoria; Ill. 29 south through Creve Coeur to CH 16 (Manito Road) one mile south of Pekin; CH 16 west through Manito to Ill. 97 to Havana; Ill. 97 west to its junction with Ill. 78; Ill. 78 south through Bath to CH 7 (Beardstown Road) south of Chandlerville; CH 7 west through Beardstown to US 67 and Ill. 100 south of Beardstown; Ill. 100 south through Bluffs to its junction with US 36; US 36 east to FA 155; FA 155 south through Hillview and Eldred to its junction with Ill. 100 and 16; Ill. 100 and 16 south to its junction with Ill. 100; Ill. 100 south through Nutwood and Rosedale and bordering the west and south boundaries of Pere Marquette State Park to Grafton.

The Western "Illinois River Road — Route of the Voyageurs" is designated as follows:

Starting at the junction of US 6 and Ill. 7 in Joliet, US 6 south and west through Channahon, Morris, and Marseilles to Ill. 23 in Ottawa; Ill. 23 south to FAS 261 in Ottawa; FAS 261 west through Naplate to CH 34 at Buffalo Rock State Park; CH 34 west to its junction with Ill. 178; Ill. 178 north through Utica to its junction with US 6; US 6 west through LaSalle and Peru to its junction with Ill. 29 in Spring Valley; Ill. 29 west and south through DePue, Bureau Junction, Henry, Sparland, and Chillicothe to its point of merger with US 24 on Jefferson Avenue in Peoria; US 24 southwest through Bartonville, Kingston Mines, and Banner to its junction with Ill. 78 and 97; Ill. 78 and 97 south to its junction with US 136; US 136 west to its junction with Ill. 100; Ill. 100 southwest through Enion, Mabletown, Bluff City, Sheldon Grove, Browning, and Frederick to its junction with Ill. 103 and US 67; US 67 and Ill. 100 south to its junction with Ill. 100. Ill. 100 south through Bluffs and Oxville to its junction with US 36; west on US 36 and Ill. 100 through Florence to Detroit; (Alternate route through Brown County from the junction of US 67 and Ill. 100: Ill. 103 west to CH 9 west of Sugar Grove; CH 9 south through LaGrange and across Ill. 99 to Ch 21 in Chambersburg; CH 21 south to CH 2 in Valley City; CH 2 west to CH 14 in Griggsville; CH 14 south to its junction with US 36 and Ill. 100 in Detroit); Ill. 100 south at Detroit through Milton, Pearl, and Kampsville to Hardin; Ill. 100 east across the Illinois River to East Hardin and south through Nutwood and Rosedale and bordering the west and south boundaries of Pere Marquette State Park to Grafton; (Alternate route from Hardin to Grafton: CH 1 south and east through Brussels to the Grafton Free Ferry across the Illinois River to Ill. 100; Ill. 100 east of Grafton).

HISTORY:
P.A. 79-820.

605 ILCS 25/2 [Erection of plaques]

Appropriate plaques may be erected by the Department of Transportation and local agencies in their respective jurisdictions along the "Illinois River Road — Route of the Voyageurs" between the City of Joliet and the City of Grafton in recognition of this designation.

HISTORY:
P.A. 79-820; 89-229, § 3.

MILWAUKEE AVENUE POLISH HERITAGE CORRIDOR ACT [EFFECTIVE JANUARY 1, 2023]

Section
605 ILCS 27/1 Short title. [Effective January 1, 2023]
605 ILCS 27/5 Milwaukee Avenue Polish Heritage Corridor. [Effective January 1, 2023]

History.
2022 P.A. 102-1079, § 1, effective January 1, 2023.

605 ILCS 27/1 Short title. [Effective January 1, 2023]

This Act may be cited as the Milwaukee Avenue Polish Heritage Corridor Act.

History.
2022 P.A. 102-1079, § 1, effective January 1, 2023.

605 ILCS 27/5 Milwaukee Avenue Polish Heritage Corridor. [Effective January 1, 2023]

That part of Illinois Route 21, otherwise known as Milwaukee Avenue, that begins at Sangamon Street in Chicago and ends with Greenwood Road in the Village of Niles is designated as the Milwaukee Avenue Polish Heritage Corridor. Appropriate plaques may be erected by the Department of Transportation along this route in recognition of the designation.

History.
2022 P.A. 102-1079, § 5, effective January 1, 2023.

BIKEWAY ACT

Section

605 ILCS 30/0.01 Short title

This Act may be cited as the Bikeway Act.

HISTORY:
P.A. 86-1324.

605 ILCS 30/1 Legislative declarations and findings

The General Assembly declares that since a third of the population owns bicycles, there is an urgent need for safe bikeways, for the use of both children and adults for transportation, healthy exercise and recreation.

The General Assembly finds that to coordinate plans for bikeways most effectively with those of the State and local governments as they affect roads, streets, schools, parks, and other publicly owned lands, lands not owned by a municipality, local unit of government, county, or the State of Illinois or one of its agencies or authorities by agreement, abandoned roadbeds and conservation areas, while maximizing the benefits from the use of tax dollars, a single State agency, eligible to receive federal matching funds, should be designated to establish and maintain a State-wide bikeways program.

HISTORY:
P.A. 78-850; 88-676, § 25.

605 ILCS 30/2 Responsible agency; bikeways program; use of funds

(a) The Department of Transportation of the State of Illinois, referred to in this Act as "the Department", is designated as the State agency responsible for developing and coordinating a State-wide bikeways program and shall officially designate bikeways throughout the State.

For purposes of this Act, "bikeways program" includes, but is not limited to: surveys, safety measures, demonstration projects, research, education, proposed legislation, utilization of existing streets and walkways, provision of bicycle paths to and from schools affording a minimum of hazard from automobiles, provision of comfort stations and weather shelters, provision of facilities in connection with commuter railroads to facilitate the use of bicycles by commuters in traveling to and from the railroad stations, and promulgation of standards, security measures and regulations for the registration and use of bicycles.

The Department and, with the Department's approval, the county board of any county or the corporate authorities of any municipality, conservation district, park district, or forest preserve district are hereby authorized to expend funds appropriated for purposes of this Act to acquire right-of-way, plan, locate, relocate, construct, reconstruct, maintain, alter, improve, vacate, and regulate the use of officially designated bikeways. For purposes of this Act a bikeway may be (1) a shared facility whereby both vehicles and bicycles may operate on the through lanes, parking lanes or shoulders of a street or highway, (2) a pathway on a street or highway right-of-way, on public land other than a street or highway right-of-way, or on lands not owned by a municipality, local unit of government, county, or the State of Illinois or one of its agencies or authorities by agreement with the owner for a minimum duration of 20 years. Property interests acquired for projects constructed under the terms of this Act shall not restrict the access, use or enjoyment of the bikeways by the public consistent with regulation by the agency of government with jurisdiction over each bikeway and shall protect the public investment for the useful life of the bikeways.

(b) Notwithstanding the requirement of paragraph 2(a) that any agreement for the acquisition of a property interest in lands not owned by a municipality, local unit of government, county, or the State of Illinois or one of its agencies or authorities shall be for a duration of not less than 20 years, the county board of a county with a population over 500,000 may also enter into agreements with a minimum duration of 5 years with any public utility or railroad for the use of any right-of-way of that public utility in excess of 60 feet in width or railroad right-of-way in the county as a bikeway. The county board shall have the

authority to proceed under the terms of any such agreement for the construction and maintenance of the bikeway and shall have the authority to treat the construction and maintenance as it would for construction and maintenance of county highways including the use of any funds toward the bikeway construction and maintenance that are generally available for the construction and maintenance of county highways. The bikeway construction and maintenance shall be supervised by the county engineer. The county board has the authority to adopt an ordinance to regulate the use of the bikeways. Bikeways to be funded by the county may include segments in the railroad or utility corridor that otherwise meet the criteria of subsection (a) of this Section. Any bikeway constructed by a county under this subsection under an agreement with a public utility or railroad with a duration of less than 20 years shall not receive any support with funds appropriated to the Department.

HISTORY:
P.A. 79-473; 88-502, § 5; 88-676, § 25.

605 ILCS 30/3 [Appropriations; federal funds]

The annual appropriation to the Department for purposes of this Act shall include funds for the development of bicycle paths and a State-wide bikeways program in this State. In addition, the Department may accept and expend federal funds granted for bikeway purposes.

HISTORY:
P.A. 78-850.

605 ILCS 30/4 [Cooperation with local agencies and organizations; interagency council]

In expending funds available for purposes of this Act, the Department shall cooperate with municipalities, townships, counties, road districts, park districts and other appropriate agencies and organizations and, where possible and practicable, shall allocate its expenditures among the several regions of the State, proportionally to the bicycling population.

The Secretary of Transportation shall serve as chairman of and shall at least quarterly convene an interagency council on the bikeways program, comprised of the Director of Natural Resources, the Director of Commerce and Economic Opportunity or his or her designee, the State Superintendent of Education, a county engineer or county superintendent of highways chosen by the statewide association of county engineers, a representative of the Cook County Forest Preserve District, and the Secretary of Transportation, for the purpose of determining policy and priorities in effectuating the purposes of this Act.

HISTORY:
P.A. 81-1509; 89-337, § 5; 89-445, § 9A-77; 94-793, § 845; 2021 P.A. 102-276, § 40, effective August 6, 2021.

BRIDGE CONSTRUCTION ACT

Section

605 ILCS 105/0.01 Short title

This Act may be cited as the Bridge Construction Act.

HISTORY:
P.A. 86-1324.

605 ILCS 105/1 [Assent to construction of bridges]

That the assent of the State of Illinois is hereby given any corporation or association organized under the laws of this state, and subject thereto, to construct bridges across navigable rivers in this state, and upon the boundaries thereof, whenever authorized by the Congress of the United States, under such conditions and restrictions as the Congress may impose: Provided, that whenever any state bordering on the Ohio or Mississippi river has refused or neglected, and shall continue to refuse or neglect to grant privileges similar to those granted by this act, or has repealed, or shall hereafter repeal, any charter of any bridge company, organized for the purpose of building a bridge across the Ohio river or the Mississippi river, the provisions of this act shall not apply to the construction of any bridge not now commenced from any such state into this state, and no bridge shall hereafter be commenced and built into this state, or made to connect with any railroad in this state across the Ohio river or the Mississippi river from any state which has repealed or may hereafter repeal the charter of any bridge company, organized to build a bridge across the Ohio or Mississippi river, until the law repealing such bridge charter shall be repealed by such state.

HISTORY:
Laws 1889, p. 62.

BRIDGE PIER PROTECTION ACT

Section

605 ILCS 110/1 [Duty to construct and maintain pier protection]

Every person, firm or corporation owning, leasing or managing any bridge over a navigable portion of the Illinois River shall construct and maintain in good repair, contiguous to the channel of the river, adequate pier protection for the piers of such bridge, of modern construction, and adequate to meet navigation requirements existing at the time or reason-

ably to be expected in the future during the life of such piers.

HISTORY:
Laws 1941, p. 1091.

605 ILCS 110/1.1 Short title

This Act may be cited as the Bridge Pier Protection Act.

HISTORY:
P.A. 86-1324.

TOLL BRIDGE ACT

Section

605 ILCS 115/0.01 Short title

This Act may be cited as the Toll Bridge Act.

HISTORY:
P.A. 86-1324.

605 ILCS 115/1 [Consent of county board]

No toll bridge shall be established or erected across any lake, river, creek or other water course in this state without the consent of the county board of the county in which the same is to be established or erected.

HISTORY:
Laws 1874, p. 1059.

605 ILCS 115/2 [Petition for leave to establish and erect toll bridges]

Any person or corporation may petition the county board for leave to establish and erect a toll bridge, and if said board shall deem such bridge necessary, it may authorize the establishment and erection thereof upon such terms and conditions as it shall deem for the public good: Provided, that no bridge shall be constructed over any navigable water without a suitable draw for the passage of water-craft, nor in such manner as to interfere with navigation.

HISTORY:
Laws 1874, p. 1059.

605 ILCS 115/3 [Bridges established between two counties]

When the bridge is to be established between two counties, the petition shall be addressed to the county boards of both counties, and the consent of each of said boards shall be necessary to authorize the erection or establishment of such bridge.

HISTORY:
Laws 1874, p. 1059.

605 ILCS 115/4 [Notice of intended application]

No such consent shall be given unless the petitioner shall have given notice of his intended application in some newspaper published in the county, for at least four weeks, successively, next preceding the session of the county board at which the application is made; or, if no newspaper is published in such county, by posting notices in four public places therein, at least four weeks previous to such session. When the application is to several county boards, the notice shall be given in each county. At least four weeks' notice of such intended application shall be given in writing to the owners of the land adjoining to or embracing the water course over which such bridge is to be erected: Provided, that such written notice need not be given to any owner not residing in the state, or who cannot, upon due inquiry, be found.

HISTORY:
Laws 1874, p. 1059.

605 ILCS 115/5 [Preference of proprietors of land adjoining water course]

The proprietors of lands adjoining to, or embracing the water course over which a toll bridge is proposed to be established, shall have the preference, if they will apply before such privilege shall have been granted to any person or corporation.

HISTORY:
Laws 1874, p. 1059.

605 ILCS 115/6 [Requirement for bonds]

Any county board granting permission to erect any such bridge may require of the person or corporation to which such permission is granted, bonds in such sum, upon such conditions, and with such security as it shall deem proper, and may insert therein a provision for the payment of any damages that any person may sustain by reason of the construction of such bridge; and any person so damaged may bring suit thereon for his own use.

HISTORY:
Laws 1874, p. 1059.

605 ILCS 115/7 Toll rates; electronic toll collection.

(a) The county board shall fix the rates of toll, and may from time to time, alter and change the same, including by establishing a toll rate schedule, setting a maximum toll rate that may be adjusted from time to time, or by establishing another toll rate structure, and in case of the neglect of the owner of the bridge to keep the same in proper repair and safe for the crossing of persons and property, may prohibit the taking of toll.

(b) Notwithstanding any law to the contrary, the county board may enter into an agreement establishing a toll rate schedule for a period not to exceed 99 years. This amendatory Act of the 101st General Assembly is declarative of existing law and shall be given retroactive effect.

(c) Except as regarding toll bridges or as otherwise provided by law, nothing in Public Act 101-398 shall be construed to authorize a county, municipality, local government, or private operator to impose a toll upon any public road, street, or highway; nor shall any provision of Public Act 101-398 be construed to authorize, pursuant to an intergovernmental agreement or otherwise, the imposition of any toll upon any public road, street, or highway.

(d) The General Assembly finds that electronic toll collection systems in Illinois should be standardized to promote safety, efficiency, and traveler convenience. If electronic toll collection is used on such bridge, the county shall cause the configuration of the electronic toll collection system to be compatible with the electronic toll collection system used by the Illinois State Toll Highway Authority. The municipality or private operator may enter into an agreement with the Illinois State Toll Highway Authority to provide for such compatibility or to have the Authority provide electronic toll collection or toll violation enforcement services. Any toll bridges in Winnebago County that are in operation and collecting tolls on the effective date of this amendatory Act of the 97th General Assembly are exempt from the provisions of the Act.

HISTORY:
Laws 1874, p. 1059; P.A. 97-252, § 15; 2019 P.A. 101-398, § 15, effective August 16, 2019; 2020 P.A. 101-644, § 5, effective June 26, 2020.

605 ILCS 115/8 [Duty of owner or operator to keep list of rates of toll; penalty]

Every person or corporation owning or operating any toll bridge, shall keep a list of the legal rates of toll, printed or written in a legible hand, constantly posted up in some public place, at or near the toll gate, or place where toll is collected. If any such person or corporation shall fail to comply with the provisions of this section, he shall, for every day such list is not posted up, forfeit $10 to the county.

HISTORY:
Laws 1874, p. 1059.

605 ILCS 115/9 [Taking or demanding excessive tolls]

Every person or corporation who shall take or demand any greater rate of toll for the passage of any person or property over any bridge than is allowed by law, shall, for each offense, forfeit and pay to the party aggrieved the sum of $5, and such additional amount as shall have been illegally taken.

HISTORY:
Laws 1874, p. 1059.

605 ILCS 115/10 [Railing or siding]

Every toll bridge shall be built with a good and substantial railing or siding, at least four and a half feet high, and no toll shall be collected for passing any bridge that has not such railing or siding.

HISTORY:
Laws 1874, p. 1059.

605 ILCS 115/12 [Channels free of deposits]

Every person or corporation owning or operating a bridge over any navigable water course shall keep the channel thereof, above and below the bridge, free and clear from all deposits in any wise prejudicial to the navigation thereof, which may be formed or occasioned by the erection of such bridge.

HISTORY:
Laws 1874, p. 1059.

605 ILCS 115/13 [Willful injury of gate; forcibly or fraudulently passing over bridge without paying toll; penalty]

Every person who shall willfully break, throw, draw or injure any gate erected on any toll bridge, or shall forcibly or fraudulently pass over any such bridge without having first paid or tendered the legal toll, shall be deemed guilty of a petty offense, and upon conviction shall be fined, in addition to the damage resulting from such wrongful act, in any sum not exceeding ten dollars.

HISTORY:
P.A. 77-2623; 89-657, § 185.

605 ILCS 115/14 [Condemnation for establishment, erection, repair, extension or reconstruction]

When it shall be necessary, for the establishment, erection, repair, extension or reconstruction of any toll bridge of public utility (including all necessary approaches thereto) that may be authorized to be

established or erected pursuant to this act, or which may have been heretofore erected, to take or damage private property therefor, the same may be done, and the compensation therefor ascertained, in the manner then provided by law for the exercise of the right of eminent domain.

HISTORY:
Laws 1874, p. 1059.

605 ILCS 115/15 [Condemnation of toll bridge to be made free bridge]

Whenever the county board of any county shall deem it for the public interest that any toll bridge in such county should be made a free bridge, it may take and condemn the same for that purpose, in the manner then provided by law for the exercise of the right of eminent domain. If the bridge is situated in two counties, such right may be exercised, and the proceedings had in behalf of such counties, jointly.

HISTORY:
Laws 1874, p. 1059.

605 ILCS 115/16 Eminent domain

Notwithstanding any other provision of this Act, any power granted under this Act to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.].

HISTORY:
P.A. 94-1055, § 95-5-755.

ILLINOIS ADOPT-A-HIGHWAY ACT

Section

605 ILCS 120/1 Short title

This Act may be cited as the Illinois Adopt-A-Highway Act.

HISTORY:
P.A. 87-1118, § 1.

605 ILCS 120/5 Purpose

The Adopt-A-Highway program allows private citizens to support municipal, township, and county anti-litter efforts by allowing groups to adopt a section of highway for the purpose of litter collection. The following Sections set forth the uniform guidelines and requirements for the administration of Adopt-A-Highway programs in the State of Illinois.

HISTORY:
P.A. 87-1118, § 5.

605 ILCS 120/10 Definitions

For purposes of this Act:

"Group" means members or employees of civic or not-for-profit organizations, and commercial or private enterprises, who have requested to participate, or are participating in, an Adopt-A-Highway program.

"Litter" means any unsightly or offensive matter that may include, but is not limited to, disposable packaging, containers, cans, bottles, paper, ashes, and cigar and cigarette butts. Litter does not include hazardous, heavy, large items, or carcasses.

"Group coordinator" means the individual selected by a group to serve as its liaison with a sponsoring jurisdiction.

"Group president" means the individual who is the recognized leader, president, or chairman for a group.

"Adopted section" means a length of municipal, township, county, or State right-of-way identified by the sponsoring jurisdiction as a safe, adoptable section of right-of-way for adoption by a group. Sections of rights-of-way may be determined inappropriate for adoption for safety reasons. No interstate highway shall be an adopted section.

"Director" means the designee or designees for any municipality, township, or county who has responsibility for the administration of a jurisdiction's Adopt-A-Highway programs.

"Sponsoring jurisdiction" means the Illinois Department of Transportation or any municipality, township, or county that establishes Adopt-A-Highway programs within its jurisdictional area.

HISTORY:
P.A. 87-1118, § 10; 89-229, § 5.

605 ILCS 120/15 Participation in Adopt-A-Highway Program

Groups may apply to a sponsoring jurisdiction for participation in the jurisdiction's Adopt-A-Highway program. The sponsoring jurisdiction shall establish the terms and procedures groups must follow in applying for participation in the Adopt-A-Highway program.

HISTORY:
P.A. 87-1118, § 15.

605 ILCS 120/20 Agreement

(a) The sponsoring jurisdiction shall have sole responsibility in determining whether an application is rejected or accepted. If an application is approved,

the group coordinator and group president shall execute a written agreement with the sponsoring jurisdiction that provides for the group's participation in the Adopt-A-Highway program.

(b) The agreement shall be in the form prescribed by the sponsoring jurisdiction and shall, at a minimum, contain the following:

(1) an acknowledgment by the group of the hazardous nature of the work involved in participating in the Adopt-A-Highway program;

(2) an agreement to comply with the terms and conditions in the Act and any other terms and conditions required by the sponsoring jurisdiction;

(3) an agreement that the volunteers or the volunteer's agents shall assume all liability for and hold the State and the State's agents or employees harmless from any and all claims of action resulting from the group's volunteers or agents work in the program, except for the negligent acts of the State, and the State's agents or employees;

(4) an agreement that the volunteers or the volunteer's agents shall assume all liability for and hold the sponsoring jurisdiction and the sponsoring jurisdiction's agents or employees harmless from any and all claims of action resulting from the group's volunteers or agents work in the program, except for the negligent acts of the sponsoring jurisdiction and the sponsoring jurisdiction's agents or employees;

(5) an agreement that the members of the group are jointly and severally bound by the terms and conditions set forth in the agreement; and

(6) the respective responsibilities of the group and the sponsoring jurisdiction as contained in Sections 25 and 30 of this Act [605 ILCS 120/25 and 605 ILCS 120/30].

HISTORY:
P.A. 87-1118, § 20.

605 ILCS 120/25 Responsibilities of the group

Groups participating in an Adopt-A-Highway program shall:

(1) be required to obey and abide by all laws and regulations relating to safety and any other terms and conditions as required by the sponsoring jurisdiction;

(2) provide one adult supervisor for every 5 youths when persons under age 18 are present on an adopted section;

(3) not allow a person under the age of 10 to be a member of the group who would be volunteering for the purpose of litter collection;

(4) require all group members to attend a safety meeting conducted by the group before participation in any litter collection along an adopted section;

(5) require the group coordinator, or designee, to conduct group safety meetings and to receive safety training as required by the sponsoring jurisdiction;

(6) adopt a section for a minimum of 2 years;

(7) collect litter along an adopted section 4 times a year, or as required by the director;

(8) require the group coordinator to provide prior notice, as required by the director, whenever the group intends to collect litter along its adopted section;

(9) require group members to properly wear any safety apparel provided by the sponsoring jurisdiction while collecting litter on an adopted section;

(10) be responsible for prohibiting members from possessing, consuming, or being under the influence of alcohol or drugs while on an adopted section;

(11) maintain a first-aid kit and an adequate supply of drinking water while members are collecting litter along an adopted section;

(12) place litter in trashbags provided by the sponsoring jurisdiction and place filled trashbags at a location on the adopted section as designated by the director; and

(13) not subcontract or assign its duties or responsibilities to any other group or organization.

HISTORY:
P.A. 87-1118, § 25.

605 ILCS 120/30 Responsibilities of the sponsoring jurisdiction

The sponsoring jurisdiction shall:

(1) determine the specific section of right-of-way that is adopted;

(2) erect a sign that conforms with Section 35 [605 ILCS 120/35] at each end of an adopted section with the name or acronym of the group displayed;

(3) provide a group with garbage bags;

(4) provide a group with safety apparel and signs cautioning the public, if required by the sponsoring jurisdiction; and

(5) remove filled garbage bags from an adopted section as soon as practical after litter collection has occurred, and shall otherwise be responsible for removing litter from adopted sections only under unusual circumstances such as to remove large, heavy, or hazardous items.

HISTORY:
P.A. 87-1118, § 30.

605 ILCS 120/35 Signs

Adopt-A-Highway signs shall be uniform Statewide in terms of shape, color, text, and location. The Illinois Department of Transportation shall develop and announce standards for Adopt-A-Highway signs within 90 days of the effective date of this Act. Nothing in this Act shall prohibit the sponsoring jurisdiction and the Illinois Department of Transportation from working cooperatively to carry out the intent of the Adopt-A-Highway Program.

HISTORY:
P.A. 87-1118, § 35.

605 ILCS 120/40 Safety training

The sponsoring jurisdiction shall develop the safety training programs that are to be utilized by group coordinators in compliance with Section 25 of this Act [605 ILCS 120/25]. Safety training programs shall be appropriate for the various types of roadway that may be adopted within a jurisdiction.

HISTORY:
P.A. 87-1118, § 40.

605 ILCS 120/45 Other conditions

(a) A sponsoring jurisdiction may establish other procedures and requirements for the administration of its Adopt-A-Highway programs. The procedures and requirements shall not be inconsistent with any provision of this Act.

(b) The sponsoring jurisdiction shall have the right to terminate an agreement if a group does not meet the terms and conditions of its agreement, or if the group's involvement in the Adopt-A-Highway program is inconsistent with any other restrictions or limitations established by the sponsoring jurisdiction.

(c) No part of this Act shall prevent the execution of intergovernmental agreements.

HISTORY:
P.A. 87-1118, § 45.

605 ILCS 120/50 Penalty for Litter Control Act violation

(a) An individual convicted of violating Section 4 or Section 5 of the Litter Control Act [415 ILCS 105/4 or 415 ILCS 105/5] by disposing of litter upon a public highway may be required to adopt for 30 days a designated portion of that highway, including the site where the offense occurred.

(b) Item (2) of Section 30 of this Act [605 ILCS 120/30] does not apply when an individual is required to adopt a portion of a highway under this Section.

HISTORY:
P.A. 94-1044, § 10.

605 ILCS 120/100 [Effective date]

This Act takes effect upon becoming law.

HISTORY:
P.A. 87-1118, § 100.

ROADSIDE MEMORIAL ACT

Section

605 ILCS 125/1 Short title

This Act may be cited as the Roadside Memorial Act.

HISTORY:
P.A. 95-398, § 1.

605 ILCS 125/5 Purpose of the Roadside Memorial program.

The Roadside Memorial program is intended to raise public awareness of traffic fatalities by affording families an opportunity to remember the victims of traffic crashes.

HISTORY:
P.A. 95-398, § 5; 2021 P.A. 102-60, § 5, effective July 9, 2021.

605 ILCS 125/10 Definitions

As used in this Act:

"Department" means the Department of Transportation.

"DUI memorial marker" means a marker on a highway in this State commemorating one or more persons who died as a proximate result of a crash caused by a driver under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof.

"Qualified relative" means: an immediate relative of the deceased, by marriage, blood, or adoption, such as his or her spouse, son, daughter, mother, father, sister, or brother; a stepmother, stepfather, stepbrother, or stepsister of the deceased; or a person with whom the deceased was in a domestic partnership or civil union as recognized by a State or local law or ordinance.

"Supporting jurisdiction" means the Department or any municipality, township, or county that establishes a Roadside Memorial program within its jurisdictional area.

HISTORY:
P.A. 95-398, § 10.

605 ILCS 125/15 Participation in the Roadside Memorial program

(a) A qualified relative of a victim may make a request for the installation of a memorial marker in a supporting jurisdiction using an application developed by the supporting jurisdiction. The supporting jurisdiction shall have sole responsibility for deter-

mining whether a request for a DUI memorial marker is rejected or accepted.

(b) An application for a DUI memorial marker may be submitted by a qualified relative with regard to any crash that occurred on or after January 1, 1990.

(c) If there is any opposition to the placement of a DUI memorial marker by any qualified relative of any decedent involved in the crash, the supporting jurisdiction shall deny the request.

(d) The supporting jurisdiction shall deny the request or, if a DUI memorial marker has already been installed, may remove the marker, if the qualified relative has provided false or misleading information in the application.

(e) The qualified relative shall agree not to place or encourage the placement of flowers, pictures, or other items at the crash site.

(f) A DUI memorial marker shall not be erected for a deceased driver involved in a fatal crash who is shown by toxicology reports to have been in violation of State DUI law, unless the next of kin of any other victim or victims killed in the crash consent in writing to the erection of the memorial marker.

HISTORY:
P.A. 95-398, § 15; 95-873, § 5.

605 ILCS 125/20 DUI memorial markers.

(a) A DUI memorial marker erected before July 1, 2021 shall consist of a white on blue panel bearing the message "Please Don't Drink and Drive". A DUI memorial marker erected on or after July 1, 2021 shall consist of a white on blue panel bearing the message "Don't Drive Under the Influence". At the request of the qualified relative, a separate panel bearing the words "In Memory of (victim's name)", followed by the date of the crash that was the proximate cause of the loss of the victim's life, shall be mounted below the primary panel. This amendatory Act of the 102nd General Assembly does not require the removal or replacement of any memorial markers erected before July 1, 2021.

(b) A DUI memorial marker may memorialize more than one victim who died as a result of the same DUI-related crash. If one or more additional DUI crash deaths subsequently occur in close proximity to an existing DUI memorial marker, the supporting jurisdiction may use the same marker to memorialize the subsequent death or deaths, by adding the names of the additional persons.

(c) A DUI memorial marker shall be maintained for at least 2 years from the date the last person was memorialized on the marker.

(d) The supporting jurisdiction has the right to install a marker at a location other than the location of the crash or to relocate a marker due to restricted room, property owner complaints, interference with essential traffic control devices, safety concerns, or other restrictions. In such cases, the sponsoring jurisdiction may select an alternate location.

(e) The Department shall secure the consent of any municipality before placing a DUI memorial marker within the corporate limits of the municipality.

(f) A fee in an amount to be determined by the supporting jurisdiction may be paid in whole or in part from the Roadside Memorial Fund if moneys are made available by the Department of Transportation from that Fund or may be charged to the qualified relative to the extent moneys from that Fund are not made available. The fee shall not exceed the costs associated with the fabrication, installation, and maintenance of the DUI memorial marker.

HISTORY:
P.A. 95-398, § 20; 96-667, § 10; 2021 P.A. 102-60, § 5, effective July 9, 2021.

605 ILCS 125/23: [Repealed] Repealed internally by P.A. 97-1150, § 570, effective January 25, 2013.

605 ILCS 125/23.1 Fatal accident memorial marker program. [Effective until July 1, 2023]

(a) The fatal accident memorial marker program is intended to raise public awareness of traffic fatalities caused by reckless driving or other means by emphasizing the dangers while affording families an opportunity to remember the victims of traffic crashes.

(b) As used in this Section, "fatal accident memorial marker" means a marker on a highway in this State commemorating one or more persons who died as a proximate result of a crash caused by a driver who committed an act of reckless homicide in violation of Section 9-3 or 9-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/9-3 or 720 ILCS 5/9-3.2] or who otherwise caused the death of one or more persons through the operation of a motor vehicle.

(c) For purposes of the fatal accident memorial marker program in this Section, the provisions of Section 15 of this Act [605 ILCS 125/15] applicable to DUI memorial markers shall apply the same to fatal accident memorial markers.

(d) A fatal accident memorial marker shall consist of a white on blue panel bearing the message "Reckless Driving Costs Lives" if the victim or victims died as a proximate result of a crash caused by a driver who committed an act of reckless homicide in violation of Section 9-3 or 9-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/9-3 or 720 ILCS 5/9-3.2]. Otherwise, a fatal accident memorial marker shall consist of a white on blue panel bearing the message "Drive With Care". At the request of the qualified relative, a separate panel bearing the words "In Memory of (victim's name)", followed by the date of the crash that was the proximate cause of the loss of the victim's life, shall be mounted below the primary panel.

(e) A fatal accident memorial marker may memorialize more than one victim who died as a result of the same crash. If one or more additional deaths subsequently occur in close proximity to an existing fatal accident memorial marker, the supporting jurisdiction may use the same marker to memorialize the subsequent death or deaths, by adding the names of the additional persons.

(f) A fatal accident memorial marker shall be maintained for at least 2 years from the date the last person was memorialized on the marker.

(g) The supporting jurisdiction has the right to install a marker at a location other than the location of the crash or to relocate a marker due to restricted room, property owner complaints, interference with essential traffic control devices, safety concerns, or other restrictions. In these cases, the sponsoring jurisdiction may select an alternate location.

(h) The Department shall secure the consent of any municipality before placing a fatal accident memorial marker within the corporate limits of the municipality.

(i) A fee in an amount to be determined by the supporting jurisdiction shall be charged to the qualified relative. The fee shall not exceed the costs associated with the fabrication, installation, and maintenance of the fatal accident memorial marker.

(j) The provisions of this Section shall apply to any fatal accident marker constructed on or after January 1, 2013.

HISTORY:
P.A. 98-334, § 5; 2021 P.A. 102-60, § 5, effective July 9, 2021.

605 ILCS 125/23.1 Fatal crash memorial marker program. [Effective July 1, 2023]

(a) The fatal crash memorial marker program is intended to raise public awareness of traffic fatalities caused by reckless driving or other means by emphasizing the dangers while affording families an opportunity to remember the victims of traffic crashes.

(b) As used in this Section, "fatal crash memorial marker" means a marker on a highway in this State commemorating one or more persons who died as a proximate result of a crash caused by a driver who committed an act of reckless homicide in violation of Section 9-3 or 9-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/9-3 or 720 ILCS 5/9-3.2] or who otherwise caused the death of one or more persons through the operation of a motor vehicle.

(c) For purposes of the fatal crash memorial marker program in this Section, the provisions of Section 15 of this Act [605 ILCS 125/15] applicable to DUI memorial markers shall apply the same to fatal crash memorial markers.

(d) A fatal crash memorial marker shall consist of a white on blue panel bearing the message "Reckless Driving Costs Lives" if the victim or victims died as a proximate result of a crash caused by a driver who committed an act of reckless homicide in violation of Section 9-3 or 9-3.2 of the Criminal Code of 1961 or the Criminal Code of 2012 [720 ILCS 5/9-3 or 720 ILCS 5/9-3.2]. Otherwise, a fatal crash memorial marker shall consist of a white on blue panel bearing the message "Drive With Care". At the request of the qualified relative, a separate panel bearing the words "In Memory of (victim's name)", followed by the date of the crash that was the proximate cause of the loss of the victim's life, shall be mounted below the primary panel.

(e) A fatal crash memorial marker may memorialize more than one victim who died as a result of the same crash. If one or more additional deaths subsequently occur in close proximity to an existing fatal crash memorial marker, the supporting jurisdiction may use the same marker to memorialize the subsequent death or deaths, by adding the names of the additional persons.

(f) A fatal crash memorial marker shall be maintained for at least 2 years from the date the last person was memorialized on the marker.

(g) The supporting jurisdiction has the right to install a marker at a location other than the location of the crash or to relocate a marker due to restricted room, property owner complaints, interference with essential traffic control devices, safety concerns, or other restrictions. In these cases, the sponsoring jurisdiction may select an alternate location.

(h) The Department shall secure the consent of any municipality before placing a fatal crash memorial marker within the corporate limits of the municipality.

(i) A fee in an amount to be determined by the supporting jurisdiction shall be charged to the qualified relative. The fee shall not exceed the costs associated with the fabrication, installation, and maintenance of the fatal crash memorial marker.

(j) The provisions of this Section shall apply to any fatal crash marker constructed on or after January 1, 2013.

HISTORY:
P.A. 98-334, § 5; 2021 P.A. 102-60, § 5, effective July 9, 2021; 2022 P.A. 102-982, § 100, effective July 1, 2023.

605 ILCS 125/25 Rules

The Department shall adopt rules regarding implementation of this Act. These rules shall be consistent with this Act and with federal regulations.

HISTORY:
P.A. 95-398, § 25.

605 ILCS 125/99 Effective date

This Act takes effect January 1, 2008.

HISTORY:
P.A. 95-398, § 99.

HEROES WAY DESIGNATION PROGRAM ACT

Section

HISTORY:
2016 P.A. 99-802, § 1, effective January 1, 2017.

605 ILCS 127/1 Short title.

This Act may be cited as the Heroes Way Designation Program Act.

HISTORY:
2016 P.A. 99-802, § 1, effective January 1, 2017.

605 ILCS 127/5 Purpose.

This Act establishes a designation program, to be known as the "Heroes Way Designation Program", to honor the fallen Illinois heroes who have been killed in action while performing active military duty with the United States Armed Forces.

HISTORY:
2016 P.A. 99-802, § 5, effective January 1, 2017.

605 ILCS 127/10 Definitions.

As used in this Act:

"Department" means the Illinois Department of Transportation.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"United States Armed Forces" means any branch of the United States Military, including National Guard and military reserve components.

HISTORY:
2016 P.A. 99-802, § 10, effective January 1, 2017.

605 ILCS 127/15 Heroes Way Designation Program.

(a) Any person who is related by marriage, adoption, or consanguinity within the second degree to a member of the United States Armed Forces who was killed in action while performing active military duty with the Armed Forces, and who was a resident of this State at the time he or she was killed in action, may apply for a designation allowing the placement of an honorary sign alongside roads designated under the provisions of this Act.

(b) The honorary signs may be placed upon interstate or state-numbered highway interchanges or upon bridges or segments of highway under the jurisdiction of the Department according to the provisions of this Section, and any applicable federal and State limitations or conditions on highway signage, including location and spacing.

(c) Any person described under subsection (a) of this Section who desires to have an interstate or state-numbered highway interchange or bridge or segment of highway under the jurisdiction of the Department designated after his or her family member shall petition the Department by submitting an application in a form prescribed by the Secretary. The form shall include the amount of the fee under subsection (d) of this Section. The application must meet the following requirements:

(1) describe the interstate or state-numbered highway interchange or bridge or segment of highway under the jurisdiction of the Department for which the designation is sought and the proposed name of the interchange, bridge, or relevant segment of highway. The application shall include the name of at least one current member of the General Assembly who will sponsor the designation. The application may contain written testimony for support of the designation;

(2) a signed form, prescribed by the Secretary, certifying that the applicant is related by marriage, adoption, or consanguinity within the second degree to the member of the United States Armed Forces who was killed in action; and

(3) the name of the member of the United States Armed Forces for whom the designation is sought must be listed on the National Gold Star Family Registry.

(d) After determining that the petitioner meets all of the application requirements of subsection (c), the Department shall submit a recommendation containing the proposed designations to the sponsor in the General Assembly named in the application. The Department shall be notified upon the approval or denial of a proposed designation. Upon the approval of a proposed designation, the petitioner shall submit a fee to be determined by the Secretary to cover the costs of constructing and maintaining the proposed signs on the interchange, bridge, or segment of highway. The fee shall not exceed the cost of constructing and maintaining each sign.

(e) The Department shall give notice of any proposed designation under this Section on the Department's official public website.

(f) Two signs shall be erected for each interchange, bridge, or segment of highway designation processed under this Section.

(g) No interchange, bridge, or segment of highway may be named or designated under this Section if it carries an existing designation. A designated member of the United States Armed Forces shall not be eligible for more than one interchange, bridge, or segment of highway designation under this Section.

(h) All moneys received by the Department for the construction and maintenance of interchange, bridge, or segment of highway signs shall be deposited in the "Road Fund" of the State treasury.

(i) The documents and fees required under this Section shall be submitted to the Department.

HISTORY:
2016 P.A. 99-802, § 15, effective January 1, 2017.

PUBLIC PRIVATE AGREEMENTS FOR THE ILLIANA EXPRESSWAY ACT

Section

605 ILCS 130/1 Short title

This Act may be cited as the Public Private Agreements for the Illiana Expressway Act.

HISTORY:
P.A. 96-913, § 1.

605 ILCS 130/5 Legislative findings

(a) The State of Illinois and the State of Indiana are engaged in collaborative planning efforts to build a new interstate highway connecting Interstate Highway 55 in northeastern Illinois to Interstate Highway 65 in northwestern Indiana to serve the public at large.

(b) The Illiana Expressway will promote development and investment in the State of Illinois and serve as a critical transportation route in the region.

(c) Public private agreements between the State of Illinois and one or more private entities to develop, finance, construct, manage, or operate the Illiana Expressway have the potential of maximizing value and benefit to the People of the State of Illinois and the public at large.

(d) Public private agreements may enable the Illiana Expressway to be developed, financed, constructed, managed, or operated in an entrepreneurial and business-like manner.

(e) In the event the State of Illinois enters into one or more public private agreements to develop, finance, construct, manage, or operate the Illiana Expressway, the private parties to the agreements should be accountable to the People of Illinois through a comprehensive system of oversight, regulation, auditing, and reporting.

(f) It is the intent of this Act to use Illinois design professionals, construction companies, and workers to the greatest extent permitted by law by offering them the right to compete for this work.

HISTORY:
P.A. 96-913, § 5.

605 ILCS 130/10 Definitions

As used in this Act:

"Agreement" means a public private agreement.

"Contractor" means a person that has been selected to enter or has entered into a public private agreement with the Department on behalf of the State for the development, financing, construction, management, or operation of the Illiana Expressway pursuant to this Act.

"Department" means the Illinois Department of Transportation.

"Illiana Expressway" means the fully access-controlled interstate highway connecting Interstate Highway 55 in northeastern Illinois to Interstate Highway 65 in northwestern Indiana, which may be operated as a toll or non-toll facility.

"Metropolitan planning organization" means a metropolitan planning organization designated under 23 U.S.C. Section 134.

"Offeror" means a person that responds to a request for proposals under this Act.

"Person" means any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, or any other legal entity, group, or combination thereof.

"Public private agreement" means an agreement or contract between the Department on behalf of the State and all schedules, exhibits, and attachments thereto, entered into pursuant to a competitive request for proposals process governed by the Illinois Procurement Code [30 ILCS 500/1-1 et seq.] and rules adopted under that Code and this Act, for the development, financing, construction, management, or operation of the Illiana Expressway pursuant to this Act.

"Revenues" means all revenues including but not limited to income; user fees; earnings; interest; lease payments; allocations; moneys from the federal government, the State, and units of local government, including but not limited to federal, State, and local appropriations, grants, loans, lines of credit, and credit guarantees; bond proceeds; equity invest-

ments; service payments; or other receipts arising out of or in connection with the financing, development, construction, management, or operation of the Illiana Expressway.

"State" means the State of Illinois.

"Secretary" means the Secretary of the Illinois Department of Transportation.

"Unit of local government" has the meaning ascribed to that term in Article VII, Section 1 of the Constitution of the State of Illinois, and, for purposes of this Act, includes school districts.

"User fees" means the tolls, rates, fees, or other charges imposed by the State or the contractor for use of all or part of the Illiana Expressway.

HISTORY:
P.A. 96-913, § 10.

605 ILCS 130/15 Public private agreement authorized

(a) Notwithstanding any provision of law to the contrary, the Department on behalf of the State may, pursuant to a competitive request for proposals process governed by the Illinois Procurement Code [30 ILCS 500/1-1 et seq.] and rules adopted under that Code and this Act, enter into one or more public private agreements with one or more contractors to develop, finance, construct, manage, or operate the Illiana Expressway on behalf of the State, and further pursuant to which the contractors may receive certain revenues including user fees in consideration of the payment of moneys to the State for that right.

(b) Before taking any action in connection with the development, financing, maintenance, or operation of the Illiana Expressway that is not authorized by an interim agreement under Section 30 of this Act [605 ILCS 130/30], a contractor shall enter into a public private agreement.

(c) The term of a public private agreement, including all extensions, shall be no more than 99 years.

(d) The term of a public private agreement may be extended but only if the extension is specifically authorized by the General Assembly by law.

HISTORY:
P.A. 96-913, § 15.

605 ILCS 130/17 Procurement; prequalification

The Department may establish a process for prequalification of offerors. If the Department does create such a process, it shall: (i) provide a public notice of the prequalification at least 30 days prior to the date on which applications are due; (ii) set forth requirements and evaluation criteria in order to become prequalified; (iii) determine which offerors that have submitted prequalification applications, if any, meet the requirements and evaluation criteria; and (iv) allow only those offerors that have been prequalified to respond to the request for proposals.

HISTORY:
P.A. 96-913, § 17.

605 ILCS 130/20 Procurement; request for proposals process.

(a) Notwithstanding any provision of law to the contrary, the Department on behalf of the State shall select a contractor through a competitive request for proposals process governed by the Illinois Procurement Code [30 ILCS 500/1-1 et seq.] and rules adopted under that Code and this Act.

(b) The competitive request for proposals process shall, at a minimum, solicit statements of qualification and proposals from offerors.

(c) The competitive request for proposals process shall, at a minimum, take into account the following criteria:

(1) The offeror's plans for the Illiana Expressway project;

(2) The offeror's current and past business practices;

(3) The offeror's poor or inadequate past performance in developing, financing, constructing, managing, or operating highways or other public assets;

(4) The offeror's ability to meet and past performance in meeting or exhausting good faith efforts to meet the utilization goals for business enterprises established in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act [30 ILCS 575/0.01 et seq.];

(5) The offeror's ability to comply with and past performance in complying with Section 2-105 of the Illinois Human Rights Act [775 ILCS 5/2-105]; and

(6) The offeror's plans to comply with the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and Section 2-105 of the Illinois Human Rights Act.

(d) The Department shall retain the services of an advisor or advisors with significant experience in the development, financing, construction, management, or operation of public assets to assist in the preparation of the request for proposals.

(e) The Department shall not include terms in the request for proposals that provide an advantage, whether directly or indirectly, to any contractor presently providing goods, services, or equipment to the Department.

(f) The Department shall select at least 2 offerors as finalists. The Department shall submit the offerors' statements of qualification and proposals to the Commission on Government Forecasting and Accountability and the Procurement Policy Board, which shall, within 30 days of the submission, complete a review of the statements of qualification and proposals and, jointly or separately, report on, at a minimum, the satisfaction of the criteria contained in the request for proposals, the qualifications of the offerors, and the value of the proposals to the State. The Department shall not select an offeror as the contractor for the Illiana Expressway project until it has received and considered the findings of the Commission on Government Forecasting and Account-

ability and the Procurement Policy Board as set forth in their respective reports.

(g) Before awarding a public private agreement to an offeror, the Department shall schedule and hold a public hearing or hearings on the proposed public private agreement and publish notice of the hearing or hearings at least 7 days before the hearing and in accordance with Section 4-219 of the Illinois Highway Code [605 ILCS 5/4-219]. The notice must include the following:

(1) the date, time, and place of the hearing and the address of the Department;

(2) the subject matter of the hearing;

(3) a description of the agreement that may be awarded; and

(4) the recommendation that has been made to select an offeror as the contractor for the Illiana Expressway project.

At the hearing, the Department shall allow the public to be heard on the subject of the hearing.

(h) After the procedures required in this Section have been completed, the Department shall make a determination as to whether the offeror should be designated as the contractor for the Illiana Expressway project and shall submit the decision to the Governor and to the Governor's Office of Management and Budget. After review of the Department's determination, the Governor may accept or reject the determination. If the Governor accepts the determination of the Department, the Governor shall designate the offeror for the Illiana Expressway project.

HISTORY:

P.A. 96-913, § 20; 2017 P.A. 100-391, § 160, effective August 25, 2017.

605 ILCS 130/25 Provisions of the public private agreement

(a) The public private agreement shall include all of the following:

(1) The term of the public private agreement that is consistent with Section 15 of this Act [605 ILCS 130/15];

(2) The powers, duties, responsibilities, obligations, and functions of the Department and the contractor;

(3) Compensation or payments to the Department, if applicable;

(4) Compensation or payments to the contractor;

(5) A provision specifying that the Department:

(A) has ready access to information regarding the contractor's powers, duties, responsibilities, obligations, and functions under the public private agreement;

(B) has the right to demand and receive information from the contractor concerning any aspect of the contractor's powers, duties, responsibilities, obligations, and functions under the public private agreement; and

(C) has the authority to direct or countermand decisions by the contractor at any time;

(6) A provision imposing an affirmative duty on the contractor to provide the Department with any information the contractor reasonably believes the Department would want to know or would need to know to enable the Department to exercise its powers, carry out its duties, responsibilities, and obligations, and perform its functions under this Act or the public private agreement or as otherwise required by law;

(7) A provision requiring the contractor to provide the Department with advance notice of any decision that bears significantly on the public interest so the Department has a reasonable opportunity to evaluate and countermand that decision pursuant to this Section;

(8) A requirement that the Department monitor and oversee the contractor's practices and take action that the Department considers appropriate to ensure that the contractor is in compliance with the terms of the public private agreement;

(9) The authority of the Department to enter into contracts with third parties pursuant to Section 50 of this Act [605 ILCS 130/50];

(10) A provision governing the contractor's authority to negotiate and execute subcontracts with third parties;

(10.5) A provision stating that, in the event that the contractor does not have a subcontract with a design-build entity in effect at the time of execution of the public-private agreement by the Department, the contractor must follow a selection process that is, to the greatest extent possible, identical to the selection process contained in the Design-Build Procurement Act [30 ILCS 537/1 et seq.];

(11) The authority of the contractor to impose user fees and the amounts of those fees, including the authority of the contractor to use congestion pricing, pursuant to which higher tolls rates are imposed during times or in locations of increased congestion;

(12) A provision governing the deposit and allocation of revenues including user fees;

(13) A provision governing rights to real and personal property of the State, the Department, the contractor, and other third parties;

(14) A provision stating that the contractor must, pursuant to Section 75 of this Act [605 ILCS 130/75], finance an independent audit if the construction costs under the contract exceed $50,000,000;

(15) A provision regarding the implementation and delivery of a comprehensive system of internal audits;

(16) A provision regarding the implementation and delivery of reports, which must include a requirement that the contractor file with the Department, at least on an annual basis, financial statements containing information required by generally accepted accounting principles (GAAP);

(17) Procedural requirements for obtaining the prior approval of the Department when rights that

are the subject of the agreement, including but not limited to development rights, construction rights, property rights, and rights to certain revenues, are sold, assigned, transferred, or pledged as collateral to secure financing or for any other reason;

(18) Grounds for termination of the agreement by the Department or the contractor and a restatement of the Department's rights under Section 35 of this Act [605 ILCS 130/35];

(19) A requirement that the contractor enter into a project labor agreement pursuant to Section 100 of this Act [605 ILCS 130/100];

(19.5) A provision stating that construction contractors shall comply with the requirements of Section 30-22 of the Illinois Procurement Code [30 ILCS 500/30-22] pursuant to Section 100 of this Act;

(20) Timelines, deadlines, and scheduling;

(21) Review of plans, including development, financing, construction, management, or operations plans, by the Department;

(22) Inspections by the Department, including inspections of construction work and improvements;

(23) Rights and remedies of the Department in the event that the contractor defaults or otherwise fails to comply with the terms of the agreement;

(24) A code of ethics for the contractor's officers and employees; and

(25) Procedures for amendment to the agreement.

(b) The public private agreement may include any or all of the following:

(1) A provision regarding the extension of the agreement that is consistent with Section 15 of this Act [605 ILCS 130/15];

(2) Cash reserves requirements;

(3) Delivery of performance and payment bonds or other performance security in a form and amount that is satisfactory to the Department;

(4) Maintenance of public liability insurance;

(5) Maintenance of self-insurance;

(6) Provisions governing grants and loans, pursuant to which the Department may agree to make grants or loans for the development, financing, construction, management, or operation of the Illiana Expressway project from time to time from amounts received from the federal government or any agency or instrumentality of the federal government or from any State or local agency;

(7) Reimbursements to the Department for work performed and goods, services, and equipment provided by the Department; and

(8) All other terms, conditions, and provisions acceptable to the Department that the Department deems necessary and proper and in the public interest.

HISTORY:
P.A. 96-913, § 25; 97-808, § 5; 98-595, § 5.

605 ILCS 130/30 Interim agreements

(a) Prior to or in connection with the negotiation of the public private agreement, the Department may enter into an interim agreement with the contractor.

(b) The interim agreement may not authorize the contractor to perform construction work prior to the execution of the public private agreement.

(c) The interim agreement may include any or all of the following:

(1) Timelines, deadlines, and scheduling;

(2) Compensation including the payment of costs and fees in the event the Department terminates the interim agreement or declines to proceed with negotiation of the public private agreement;

(3) A provision governing the contractor's authority to commence activities related to the Illiana Expressway project including but not limited to project planning, advance right-of-way acquisition, design and engineering, environmental analysis and mitigation, surveying, conducting studies including revenue and transportation studies, and ascertaining the availability of financing;

(4) Procurement procedures;

(5) A provision governing rights to real and personal property of the State, the Department, the contractor, and other third parties;

(6) All other terms, conditions, and provisions acceptable to the Department that the Department deems necessary and proper and in the public interest.

(d) The Department may enter into one or more interim agreements with one or more contractors if the Department determines in writing that it is in the public interest to do so.

HISTORY:
P.A. 96-913, § 30.

605 ILCS 130/35 Termination of the Public Private Agreement

The Department may terminate a public private agreement or interim agreement under Section 30 of this Act [605 ILCS 130/30] if the contractor or any executive employee of the contractor is found guilty of any criminal offense related to the conduct of its business or the regulation thereof in any jurisdiction. For purposes of this Section, an "executive employee" is the President, Chairman, Chief Executive Officer, or Chief Financial Officer; any employee with executive decision-making authority over the long-term or day-to-day affairs of the contractor; or any employee whose compensation or evaluation is determined in whole or in part by the award of the public private agreement.

HISTORY:
P.A. 96-913, § 35.

605 ILCS 130/40 Public private agreement proceeds

After the payment of all transaction costs, including payments for legal, accounting, financial, consultation, and other professional services, all moneys

received by the State as compensation for the public private agreement shall be deposited into the Illiana Expressway Proceeds Fund, which is hereby created as a special fund in the State treasury. Expenditures may be made from the Fund only in the manner as appropriated by the General Assembly by law.

HISTORY:
P.A. 96-913, § 40.

605 ILCS 130/45 User fees

No user fees may be imposed by the contractor except as set forth in the public private agreement.

HISTORY:
P.A. 96-913, § 45.

605 ILCS 130/47 Selection of professional design firms

Notwithstanding any provision of law to the contrary, the selection of professional design firms by the Department or the contractor shall comply with the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/1 et seq.].

HISTORY:
P.A. 96-913, § 47.

605 ILCS 130/50 Other contracts

The Department may, pursuant to the Illinois Procurement Code [30 ILCS 500/1-1 et seq.] and rules adopted under that Code, award contracts for goods, services, or equipment to persons other than the contractor for goods, services, or equipment not provided for in the public private agreement.

HISTORY:
P.A. 96-913, § 50.

605 ILCS 130/55 Planning for the Illiana Expressway project

The Illiana Expressway project shall be subject to all applicable planning requirements otherwise required by law, including land use planning, regional planning, transportation planning, and environmental compliance requirements.

HISTORY:
P.A. 96-913, § 55.

605 ILCS 130/60 Illinois Department of Transportation; reporting requirements and information requests

(a) The Department shall submit written monthly progress reports to the Procurement Policy Board and the General Assembly on the Illiana Expressway project. The report shall include the status of any public private agreements or other contracting and any ongoing or completed studies. The Procurement Policy Board may determine the format for the written monthly progress reports.

(b) The Department shall also respond promptly in writing to all inquiries and comments of the Procurement Policy Board with respect to any conduct taken by the Department to implement, execute, or administer the provisions of this Act.

(c) Upon request, the Department shall appear and testify before the Procurement Policy Board and produce information requested by the Procurement Policy Board.

(d) At least 30 days prior to the beginning of the Department's fiscal year, the Department shall prepare an annual written progress report on the Illiana Expressway project. The report shall include the status of any public private agreements or other contracting and any ongoing or completed studies. The report shall be delivered to the Procurement Policy Board and each county, municipality, and metropolitan planning organization whose territory includes or lies within 5 miles from a proposed or existing Illiana Expressway project site.

HISTORY:
P.A. 96-913, § 60.

605 ILCS 130/65 Illinois Department of Transportation; publication requirements

(a) The Department shall publish a notice of the execution of the public private agreement on its website and in a newspaper of general circulation within the county or counties whose territory includes or lies within 5 miles from a proposed or existing Illiana Expressway project site.

(b) The Department shall publish the full text of the public private agreement on its website.

HISTORY:
P.A. 96-913, § 65.

605 ILCS 130/70 Electronic toll collection systems

Any electronic toll collection system used on the Illiana Expressway must be compatible with the electronic toll collection system used by the Illinois State Toll Highway Authority.

HISTORY:
P.A. 96-913, § 70.

605 ILCS 130/75 Independent audits

If the public private agreement provides for the construction of all or part of the Illiana Expressway project and the estimated construction costs under the agreement exceed $50,000,000, the Department must also require the contractor to finance an independent audit of any and all traffic and cost estimates associated with the agreement as well as a review of all public costs and potential liabilities to which taxpayers could be exposed (including im-

provements to other transportation facilities that may be needed as a result of the agreement, failure by the contractor to reimburse the Department for services provided, and potential risk and liability in the event of default on the agreement or default on other types of financing). The independent audit must be conducted by an independent consultant selected by the Department.

HISTORY:
P.A. 96-913, § 75.

605 ILCS 130/80 Property acquisition

The Department may acquire property for the Illiana Expressway project using the powers granted to it in the Illinois Highway Code and the Eminent Domain Act [605 ILCS 5/1-101 et seq.].

HISTORY:
P.A. 96-913, § 80; 97-808, § 5.

605 ILCS 130/85 Rights of the Illinois Department of Transportation upon expiration or termination of the agreement

(a) Upon the termination or expiration of the public private agreement, including a termination for default, the Department shall have the right to take over the Illiana Expressway project and to succeed to all of the right, title, and interest in the Illiana Expressway project, subject to any liens on revenues previously granted by the contractor to any person providing financing for the Illiana Expressway project.

(b) If the Department elects to take over the Illiana Expressway project as provided in subsection (a) of this Section, the Department may, without limitation, do the following:

(1) develop, finance, construct, maintain, or operate the project, including through another public private agreement entered into in accordance with this Act; or

(2) impose, collect, retain, and use user fees, if any, for the project.

(c) If the Department elects to take over the Illiana Expressway project as provided in subsection (a) of this Section, the Department may, without limitation, use the revenues, if any, for any lawful purpose, including to:

(1) make payments to individuals or entities in connection with any financing of the Illiana Expressway project;

(2) permit a contractor or third party to receive some or all of the revenues under the public private agreement entered into under this Act;

(3) pay development costs of the Illiana Expressway;

(4) pay current operation costs of the Illiana Expressway; and

(5) pay the contractor for any compensation or payment owing upon termination.

(d) All real property acquired as a part of the Illiana Expressway shall be held in the name of the State of Illinois upon termination of the Illiana Expressway project.

(e) The full faith and credit of the State or any political subdivision of the State or the Department is not pledged to secure any financing of the contractor by the election to take over the Illiana Expressway project. Assumption of development or operation, or both, of the Illiana Expressway project does not obligate the State or any political subdivision of the State or the Department to pay any obligation of the contractor.

HISTORY:
P.A. 96-913, § 85.

605 ILCS 130/90 Standards for the Illiana Expressway project

(a) The plans and specifications for the Illiana Expressway project must comply with:

(1) the Department's standards for other projects of a similar nature or as otherwise provided in the public private agreement;

(2) the Professional Engineering Practice Act of 1989 [225 ILCS 325/1 et seq.], the Structural Engineering Practice Act of 1989 [225 ILCS 340/1 et seq.], the Illinois Architecture Practice Act of 1989 [225 ILCS 305/1 et seq.], and the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330/1 et seq.]; and

(3) any other applicable State or federal standards.

(b) The Illiana Expressway constructed is considered to be part of the State highway system for purposes of identification, maintenance standards, and enforcement of traffic laws under the jurisdiction of the Department. The Department shall establish performance based standards for financial documents related to the Illiana Expressway.

HISTORY:
P.A. 96-913, § 90.

605 ILCS 130/95 Financial arrangements

(a) The Department may apply for, execute, or endorse applications submitted by contractors and other third parties to obtain federal, State, or local credit assistance to develop, finance, maintain, or operate the Illiana Expressway project.

(b) The Department may take any action to obtain federal, State, or local assistance for the Illiana Expressway project that serves the public purpose of this Act and may enter into any contracts required to receive the federal assistance. The Department may determine that it serves the public purpose of this Act for all or any portion of the costs of the Illiana Expressway project to be paid, directly or indirectly, from the proceeds of a grant or loan, line of credit, or loan guarantee made by a local, State, or federal government or any agency or instrumentality of a

local, State, or federal government. Such assistance may include, but not be limited to, federal credit assistance pursuant to the Transportation Infrastructure Finance and Innovation Act (TIFIA).

(c) The Department may agree to make grants or loans for the development, financing, construction, management, or operation of the Illiana Expressway project from time to time, from amounts received from the federal, State, or local government or any agency or instrumentality of the federal, State, or local government.

(d) Any financing of the Illiana Expressway project may be in the amounts and subject to the terms and conditions contained in the public private agreement.

(e) For the purpose of financing the Illiana Expressway project, the contractor and the Department may do the following:

(1) propose to use any and all revenues that may be available to them;

(2) enter into grant agreements;

(3) access any other funds available to the Department; and

(4) accept grants from any public or private agency or entity.

(f) For the purpose of financing the Illiana Expressway project, public funds may be used and mixed and aggregated with funds provided by or on behalf of the contractor or other private entities.

(g) For the purpose of financing the Illiana Expressway project, the Department is authorized to apply for, execute, or endorse applications for an allocation of tax-exempt bond financing authorization provided by Section 142(m) of the United States Internal Revenue Code [26 U.S.C. § 142], as well as financing available under any other federal law or program.

(h) Any bonds, debt, or other securities or other financing issued by or on behalf of a contractor for the purposes of a project undertaken pursuant to this Act shall not be deemed to constitute a debt of the State or any political subdivision of the State or a pledge of the faith and credit of the State or any political subdivision of the State.

HISTORY:
P.A. 96-913, § 95; 97-808, § 5.

605 ILCS 130/100 Labor

(a) The public private agreement shall require the contractor to enter into a project labor agreement.

(b) The public private agreement shall require all construction contractors to comply with the requirements of Section 30-22 of the Illinois Procurement Code [30 ILCS 500/30-22] as they apply to responsible bidders and to present satisfactory evidence of that compliance to the Department, unless the Illiana Expressway project is federally funded and the application of those requirements would jeopardize the receipt or use of federal funds in support of the Illiana Expressway project.

HISTORY:
P.A. 96-913, § 100.

605 ILCS 130/105 Law enforcement

(a) All law enforcement officers of the State and of each affected local jurisdiction have the same powers and jurisdiction within the boundaries of the Illiana Expressway as they have in their respective areas of jurisdiction.

(b) Law enforcement officers shall have access to the Illiana Expressway at any time for the purpose of exercising the law enforcement officers' powers and jurisdiction.

(c) The traffic and motor vehicle laws of the State of Illinois or, if applicable, any local jurisdiction shall be the same as those applying to conduct on highways in the State of Illinois or the local jurisdiction.

(d) Punishment for infractions and offenses shall be as prescribed by law for conduct occurring on highways in the State of Illinois or the local jurisdiction.

HISTORY:
P.A. 96-913, § 105.

605 ILCS 130/110 Term of agreement; reversion of property to the Department

(a) The Department shall terminate the contractor's authority and duties under the public private agreement on the date set forth in the public private agreement.

(b) Upon termination of the public private agreement, the authority and duties of the contractor under this Act cease, except for those duties and obligations that extend beyond the termination, as set forth in the public private agreement, and all interests in the Illiana Expressway shall revert to the Department.

HISTORY:
P.A. 96-913, § 110.

605 ILCS 130/115 Additional powers of the Department with respect to the Illiana Expressway.

(a) The Department may exercise any powers provided under this Act in participation or cooperation with any governmental entity and enter into any contracts to facilitate that participation or cooperation. The Department shall cooperate with other governmental entities under this Act.

(b) The Department may make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of the Department's powers under this Act. Except as otherwise required by law, these contracts or agreements are not subject to any approvals other than the approval of the Department, Governor, or federal agencies.

(c) The Department may pay the costs incurred under the public private agreement entered into under this Act from any funds available to the Department for the purpose of the Illiana Expressway under this Act or any other statute.

(d) The Department or other State agency may not take any action that would impair the public private agreement entered into under this Act, except as provided by law.

(e) The Department may enter into an agreement between and among the contractor, the Department, and the Illinois State Police concerning the provision of law enforcement assistance with respect to the Illiana Expressway under this Act.

(f) The Department is authorized to enter into arrangements with the Illinois State Police related to costs incurred in providing law enforcement assistance under this Act.

HISTORY:
P.A. 96-913, § 115; 2021 P.A. 102-538, § 910, effective August 20, 2021.

605 ILCS 130/120 Prohibited local action; home rule

A unit of local government, including a home rule unit, may not take any action that would have the effect of impairing the public private agreement under this Act. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution [Illinois Const., Art. VII, § 6].

HISTORY:
P.A. 96-913, § 120.

605 ILCS 130/125 Powers liberally construed

The powers conferred by this Act shall be liberally construed in order to accomplish their purposes and shall be in addition and supplemental to the powers conferred by any other law. If any other law or rule is inconsistent with this Act, this Act is controlling as to any public private agreement entered into under this Act.

HISTORY:
P.A. 96-913, § 125.

605 ILCS 130/130 Full and complete authority

This Act contains full and complete authority for agreements and leases with private entities to carry out the activities described in this Act. Except as otherwise required by law, no procedure, proceedings, publications, notices, consents, approvals, orders, or acts by the Department or any other State or local agency or official are required to enter into an agreement or lease.

HISTORY:
P.A. 96-913, § 130.

605 ILCS 130/135 Severability

The provisions of this Act are severable under Section 1.31 of the Statute on Statutes [5 ILCS 70/1.31].

HISTORY:
P.A. 96-913, § 135.

605 ILCS 130/905 through 605 ILCS 130/945 [Not Set Out]

605 ILCS 130/999 Effective date

This Act takes effect upon becoming law.

HISTORY:
P.A. 96-913, § 999.

TASK FORCE ON SUSTAINABLE TRANSPORTATION FUNDING ACT [REPEALED]

Section
605 ILCS 135/1 Short title. [Repealed]
605 ILCS 135/5 Task Force on Sustainable Transportation Funding. [Repealed]
605 ILCS 135/10 Membership; voting rights. [Repealed]
605 ILCS 135/15 Duties; report. [Repealed]
605 ILCS 135/30 Repealer. [Repealed]
605 ILCS 135/99 Effective date. [Repealed]

605 ILCS 135/1 Short title. [Repealed]

HISTORY:
2014 P.A. 98-1152, § 1, effective January 9, 2015.

605 ILCS 135/5 Task Force on Sustainable Transportation Funding. [Repealed]

HISTORY:
2014 P.A. 98-1152, § 5, effective January 9, 2015.

605 ILCS 135/10 Membership; voting rights. [Repealed]

HISTORY:
2014 P.A. 98-1152, § 10, effective January 9, 2015.

605 ILCS 135/15 Duties; report. [Repealed]

HISTORY:
2014 P.A. 98-1152, § 15, effective January 9, 2015.

605 ILCS 135/30 Repealer. [Repealed]

HISTORY:
2014 P.A. 98-1152, § 30, effective January 9, 2015.

605 ILCS 135/99 Effective date. [Repealed]

HISTORY:
2014 P.A. 98-1152, § 99, effective January 9, 2015.

EXPRESSWAY CAMERA ACT [REPEALED JULY 1, 2023]

Section

HISTORY:
2019 P.A. 101-42, , effective January 1, 2020.

605 ILCS 140/1 Short title; references to Act. [Repealed July 1, 2023]

This Act may be cited as the Expressway Camera Act.

References to Act. This Act may be referred to as the Tamara Clayton Expressway Camera Act.

HISTORY:
2019 P.A. 101-42, § 1, effective January 1, 2020.

605 ILCS 140/3 Definitions. [Repealed effective July 1, 2025]

As used in this Act:

"Aggravated vehicular hijacking" has the meaning provided in Section 18-4 of the Criminal Code of 2012.

"Authorized user" means a designated peace officer or member of law enforcement personnel who has received training in the review and use of images and associated technology.

"Expressway" has the meaning provided in Section 1-119.3 of the Illinois Vehicle Code.

"Forcible felony" means the following offenses: treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnaping, kidnaping, and aggravated battery resulting in great bodily harm or permanent disability or disfigurement.

"Terrorism" has the meaning provided in Section 29D-14.9 of the Criminal Code of 2012.

"Vehicular hijacking" has the meaning provided in Section 18-3 of the Criminal Code of 2012.

History.
2022 P.A. 102-1042, § 10, effective June 3, 2022.

605 ILCS 140/5 Camera program. [Repealed effective July 1, 2025]

(a) The Illinois State Police, the Illinois Department of Transportation, and the Illinois State Toll Highway Authority shall work together to conduct a program to increase the amount of cameras along expressways and Jean-Baptiste Pointe DuSable Lake Shore Drive in Cook County. Within 90 days after the effective date of this amendatory Act of the 102nd General Assembly, details about the program objectives, counties where the program is operational, and policies under which the program operates shall be made publicly available and posted online.

(b) Images from the cameras may be extracted by any authorized user and used by any municipal police department, county sheriff's office, State Police officer, or other law enforcement agency with jurisdiction in the investigation of any offenses involving vehicular hijacking, aggravated vehicular hijacking, terrorism, motor vehicle theft, or any forcible felony, including, but not limited to, offenses involving the use of a firearm; to detect expressway hazards and highway conditions; and to facilitate highway safety and incident management. Images from the cameras shall not be used to enforce petty offenses or offenses not listed in this subsection, unless use of the images pertains to expressway or highway safety or hazards. Images from the cameras may be used by any law enforcement agency conducting an active law enforcement investigation. All images from the cameras shall be deleted within 120 days, unless the images are relevant to an ongoing investigation or pending criminal trial. Cameras shall not be used to monitor individuals or groups in a discriminatory manner contrary to applicable State or federal law.

(b-5) By June 30th of each year, the Illinois State Police, the Illinois Department of Transportation, and the Illinois State Toll Highway Authority shall issue a joint report to the General Assembly detailing the program operations, including, but not limited to:

(1) the cost of installation of cameras by county;

(2) the cost of ongoing maintenance of the camera systems per county, including electrical costs and data transfer costs;

(3) the number of inquiries where the investigation involved the criminal offenses outlined in subsection (b); and

(4) the number of incidents in which law enforcement searched the stored data for the criminal offenses outlined in subsection (b).

(c) Subject to appropriation, any funds needed to conduct the program for use on expressways under the jurisdiction of the Department of Transportation shall be taken from the Road Fund.

(c-5) Any forcible felony, gunrunning, or firearms trafficking offense, as defined in Section 2-8, 24-3a, or 24-3b of the Criminal Code of 2012 [720 ILCS 5/2-8, 720 ILCS 5/24-3a, or 720 ILCS 5/24-3b], respectively, committed on an expressway monitored by a camera system funded by money from the Road Fund and investigated by officers of the Illinois State Police may be prosecuted by the Attorney General or the State's Attorney where the offense was committed.

(d) (Blank).

HISTORY:
2019 P.A. 101-42, § 5, effective January 1, 2020; 2022 P.A. 102-1042, § 10, effective June 3, 2022; 2022 P.A. 102-1043, § 5, effective June 3, 2022.

605 ILCS 140/90 Repeal. [Repealed effective July 1, 2025]

This Act is repealed on July 1, 2025.

HISTORY:

2019 P.A. 101-42, § 90, effective January 1, 2020; 2022 P.A. 102-1042, § 10, effective June 3, 2022; 2022 P.A. 102-1043, § 5, effective June 3, 2022.

CHAPTER 625

VEHICLES

Illinois Vehicle Code
Snowmobile Registration and Safety Act
DUI Prevention and Education

ILLINOIS VEHICLE CODE

Chapter
1. Title and Definitions
2. The Secretary of State
3. Certificates of Title and Registration of Vehicles
6. The Illinois Driver Licensing Law
11. Rules of The Road
12. Equipment of Vehicles
15. Size, Weight, Load and Permits
18c. Illinois Commercial Transportation Law

CHAPTER 1.

TITLE AND DEFINITIONS

Section
625 ILCS 5/1-126.1 Highway Designations.
625 ILCS 5/1-140.10 Low-speed electric bicycle.
625 ILCS 5/1-162.3 Police vehicle.
625 ILCS 5/1-168.8 Recreational off-highway vehicle.

625 ILCS 5/1-126.1 Highway Designations.

The Department of Transportation may designate streets or highways in the system of State highways as follows:

(a) Class I highways include interstate highways, expressways, tollways, and other highways deemed appropriate by the Department.

(b) Class II highways include State highways and designated local roads not built to interstate highway standards that have at least 11 feet lane widths.

(c) (Blank).

(d) Non-designated highways include State highways not designated as Class I or II and local highways which are part of any county, township, municipal, or district road system not designated as Class II. Local authorities also may designate Class II highways within their systems of highways.

HISTORY:
P.A. 92-417, § 5; 2019 P.A. 101-328, § 5, effective January 1, 2020.

625 ILCS 5/1-140.10 Low-speed electric bicycle.

A bicycle equipped with fully operable pedals and an electric motor of less than 750 watts that meets the requirements of one of the following classes:

(a) "Class 1 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

(b) "Class 2 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches a speed of 20 miles per hour.

(c) "Class 3 low-speed electric bicycle" means a low-speed electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour.

A "low-speed electric bicycle" is not a moped or a motor driven cycle.

HISTORY:
P.A. 96-125, § 5; 2017 P.A. 100-209, § 5, effective January 1, 2018.

625 ILCS 5/1-162.3 Police vehicle.

Any vehicle, recreational off-highway vehicle, all-terrain vehicle, watercraft, aircraft, bicycle, or electric personal assistive mobility device that is designated or authorized by proper local authorities for police use.

HISTORY:
P.A. 95-28, § 5; 2021 P.A. 102-240, § 5, effective January 1, 2022.

625 ILCS 5/1-168.8 Recreational off-highway vehicle.

Any motorized off-highway device designed to travel primarily off-highway, 64 inches or less in width, having a manufacturer's dry weight of 2,000 pounds or less for gas-powered engines or 3,000 pounds or less for electric-powered engines, traveling on 4 or more non-highway tires, designed with a non-straddle seat and a steering wheel for steering control, except equipment such as lawnmowers.

HISTORY:
P.A. 96-428, § 5; 2021 P.A. 102-312, § 10, effective January 1, 2022.

CHAPTER 2.

THE SECRETARY OF STATE

Section
625 ILCS 5/2-112 Distribution of synopsis laws.

625 ILCS 5/2-112 Distribution of synopsis laws.

(a) The Secretary of State may publish a synopsis or summary of the laws of this State regulating the operation of vehicles and may deliver a copy thereof without charge with each original vehicle registration and with each original driver's license.

(b) The Secretary of State shall make any necessary revisions in its publications including, but not limited to, the Illinois Rules of the Road, to accurately conform its publications to the provisions of the Pedestrians with Disabilities Safety Act [625 ILCS 60/1 et seq.].

(c) The Secretary of State shall include, in the Illinois Rules of the Road publication, information advising drivers to use the Dutch Reach method when opening a vehicle door after parallel parking on a street (checking the rear-view mirror, checking the side-view mirror, then opening the door with the right hand, thereby reducing the risk of injuring a bicyclist or opening the door in the path a vehicle approaching from behind).

(d) The Secretary of State shall include, in the Illinois Rules of the Road publication, information advising drivers to use the zipper merge method when merging into a reduced number of lanes (drivers in merging lanes are expected to use both lanes to advance to the lane reduction point and merge at that location, alternating turns).

(e) The Secretary of State, in consultation with the Illinois State Police, shall include in the Illinois Rules of the Road publication a description of law enforcement procedures during traffic stops and the actions that a motorist should take during a traffic stop, including appropriate interactions with law enforcement officers.

HISTORY:

P.A. 76-1586; 96-1167, § 80; 2018 P.A. 100-770, § 5, effective January 1, 2019; 2018 P.A. 100-962, § 5, effective January 1, 2019; 2019 P.A. 101-174, § 5, effective January 1, 2020; 2021 P.A. 102-455, § 10, effective January 1, 2022.

CHAPTER 3.

CERTIFICATES OF TITLE AND REGISTRATION OF VEHICLES

Article VIII. Registration and License Fees

Article X. Vehicle Use Tax

ARTICLE VIII.

REGISTRATION AND LICENSE FEES

625 ILCS 5/3-804.01 Expanded-use antique vehicles.

(a) The owner of a motor vehicle that is more than 25 years of age or a bona fide replica thereof may register the vehicle as an expanded-use antique vehicle. In addition to the appropriate registration and renewal fees, the fee for expanded-use antique vehicle registration and renewal, except as provided under subsection (d), shall be $45 per year. The application for registration must be accompanied by an affirmation of the owner that:

(1) from January 1 through the last day of February and from December 1 through December 31, the vehicle will be driven on the highways only for the purpose of going to and returning from an antique auto show or an exhibition, or for servicing or demonstration; and

(2) the mechanical condition, physical condition, brakes, lights, glass, and appearance of such vehicle is the same or as safe as originally equipped.

From March 1 through November 30, a vehicle registered as an expanded-use antique vehicle may be driven on the highways without being subject to the restrictions set forth in subdivision (1). The Secretary may prescribe, in the Secretary's discretion, that expanded-use antique vehicle plates be issued for a definite or an indefinite term, such term to correspond to the term of registration plates issued generally, as provided in Section 3-414.1 [625 ILCS 5/3-414.1]. Any person requesting expanded-use antique vehicle plates under this Section may also apply to have vanity or personalized plates as provided under Section 3-405.1 [625 ILCS 5/3-405.1].

(b) Any person who is the registered owner of an expanded-use antique vehicle may display a historical license plate from or representing the model year of the vehicle, furnished by such person, in lieu of the current and valid Illinois expanded-use antique vehicle plates issued thereto, provided that the valid and current Illinois expanded-use antique vehicle plates and registration card issued to the expanded-use antique vehicle are simultaneously carried within the vehicle and are available for inspection.

(c) The Secretary may credit a pro-rated portion of a fee previously paid for an antique vehicle registration under Section 3-804 [625 ILCS 5/3-804] to an owner who applies to have that vehicle registered as an expanded-use antique vehicle instead of an antique vehicle.

(d) The Secretary may make a version of the registration plate authorized under this Section in a form appropriate for motorcycles. In addition to the required registration and renewal fees, the fee for motorcycle expanded-use antique vehicle registration and renewal shall be $23 per year.

HISTORY:

P.A. 92-668, § 5; 96-487, § 5; 97-412, § 10; 2018 P.A. 100-956, § 5, effective January 1, 2019; 2021 P.A. 102-438, § 5, effective August 20, 2021.

625 ILCS 5/3-809 Farm machinery, exempt vehicles and fertilizer spreaders; registration fee.

(a) Vehicles of the second division having a corn sheller, a well driller, hay press, clover huller, feed

mixer and unloader, or other farm machinery permanently mounted thereon and used solely for transporting the same shall be registered upon the filing of a proper application and the payment of a registration fee of $13 per 2-year registration period. This registration fee of $13 shall be paid in full and shall not be reduced even though such registration is made after the beginning of the registration period.

(b) Vehicles exempt from registration under the provisions of subsection A of Section 3-402 of this Code [625 ILCS 5/3-402], as amended, may, at the option of the owner, be identified as exempt vehicles by displaying registration plates issued by the Secretary of State. The owner thereof may apply for such permanent, non-transferable registration plates upon the filing of a proper application and the payment of a registration fee of $13. The application for and display of such registration plates for identification purposes by vehicles exempt from registration shall not be deemed as a waiver or rescission of its exempt status, nor make such vehicle subject to registration. Nothing in this Section prohibits the towing of another vehicle by the exempt vehicle if the towed vehicle:

(i) does not exceed the registered weight of 8,000 pounds;

(ii) is used exclusively for transportation to and from the work site;

(iii) is not used for carrying counter weights or other material related to the operation of the exempt vehicle while under tow; and

(iv) displays proper and current registration plates.

(c) Any single unit self-propelled agricultural fertilizer implement, designed for both on and off road use, equipped with flotation tires and otherwise specially adapted for the application of plant food materials or agricultural chemicals, desiring to be operated upon the highways ladened with load shall be limited to a maximum gross weight of 36,000 pounds, restricted to a highway speed of not more than 30 miles per hour and a legal width of not more than 12 feet. Such vehicles shall be limited to the furthering of agricultural or horticultural pursuits and in furtherance of these pursuits, such vehicles may be operated upon the highway, within a 50-mile radius of their point of loading as indicated on the written or printed statement required by the Illinois Fertilizer Act of 1961 [505 ILCS 80/1], for the purpose of moving plant food materials or agricultural chemicals to the field, or from field to field, for the sole purpose of application.

Whenever any vehicle is operated in violation of subsection (c) of this Section, the owner or the driver of such vehicle shall be deemed guilty of a petty offense and either may be prosecuted for such violation.

HISTORY:

P.A. 86-1236; 91-37, § 40; 92-15, § 5; 93-312, § 5; 96-665, § 5; 2017 P.A. 100-201, § 650, effective August 18, 2017; 2018 P.A. 100-863, § 545, effective August 14, 2018; 2019 P.A. 101-481, § 5, effective January 1, 2020.

ARTICLE X.

VEHICLE USE TAX

625 ILCS 5/3-1001 [Tax imposed; rate; abatement]

A tax is hereby imposed on the privilege of using, in this State, any motor vehicle as defined in Section 1-146 of this Code [625 ILCS 5/1-146] acquired by gift, transfer, or purchase, and having a year model designation preceding the year of application for title by 5 or fewer years prior to October 1, 1985 and 10 or fewer years on and after October 1, 1985 and prior to January 1, 1988. On and after January 1, 1988, the tax shall apply to all motor vehicles without regard to model year. Except that the tax shall not apply

(i) if the use of the motor vehicle is otherwise taxed under the Use Tax Act [35 ILCS 105/1 et seq.];

(ii) if the motor vehicle is bought and used by a governmental agency or a society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes;

(iii) if the use of the motor vehicle is not subject to the Use Tax Act by reason of subsection (a), (b), (c), (d), (e) or (f) of Section 3-55 [35 ILCS 105/3-55] of that Act dealing with the prevention of actual or likely multistate taxation;

(iv) to implements of husbandry;

(v) when a junking certificate is issued pursuant to Section 3-117(a) of this Code [625 ILCS 5/3-117];

(vi) when a vehicle is subject to the replacement vehicle tax imposed by Section 3-2001 of this Act [625 ILCS 5/3-2001];

(vii) when the transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is a surviving spouse.

Prior to January 1, 1988, the rate of tax shall be 5% of the selling price for each purchase of a motor vehicle covered by Section 3-1001 of this Code [625 ILCS 5/3-1001]. Except as hereinafter provided, beginning January 1, 1988 and until January 1, 2022, the rate of tax shall be as follows for transactions in which the selling price of the motor vehicle is less than $15,000:

Number of Years Transpired After Model Year of Motor Vehicle	Applicable Tax
1 or less	$390
2	290
3	215
4	165
5	115
6	90
7	80

Number of Years Transpired After Model Year of Motor Vehicle	Applicable Tax
8	65
9	50
10	40
over 10	25

Except as hereinafter provided, beginning January 1, 1988 and until January 1, 2022, the rate of tax shall be as follows for transactions in which the selling price of the motor vehicle is $15,000 or more:

Selling Price	Applicable Tax
$15,000 - $19,999	$ 750
$20,000 - $24,999	$1,000
$25,000 - $29,999	$1,250
$30,000 and over	$1,500

Except as hereinafter provided, beginning on January 1, 2022, the rate of tax shall be as follows for transactions in which the selling price of the motor vehicle is less than $15,000:

(1) if one year or less has transpired after the model year of the vehicle, then the applicable tax is $465;

(2) if 2 years have transpired after the model year of the motor vehicle, then the applicable tax is $365;

(3) if 3 years have transpired after the model year of the motor vehicle, then the applicable tax is $290;

(4) if 4 years have transpired after the model year of the motor vehicle, then the applicable tax is $240;

(5) if 5 years have transpired after the model year of the motor vehicle, then the applicable tax is $190;

(6) if 6 years have transpired after the model year of the motor vehicle, then the applicable tax is $165;

(7) if 7 years have transpired after the model year of the motor vehicle, then the applicable tax is $155;

(8) if 8 years have transpired after the model year of the motor vehicle, then the applicable tax is $140;

(9) if 9 years have transpired after the model year of the motor vehicle, then the applicable tax is $125;

(10) if 10 years have transpired after the model year of the motor vehicle, then the applicable tax is $115; and

(11) if more than 10 years have transpired after the model year of the motor vehicle, then the applicable tax is $100.

Except as hereinafter provided, beginning on January 1, 2022, the rate of tax shall be as follows for transactions in which the selling price of the motor vehicle is $15,000 or more:

(1) if the selling price is $15,000 or more, but less than $20,000, then the applicable tax shall be $850;

(2) if the selling price is $20,000 or more, but less than $25,000, then the applicable tax shall be $1,100;

(3) if the selling price is $25,000 or more, but less than $30,000, then the applicable tax shall be $1,350;

(4) if the selling price is $30,000 or more, but less than $50,000, then the applicable tax shall be $1,600;

(5) if the selling price is $50,000 or more, but less than $100,000, then the applicable tax shall be $2,600;

(6) if the selling price is $100,000 or more, but less than $1,000,000, then the applicable tax shall be $5,100; and

(7) if the selling price is $1,000,000 or more, then the applicable tax shall be $10,100. For the following transactions, the tax rate shall be $15 for each motor vehicle acquired in such transaction:

(i) when the transferee or purchaser is the spouse, mother, father, brother, sister or child of the transferor;

(ii) when the transfer is a gift to a beneficiary in the administration of an estate, including, but not limited to, the administration of an inter vivos trust that became irrevocable upon the death of a grantor, and the beneficiary is not a surviving spouse;

(iii) when a motor vehicle which has once been subjected to the Illinois retailers' occupation tax or use tax is transferred in connection with the organization, reorganization, dissolution or partial liquidation of an incorporated or unincorporated business wherein the beneficial ownership is not changed.

A claim that the transaction is taxable under subparagraph (i) shall be supported by such proof of family relationship as provided by rules of the Department.

For a transaction in which a motorcycle, motor driven cycle or moped is acquired the tax rate shall be $25.

On and after October 1, 1985 and until January 1, 2022, 1/12 of $5,000,000 of the moneys received by the Department of Revenue pursuant to this Section shall be paid each month into the Build Illinois Fund; on and after January 1, 2022, 1/12 of $40,000,000 of the moneys received by the Department of Revenue pursuant to this Section shall be paid each month into the Build Illinois Fund; and the remainder shall be paid into the General Revenue Fund.

The tax imposed by this Section shall be abated and no longer imposed when the amount deposited to secure the bonds issued pursuant to the Build Illinois Bond Act [30 ILCS 425/1 et seq.] is sufficient to provide for the payment of the principal of, and interest and premium, if any, on the bonds, as certified to the State Comptroller and the Director of Revenue by the Director of the Governor's Office of Management and Budget.

HISTORY:

P.A. 86-152; 86-1475; 88-194, § 35; 90-89, § 15; 94-91, § 55-175;

96-554, § 5; 2021 P.A. 102-353, § 15, effective January 1, 2022; 2022 P.A. 102-762, § 5, effective May 13, 2022.

CHAPTER 6.

THE ILLINOIS DRIVER LICENSING LAW

Article I. Issuance of Licenses Expiration and Renewal

ARTICLE I.

ISSUANCE OF LICENSES EXPIRATION AND RENEWAL

625 ILCS 5/6-107.5 Adult Driver Education Course. [Effective until July 1, 2023]

(a) The Secretary shall establish by rule the curriculum and designate the materials to be used in an adult driver education course. The course shall be at least 6 hours in length and shall include instruction on traffic laws; highway signs, signals, and markings that regulate, warn, or direct traffic; issues commonly associated with motor vehicle accidents including poor decision-making, risk taking, impaired driving, distraction, speed, failure to use a safety belt, driving at night, failure to yield the right-of-way, texting while driving, using wireless communication devices, and alcohol and drug awareness; and instruction on law enforcement procedures during traffic stops, including actions that a motorist should take during a traffic stop and appropriate interactions with law enforcement officers. The curriculum shall not require the operation of a motor vehicle.

(b) The Secretary shall certify course providers. The requirements to be a certified course provider, the process for applying for certification, and the procedure for decertifying a course provider shall be established by rule.

(b-5) In order to qualify for certification as an adult driver education course provider, each applicant must authorize an investigation that includes a fingerprint-based background check to determine if the applicant has ever been convicted of a criminal offense and, if so, the disposition of any conviction. This authorization shall indicate the scope of the inquiry and the agencies that may be contacted. Upon receiving this authorization, the Secretary of State may request and receive information and assistance from any federal, State, or local governmental agency as part of the authorized investigation. Each applicant shall submit his or her fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history record databases. The Illinois State Police shall charge applicants a fee for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the State and national criminal history record check. The Illinois State Police shall furnish, pursuant to positive identification, records of Illinois criminal convictions to the Secretary and shall forward the national criminal history record information to the Secretary. Applicants shall pay any other fingerprint-related fees. Unless otherwise prohibited by law, the information derived from the investigation, including the source of the information and any conclusions or recommendations derived from the information by the Secretary of State, shall be provided to the applicant upon request to the Secretary of State prior to any final action by the Secretary of State on the application. Any criminal conviction information obtained by the Secretary of State shall be confidential and may not be transmitted outside the Office of the Secretary of State, except as required by this subsection (b-5), and may not be transmitted to anyone within the Office of the Secretary of State except as needed for the purpose of evaluating the applicant. At any administrative hearing held under Section 2-118 of this Code [625 ILCS 5/2-118] relating to the denial, cancellation, suspension, or revocation of certification of an adult driver education course provider, the Secretary of State may utilize at that hearing any criminal history, criminal conviction, and disposition information obtained under this subsection (b-5). The information obtained from the investigation may be maintained by the Secretary of State or any agency to which the information was transmitted. Only information and standards which bear a reasonable and rational relation to the performance of providing adult driver education shall be used by the Secretary of State. Any employee of the Secretary of State who gives or causes to be given away any confidential information concerning any criminal convictions or disposition of criminal convictions of an applicant shall be guilty of a Class A misdemeanor unless release of the information is authorized by this Section.

(c) The Secretary may permit a course provider to offer the course online, if the Secretary is satisfied the course provider has established adequate procedures for verifying:

(1) the identity of the person taking the course online; and

(2) the person completes the entire course.

(d) The Secretary shall establish a method of electronic verification of a student's successful completion of the course.

(e) The fee charged by the course provider must bear a reasonable relationship to the cost of the course. The Secretary shall post on the Secretary of

State's website a list of approved course providers, the fees charged by the providers, and contact information for each provider.

(f) In addition to any other fee charged by the course provider, the course provider shall collect a fee of $5 from each student to offset the costs incurred by the Secretary in administering this program. The $5 shall be submitted to the Secretary within 14 days of the day on which it was collected. All such fees received by the Secretary shall be deposited in the Secretary of State Driver Services Administration Fund.

HISTORY:

P.A. 98-167, § 5; 98-876, § 5; 2021 P.A. 102-455, § 10, effective January 1, 2022; 2021 P.A. 102-538, § 935, effective August 20, 2021; 2022 P.A. 102-813, § 575, effective May 13, 2022.

625 ILCS 5/6-107.5 Adult Driver Education Course. [Effective July 1, 2023]

(a) The Secretary shall establish by rule the curriculum and designate the materials to be used in an adult driver education course. The course shall be at least 6 hours in length and shall include instruction on traffic laws; highway signs, signals, and markings that regulate, warn, or direct traffic; issues commonly associated with motor vehicle crashes including poor decision-making, risk taking, impaired driving, distraction, speed, failure to use a safety belt, driving at night, failure to yield the right-of-way, texting while driving, using wireless communication devices, and alcohol and drug awareness; and instruction on law enforcement procedures during traffic stops, including actions that a motorist should take during a traffic stop and appropriate interactions with law enforcement officers. The curriculum shall not require the operation of a motor vehicle.

(b) The Secretary shall certify course providers. The requirements to be a certified course provider, the process for applying for certification, and the procedure for decertifying a course provider shall be established by rule.

(b-5) In order to qualify for certification as an adult driver education course provider, each applicant must authorize an investigation that includes a fingerprint-based background check to determine if the applicant has ever been convicted of a criminal offense and, if so, the disposition of any conviction. This authorization shall indicate the scope of the inquiry and the agencies that may be contacted. Upon receiving this authorization, the Secretary of State may request and receive information and assistance from any federal, State, or local governmental agency as part of the authorized investigation. Each applicant shall submit his or her fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history record databases. The Illinois State Police shall charge applicants a fee for conducting the criminal history record check, which shall be deposited into the State Police Services Fund and shall not exceed the actual cost of the State and national criminal history record check. The Illinois State Police shall furnish, pursuant to positive identification, records of Illinois criminal convictions to the Secretary and shall forward the national criminal history record information to the Secretary. Applicants shall pay any other fingerprint-related fees. Unless otherwise prohibited by law, the information derived from the investigation, including the source of the information and any conclusions or recommendations derived from the information by the Secretary of State, shall be provided to the applicant upon request to the Secretary of State prior to any final action by the Secretary of State on the application. Any criminal conviction information obtained by the Secretary of State shall be confidential and may not be transmitted outside the Office of the Secretary of State, except as required by this subsection (b-5), and may not be transmitted to anyone within the Office of the Secretary of State except as needed for the purpose of evaluating the applicant. At any administrative hearing held under Section 2-118 of this Code [625 ILCS 5/2-118] relating to the denial, cancellation, suspension, or revocation of certification of an adult driver education course provider, the Secretary of State may utilize at that hearing any criminal history, criminal conviction, and disposition information obtained under this subsection (b-5). The information obtained from the investigation may be maintained by the Secretary of State or any agency to which the information was transmitted. Only information and standards which bear a reasonable and rational relation to the performance of providing adult driver education shall be used by the Secretary of State. Any employee of the Secretary of State who gives or causes to be given away any confidential information concerning any criminal convictions or disposition of criminal convictions of an applicant shall be guilty of a Class A misdemeanor unless release of the information is authorized by this Section.

(c) The Secretary may permit a course provider to offer the course online, if the Secretary is satisfied the course provider has established adequate procedures for verifying:

(1) the identity of the person taking the course online; and

(2) the person completes the entire course.

(d) The Secretary shall establish a method of electronic verification of a student's successful completion of the course.

(e) The fee charged by the course provider must bear a reasonable relationship to the cost of the course. The Secretary shall post on the Secretary of State's website a list of approved course providers, the fees charged by the providers, and contact information for each provider.

(f) In addition to any other fee charged by the course provider, the course provider shall collect a fee

of $5 from each student to offset the costs incurred by the Secretary in administering this program. The $5 shall be submitted to the Secretary within 14 days of the day on which it was collected. All such fees received by the Secretary shall be deposited in the Secretary of State Driver Services Administration Fund.

HISTORY:
P.A. 98-167, § 5; 98-876, § 5; 2021 P.A. 102-455, § 10, effective January 1, 2022; 2021 P.A. 102-538, § 935, effective August 20, 2021; 2022 P.A. 102-813, § 575, effective May 13, 2022; 2022 P.A. 102-982, § 105, effective July 1, 2023.

CHAPTER 11.
RULES OF THE ROAD

Article II. Obedience to and Effect of Traffic Laws

Article III. Traffic Signs, Signals, and Markings

Article VI. Speed Restrictions

Article VII. Driving on Right Side of Roadway; Overtaking and Passing, Etc.

Article VIII. Turning and Starting and Signals on Stopping and Turning

Article IX. Right-of-Way

Article X. Pedestrians' Rights and Duties

Article XIII. Stopping, Standing, and Parking

Article XIV. Miscellaneous Laws

Article XV. Bicycles

ARTICLE II.

OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

625 ILCS 5/11-208 Powers of local authorities.

(a) The provisions of this Code shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles, except as limited by Sections 11-1306 and 11-1307 of this Act [625 ILCS 5/11-1306 and 625 ILCS 5/11-1307];

2. Regulating traffic by means of police officers or traffic control signals;

3. Regulating or prohibiting processions or assemblages on the highways; and certifying persons to control traffic for processions or assemblages;

4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;

5. Regulating the speed of vehicles in public parks subject to the limitations set forth in Section 11-604 [625 ILCS 5/11-604];

6. Designating any highway as a through highway, as authorized in Section 11-302 [625 ILCS 5/11-302], and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection or a yield right-of-way intersection and requiring all vehicles to stop or yield the right-of-way at one or more entrances to such intersections;

7. Restricting the use of highways as authorized in Chapter 15 [625 ILCS 5/5-100 et seq.];

8. Regulating the operation of mobile carrying devices, bicycles, low-speed electric bicycles, and low-speed gas bicycles, and requiring the registration and licensing of same, including the requirement of a registration fee;

9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

10. Altering the speed limits as authorized in Section 11-604;

11. Prohibiting U-turns;

12. Prohibiting pedestrian crossings at other than designated and marked crosswalks or at intersections;

13. Prohibiting parking during snow removal operation;

14. Imposing fines in accordance with Section 11-1301.3 [625 ILCS 5/11-1301.3] as penalties for use of any parking place reserved for persons with disabilities, as defined by Section 1-159.1 [625 ILCS 5/1-159.1], or veterans with disabilities by any person using a motor vehicle not bearing registration plates specified in Section 11-1301.1 [625 ILCS 5/11-1301.1] or a special decal or device as defined in Section 11-1301.2 [625 ILCS 5/11-1301.2] as evidence that the vehicle is operated by or for a person with disabilities or a veteran with a disability;

15. Adopting such other traffic regulations as are specifically authorized by this Code; or

16. Enforcing the provisions of subsection (f) of Section 3-413 of this Code [ILCS 5/3-413] or a similar local ordinance.

(b) No ordinance or regulation enacted under paragraph 1, 4, 5, 6, 7, 9, 10, 11 or 13 of subsection (a) shall be effective until signs giving reasonable notice of such local traffic regulations are posted.

(c) The provisions of this Code shall not prevent any municipality having a population of 500,000 or more inhabitants from prohibiting any person from driving or operating any motor vehicle upon the roadways of such municipality with headlamps on high beam or bright.

(d) The provisions of this Code shall not be deemed to prevent local authorities within the reasonable exercise of their police power from prohibiting, on private property, the unauthorized use of parking spaces reserved for persons with disabilities.

(e) No unit of local government, including a home rule unit, may enact or enforce an ordinance that applies only to motorcycles if the principal purpose for that ordinance is to restrict the access of motorcycles to any highway or portion of a highway for which federal or State funds have been used for the planning, design, construction, or maintenance of that highway. No unit of local government, including a home rule unit, may enact an ordinance requiring motorcycle users to wear protective headgear. Nothing in this subsection (e) shall affect the authority of a unit of local government to regulate motorcycles for traffic control purposes or in accordance with Section 12-602 of this Code [625 ILCS 5/12-602]. No unit of local government, including a home rule unit, may regulate motorcycles in a manner inconsistent with this Code. This subsection (e) is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(e-5) The City of Chicago may enact an ordinance providing for a noise monitoring system upon any portion of the roadway known as Lake Shore Drive. Twelve months after the installation of the noise monitoring system, and any time after the first report as the City deems necessary, the City of Chicago shall prepare a noise monitoring report with the data collected from the system and shall, upon request, make the report available to the public. For purposes of this subsection (e-5), "noise monitoring system" means an automated noise monitor capable of recording noise levels 24 hours per day and 365 days per year with computer equipment sufficient to process the data.

(e-10) A unit of local government, including a home rule unit, may not enact an ordinance prohibiting the use of Automated Driving System equipped vehicles on its roadways. Nothing in this subsection (e-10) shall affect the authority of a unit of local

government to regulate Automated Driving System equipped vehicles for traffic control purposes. No unit of local government, including a home rule unit, may regulate Automated Driving System equipped vehicles in a manner inconsistent with this Code. For purposes of this subsection (e-10), "Automated Driving System equipped vehicle" means any vehicle equipped with an Automated Driving System of hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational domain. This subsection (e-10) is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(f) A municipality or county designated in Section 11-208.6 [625 ILCS 5/11-208.6] may enact an ordinance providing for an automated traffic law enforcement system to enforce violations of this Code or a similar provision of a local ordinance and imposing liability on a registered owner or lessee of a vehicle used in such a violation.

(g) A municipality or county, as provided in Section 11-1201.1 [625 ILCS 5/11-1201.1], may enact an ordinance providing for an automated traffic law enforcement system to enforce violations of Section 11-1201 of this Code [625 ILCS 5/11-1201] or a similar provision of a local ordinance and imposing liability on a registered owner of a vehicle used in such a violation.

(h) A municipality designated in Section 11-208.8 [625 ILCS 5/11-208.8] may enact an ordinance providing for an automated speed enforcement system to enforce violations of Article VI of Chapter 11 of this Code or a similar provision of a local ordinance.

(i) A municipality or county designated in Section 11-208.9 [625 ILCS 5/11-208.9] may enact an ordinance providing for an automated traffic law enforcement system to enforce violations of Section 11-1414 of this Code [625 ILCS 5/11-1414] or a similar provision of a local ordinance and imposing liability on a registered owner or lessee of a vehicle used in such a violation.

HISTORY:

P.A. 85-532; 88-685, § 5; 90-106, § 5; 90-513, § 5; 90-655, § 153; 91-519, § 5; 94-795, § 5; 96-478, § 5; 96-1256, § 5; 97-29, § 5; 97-672, § 5; 98-396, § 5; 98-556, § 5; 98-756, § 675; 99-143, § 865; 2017 P.A. 100-209, § 5, effective January 1, 2018; 2017 P.A. 100-257, § 5, effective August 22, 2017; 2017 P.A. 100-352, § 5, effective June 1, 2018; 2018 P.A. 100-863, § 545, effective August 14, 2018; 2019 P.A. 101-123, § 5, effective July 26, 2019.

625 ILCS 5/11-208.6 Automated traffic law enforcement system. [Effective until January 1, 2023]

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a red signal indication in violation of Section 11-306 of this Code [625 ILCS 5/11-306] or a similar provision of a local ordinance.

An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.

(b-5) A municipality or county that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(c) Except as provided under Section 11-208.8 of this Code [625 ILCS 5/11-208.8], a county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to provide recorded images of a motor vehicle for the purpose of recording its speed. Except as provided under Section 11-208.8 of this Code, the regulation of the use of automated traffic law enforcement systems to record vehicle speeds is an exclusive power and function of the State. This subsection (c) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(c-5) A county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where the motor vehicle comes to a complete stop and does not enter the intersection, as defined by Section 1-132 of this Code [625 ILCS 5/1-132], during the cycle of the red signal indication unless one or more pedestrians or bicyclists are present, even if the motor vehicle stops at a point past a stop line or crosswalk where a driver is required to stop, as specified in subsection (c) of Section 11-306 of this Code or a similar provision of a local ordinance.

(c-6) A county, or a municipality with less than 2,000,000 inhabitants, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where a motorcyclist enters an intersection against a red signal indication when the red signal fails to change to a green signal within a reasonable period

of time not less than 120 seconds because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle due to the motorcycle's size or weight.

(d) For each violation of a provision of this Code or a local ordinance recorded by an automatic traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

The notice shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the location where the violation occurred;

(5) the date and time of the violation;

(6) a copy of the recorded images;

(7) the amount of the civil penalty imposed and the requirements of any traffic education program imposed and the date by which the civil penalty should be paid and the traffic education program should be completed;

(8) a statement that recorded images are evidence of a violation of a red light signal;

(9) a warning that failure to pay the civil penalty, to complete a required traffic education program, or to contest liability in a timely manner is an admission of liability;

(10) a statement that the person may elect to proceed by:

(A) paying the fine, completing a required traffic education program, or both; or

(B) challenging the charge in court, by mail, or by administrative hearing; and

(11) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(e) (Blank).

(f) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(g) Recorded images made by an automatic traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(h) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner at the time of the violation;

(2) that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession; and

(3) any other evidence or issues provided by municipal or county ordinance.

(i) To demonstrate that the motor vehicle or the registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(j) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding $100 or the completion of a traffic education program, or both, plus an additional penalty of not more than $100 for failure to pay the original penalty or to complete a required traffic education program, or both, in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle.

(j-3) A registered owner who is a holder of a valid commercial driver's license is not required to complete a traffic education program.

(j-5) For purposes of the required traffic education program only, a registered owner may submit an affidavit to the court or hearing officer swearing that at the time of the alleged violation, the vehicle was in the custody and control of another person. The affidavit must identify the person in custody and control of the vehicle, including the person's name and current address. The person in custody and control of the vehicle at the time of the violation is required to complete the required traffic education program. If the person in custody and control of the vehicle at the time of the violation completes the required traffic education program, the registered owner of the vehicle is not required to complete a traffic education program.

(k) An intersection equipped with an automated traffic law enforcement system must be posted with a sign visible to approaching traffic indicating that the intersection is being monitored by an automated traffic law enforcement system.

(k-3) A municipality or county that has one or more intersections equipped with an automated traf-

fic law enforcement system must provide notice to drivers by posting the locations of automated traffic law systems on the municipality or county website.

(k-5) An intersection equipped with an automated traffic law enforcement system must have a yellow change interval that conforms with the Illinois Manual on Uniform Traffic Control Devices (IMUTCD) published by the Illinois Department of Transportation.

(k-7) A municipality or county operating an automated traffic law enforcement system shall conduct a statistical analysis to assess the safety impact of each automated traffic law enforcement system at an intersection following installation of the system. The statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. The statistical analysis shall be consistent with professional judgment and acceptable industry practice. The statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. The statistical analysis required by this subsection (k-7) shall be made available to the public and shall be published on the website of the municipality or county. If the statistical analysis for the 36 month period following installation of the system indicates that there has been an increase in the rate of accidents at the approach to the intersection monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the accidents, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the accidents at that intersection.

(*l*) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(m) This Section applies only to the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and to municipalities located within those counties.

(n) The fee for participating in a traffic education program under this Section shall not exceed $25.

A low-income individual required to complete a traffic education program under this Section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code [26 U.S.C. § 32] or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act [35 ILCS 5/212] shall not be required to pay any fee for participating in a required traffic education program.

(o) (Blank).

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee.

Upon the provision of information by the lessor pursuant to this subsection, the county or municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

HISTORY:

P.A. 94-795, § 5; 96-288, § 10; 96-1016, § 5; 97-29, § 5; 97-627, § 5; 97-672, § 5; 97-762, § 5; 98-463, § 440; 2019 P.A. 101-395, § 20, effective August 16, 2019; 2020 P.A. 101-652, § 10-191, effective July 1, 2021.

625 ILCS 5/11-208.6 Automated traffic law enforcement system. [Effective January 1, 2023; Effective until July 1, 2023]

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a red signal indication in violation of Section 11-306 of this Code or a similar provision of a local ordinance.

An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.

(b-5) A municipality or county that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(c) Except as provided under Section 11-208.8 of this Code, a county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to provide recorded images of a motor vehicle for the purpose of

recording its speed. Except as provided under Section 11-208.8 of this Code, the regulation of the use of automated traffic law enforcement systems to record vehicle speeds is an exclusive power and function of the State. This subsection (c) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(c-5) A county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where the motor vehicle comes to a complete stop and does not enter the intersection, as defined by Section 1-132 of this Code, during the cycle of the red signal indication unless one or more pedestrians or bicyclists are present, even if the motor vehicle stops at a point past a stop line or crosswalk where a driver is required to stop, as specified in subsection (c) of Section 11-306 of this Code or a similar provision of a local ordinance.

(c-6) A county, or a municipality with less than 2,000,000 inhabitants, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where a motorcyclist enters an intersection against a red signal indication when the red signal fails to change to a green signal within a reasonable period of time not less than 120 seconds because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle due to the motorcycle's size or weight.

(d) For each violation of a provision of this Code or a local ordinance recorded by an automatic traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

The notice shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the location where the violation occurred;

(5) the date and time of the violation;

(6) a copy of the recorded images;

(7) the amount of the civil penalty imposed and the requirements of any traffic education program imposed and the date by which the civil penalty should be paid and the traffic education program should be completed;

(8) a statement that recorded images are evidence of a violation of a red light signal;

(9) a warning that failure to pay the civil penalty, to complete a required traffic education program, or to contest liability in a timely manner is an admission of liability;

(10) a statement that the person may elect to proceed by:

(A) paying the fine, completing a required traffic education program, or both; or

(B) challenging the charge in court, by mail, or by administrative hearing; and

(11) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(e) (Blank).

(f) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(g) Recorded images made by an automatic traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(h) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(1.5) that the motor vehicle was hijacked before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(2) that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession; and

(3) any other evidence or issues provided by municipal or county ordinance.

(i) To demonstrate that the motor vehicle was hijacked or the motor vehicle or registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner or lessee at the time of the violation, the owner or lessee must submit proof that a report concerning the motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(j) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding $100 or the completion of a traffic education program, or both, plus an additional penalty of not more than $100 for failure to pay the original penalty or to complete a required traffic education program, or both, in a timely manner, if the motor vehicle is recorded by an

automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle.

(j-3) A registered owner who is a holder of a valid commercial driver's license is not required to complete a traffic education program.

(j-5) For purposes of the required traffic education program only, a registered owner may submit an affidavit to the court or hearing officer swearing that at the time of the alleged violation, the vehicle was in the custody and control of another person. The affidavit must identify the person in custody and control of the vehicle, including the person's name and current address. The person in custody and control of the vehicle at the time of the violation is required to complete the required traffic education program. If the person in custody and control of the vehicle at the time of the violation completes the required traffic education program, the registered owner of the vehicle is not required to complete a traffic education program.

(k) An intersection equipped with an automated traffic law enforcement system must be posted with a sign visible to approaching traffic indicating that the intersection is being monitored by an automated traffic law enforcement system.

(k-3) A municipality or county that has one or more intersections equipped with an automated traffic law enforcement system must provide notice to drivers by posting the locations of automated traffic law systems on the municipality or county website.

(k-5) An intersection equipped with an automated traffic law enforcement system must have a yellow change interval that conforms with the Illinois Manual on Uniform Traffic Control Devices (IMUTCD) published by the Illinois Department of Transportation.

(k-7) A municipality or county operating an automated traffic law enforcement system shall conduct a statistical analysis to assess the safety impact of each automated traffic law enforcement system at an intersection following installation of the system. The statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. The statistical analysis shall be consistent with professional judgment and acceptable industry practice. The statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. The statistical analysis required by this subsection (k-7) shall be made available to the public and shall be published on the website of the municipality or county. If the statistical analysis for the 36 month period following installation of the system indicates that there has been an increase in the rate of accidents at the approach to the intersection monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the accidents, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the accidents at that intersection.

(*l*) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(m) This Section applies only to the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and to municipalities located within those counties.

(n) The fee for participating in a traffic education program under this Section shall not exceed $25.

A low-income individual required to complete a traffic education program under this Section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act shall not be required to pay any fee for participating in a required traffic education program.

(o) (Blank).

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee.

Upon the provision of information by the lessor pursuant to this subsection, the county or municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

HISTORY:

P.A. 94-795, § 5; 96-288, § 10; 96-1016, § 5; 97-29, § 5; 97-627, § 5; 97-672, § 5; 97-762, § 5; 98-463, § 440; 2019 P.A. 101-395, § 20, effective August 16, 2019; 2020 P.A. 101-652, § 10-191, effective July 1, 2021; 2022 P.A. 102-905, § 5, effective January 1, 2023.

625 ILCS 5/11-208.6 Automated traffic law enforcement system. [Effective July 1, 2023]

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with a red light signal to produce recorded images of motor vehicles entering an intersection against a red signal indication in violation of Section 11-306 of this Code [625 ILCS 5/11-306] or a similar provision of a local ordinance.

An automated traffic law enforcement system is a system, in a municipality or county operated by a governmental agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.

(b-5) A municipality or county that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(c) Except as provided under Section 11-208.8 of this Code [625 ILCS 5/11-208.8], a county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to provide recorded images of a motor vehicle for the purpose of recording its speed. Except as provided under Section 11-208.8 of this Code, the regulation of the use of automated traffic law enforcement systems to record vehicle speeds is an exclusive power and function of the State. This subsection (c) is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

(c-5) A county or municipality, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where the motor vehicle comes to a complete stop and does not enter the intersection, as defined by Section 1-132 of this Code [625 ILCS 5/1-132], during the cycle of the red signal indication unless one or more pedestrians or bicyclists are present, even if the motor vehicle stops at a point past a stop line or crosswalk where a driver is required to stop, as specified in subsection (c) of Section 11-306 of this Code or a similar provision of a local ordinance.

(c-6) A county, or a municipality with less than 2,000,000 inhabitants, including a home rule county or municipality, may not use an automated traffic law enforcement system to issue violations in instances where a motorcyclist enters an intersection against a red signal indication when the red signal fails to change to a green signal within a reasonable period of time not less than 120 seconds because of a signal malfunction or because the signal has failed to detect the arrival of the motorcycle due to the motorcycle's size or weight.

(d) For each violation of a provision of this Code or a local ordinance recorded by an automatic traffic law enforcement system, the county or municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality or county of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

The notice shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the location where the violation occurred;

(5) the date and time of the violation;

(6) a copy of the recorded images;

(7) the amount of the civil penalty imposed and the requirements of any traffic education program imposed and the date by which the civil penalty should be paid and the traffic education program should be completed;

(8) a statement that recorded images are evidence of a violation of a red light signal;

(9) a warning that failure to pay the civil penalty, to complete a required traffic education program, or to contest liability in a timely manner is an admission of liability;

(10) a statement that the person may elect to proceed by:

(A) paying the fine, completing a required traffic education program, or both; or

(B) challenging the charge in court, by mail, or by administrative hearing; and

(11) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(e) (Blank).

(f) Based on inspection of recorded images produced by an automated traffic law enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(g) Recorded images made by an automatic traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(h) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle

were stolen before the violation occurred and not under the control of or in the possession of the owner at the time of the violation;

(2) that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession; and

(3) any other evidence or issues provided by municipal or county ordinance.

(i) To demonstrate that the motor vehicle or the registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(j) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding $100 or the completion of a traffic education program, or both, plus an additional penalty of not more than $100 for failure to pay the original penalty or to complete a required traffic education program, or both, in a timely manner, if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle.

(j-3) A registered owner who is a holder of a valid commercial driver's license is not required to complete a traffic education program.

(j-5) For purposes of the required traffic education program only, a registered owner may submit an affidavit to the court or hearing officer swearing that at the time of the alleged violation, the vehicle was in the custody and control of another person. The affidavit must identify the person in custody and control of the vehicle, including the person's name and current address. The person in custody and control of the vehicle at the time of the violation is required to complete the required traffic education program. If the person in custody and control of the vehicle at the time of the violation completes the required traffic education program, the registered owner of the vehicle is not required to complete a traffic education program.

(k) An intersection equipped with an automated traffic law enforcement system must be posted with a sign visible to approaching traffic indicating that the intersection is being monitored by an automated traffic law enforcement system.

(k-3) A municipality or county that has one or more intersections equipped with an automated traffic law enforcement system must provide notice to drivers by posting the locations of automated traffic law systems on the municipality or county website.

(k-5) An intersection equipped with an automated traffic law enforcement system must have a yellow change interval that conforms with the Illinois Manual on Uniform Traffic Control Devices (IMUTCD) published by the Illinois Department of Transportation.

(k-7) A municipality or county operating an automated traffic law enforcement system shall conduct a statistical analysis to assess the safety impact of each automated traffic law enforcement system at an intersection following installation of the system. The statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. The statistical analysis shall be consistent with professional judgment and acceptable industry practice. The statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. The statistical analysis required by this subsection (k-7) shall be made available to the public and shall be published on the website of the municipality or county. If the statistical analysis for the 36 month period following installation of the system indicates that there has been an increase in the rate of crashes at the approach to the intersection monitored by the system, the municipality or county shall undertake additional studies to determine the cause and severity of the crashes, and may take any action that it determines is necessary or appropriate to reduce the number or severity of the crashes at that intersection.

(*l*) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(m) This Section applies only to the counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will and to municipalities located within those counties.

(n) The fee for participating in a traffic education program under this Section shall not exceed $25.

A low-income individual required to complete a traffic education program under this Section who provides proof of eligibility for the federal earned income tax credit under Section 32 of the Internal Revenue Code or the Illinois earned income tax credit under Section 212 of the Illinois Income Tax Act [35 ILCS 5/212] shall not be required to pay any fee for participating in a required traffic education program.

(o) (Blank).

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee.

Upon the provision of information by the lessor pursuant to this subsection, the county or municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

HISTORY:

P.A. 94-795, § 5; 96-288, § 10; 96-1016, § 5; 97-29, § 5; 97-627, § 5; 97-672, § 5; 97-762, § 5; 98-463, § 440; 2019 P.A. 101-395, § 20, effective August 16, 2019; 2020 P.A. 101-652, § 10-191, effective July 1, 2021; 2022 P.A. 102-982, § 105, effective July 1, 2023.

625 ILCS 5/11-208.8 Automated speed enforcement systems in safety zones. [Effective until January 1, 2023]

(a) As used in this Section:

"Automated speed enforcement system" means a photographic device, radar device, laser device, or other electrical or mechanical device or devices installed or utilized in a safety zone and designed to record the speed of a vehicle and obtain a clear photograph or other recorded image of the vehicle and the vehicle's registration plate or digital registration plate while the driver is violating Article VI of Chapter 11 of this Code [625 ILCS 5/11-601 et seq.] or a similar provision of a local ordinance.

An automated speed enforcement system is a system, located in a safety zone which is under the jurisdiction of a municipality, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

"Owner" means the person or entity to whom the vehicle is registered.

"Recorded image" means images recorded by an automated speed enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.

"Safety zone" means an area that is within one-eighth of a mile from the nearest property line of any public or private elementary or secondary school, or from the nearest property line of any facility, area, or land owned by a school district that is used for educational purposes approved by the Illinois State Board of Education, not including school district headquarters or administrative buildings. A safety zone also includes an area that is within one-eighth of a mile from the nearest property line of any facility, area, or land owned by a park district used for recreational purposes. However, if any portion of a roadway is within either one-eighth mile radius, the safety zone also shall include the roadway extended to the furthest portion of the next furthest intersection. The term "safety zone" does not include any portion of the roadway known as Lake Shore Drive or any controlled access highway with 8 or more lanes of traffic.

(a-5) The automated speed enforcement system shall be operational and violations shall be recorded only at the following times:

(i) if the safety zone is based upon the property line of any facility, area, or land owned by a school district, only on school days and no earlier than 6 a.m. and no later than 8:30 p.m. if the school day is during the period of Monday through Thursday, or 9 p.m. if the school day is a Friday; and

(ii) if the safety zone is based upon the property line of any facility, area, or land owned by a park district, no earlier than one hour prior to the time that the facility, area, or land is open to the public or other patrons, and no later than one hour after the facility, area, or land is closed to the public or other patrons.

(b) A municipality that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(c) Notwithstanding any penalties for any other violations of this Code, the owner of a motor vehicle used in a traffic violation recorded by an automated speed enforcement system shall be subject to the following penalties:

(1) if the recorded speed is no less than 6 miles per hour and no more than 10 miles per hour over the legal speed limit, a civil penalty not exceeding $50, plus an additional penalty of not more than $50 for failure to pay the original penalty in a timely manner; or

(2) if the recorded speed is more than 10 miles per hour over the legal speed limit, a civil penalty not exceeding $100, plus an additional penalty of not more than $100 for failure to pay the original penalty in a timely manner.

A penalty may not be imposed under this Section if the driver of the motor vehicle received a Uniform Traffic Citation from a police officer for a speeding violation occurring within one-eighth of a mile and 15 minutes of the violation that was recorded by the system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle. A law enforcement officer is not required to be present or to witness the violation. No penalty may be imposed under this Section if the recorded speed of a vehicle is 5 miles per hour or less over the legal speed limit. The municipality may send, in the same manner that notices are sent under this Section, a speed violation warning notice where the violation involves a speed of 5 miles per hour or less above the legal speed limit.

(d) The net proceeds that a municipality receives from civil penalties imposed under an automated speed enforcement system, after deducting all non-personnel and personnel costs associated with the operation and maintenance of such system, shall be expended or obligated by the municipality for the following purposes:

(i) public safety initiatives to ensure safe passage around schools, and to provide police protection and surveillance around schools and parks, including but not limited to: (1) personnel costs; and (2) non-personnel costs such as construction and maintenance of public safety infrastructure and equipment;

(ii) initiatives to improve pedestrian and traffic safety;

(iii) construction and maintenance of infrastructure within the municipality, including but not limited to roads and bridges; and

(iv) after school programs.

(e) For each violation of a provision of this Code or a local ordinance recorded by an automated speed enforcement system, the municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

(f) The notice required under subsection (e) of this Section shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the date, time, and location where the violation occurred;

(5) a copy of the recorded image or images;

(6) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(7) a statement that recorded images are evidence of a violation of a speed restriction;

(8) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability;

(9) a statement that the person may elect to proceed by:

(A) paying the fine; or

(B) challenging the charge in court, by mail, or by administrative hearing; and

(10) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(g) (Blank).

(h) Based on inspection of recorded images produced by an automated speed enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(i) Recorded images made by an automated speed enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(j) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control or in the possession of the owner at the time of the violation;

(2) that the driver of the motor vehicle received a Uniform Traffic Citation from a police officer for a speeding violation occurring within one-eighth of a mile and 15 minutes of the violation that was recorded by the system; and

(3) any other evidence or issues provided by municipal ordinance.

(k) To demonstrate that the motor vehicle or the registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a report concerning the stolen motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(*l*) A roadway equipped with an automated speed enforcement system shall be posted with a sign conforming to the national Manual on Uniform Traffic Control Devices that is visible to approaching traffic stating that vehicle speeds are being photo-enforced and indicating the speed limit. The municipality shall install such additional signage as it determines is necessary to give reasonable notice to drivers as to where automated speed enforcement systems are installed.

(m) A roadway where a new automated speed enforcement system is installed shall be posted with signs providing 30 days notice of the use of a new automated speed enforcement system prior to the issuance of any citations through the automated speed enforcement system.

(n) The compensation paid for an automated speed enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(o) (Blank).

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor

provides within 60 days after such receipt the name and address of the lessee. The drivers license number of a lessee may be subsequently individually requested by the appropriate authority if needed for enforcement of this Section.

Upon the provision of information by the lessor pursuant to this subsection, the municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

(q) A municipality using an automated speed enforcement system must provide notice to drivers by publishing the locations of all safety zones where system equipment is installed on the website of the municipality.

(r) A municipality operating an automated speed enforcement system shall conduct a statistical analysis to assess the safety impact of the system. The statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. The statistical analysis shall be consistent with professional judgment and acceptable industry practice. The statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. The statistical analysis required by this subsection shall be made available to the public and shall be published on the website of the municipality.

(s) This Section applies only to municipalities with a population of 1,000,000 or more inhabitants.

HISTORY:

P.A. 97-672, § 5; 97-674, § 5; 98-463, § 440; 2019 P.A. 101-395, § 20, effective August 16, 2019; 2020 P.A. 101-652, § 10-191, effective July 1, 2021.

625 ILCS 5/11-208.8 Automated speed enforcement systems in safety zones. [Effective January 1, 2023]

(a) As used in this Section:

"Automated speed enforcement system" means a photographic device, radar device, laser device, or other electrical or mechanical device or devices installed or utilized in a safety zone and designed to record the speed of a vehicle and obtain a clear photograph or other recorded image of the vehicle and the vehicle's registration plate or digital registration plate while the driver is violating Article VI of Chapter 11 of this Code or a similar provision of a local ordinance.

An automated speed enforcement system is a system, located in a safety zone which is under the jurisdiction of a municipality, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

"Owner" means the person or entity to whom the vehicle is registered.

"Recorded image" means images recorded by an automated speed enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a video recording showing the motor vehicle and, on at least one image or portion of the recording, clearly identifying the registration plate or digital registration plate number of the motor vehicle.

"Safety zone" means an area that is within one-eighth of a mile from the nearest property line of any public or private elementary or secondary school, or from the nearest property line of any facility, area, or land owned by a school district that is used for educational purposes approved by the Illinois State Board of Education, not including school district headquarters or administrative buildings. A safety zone also includes an area that is within one-eighth of a mile from the nearest property line of any facility, area, or land owned by a park district used for recreational purposes. However, if any portion of a roadway is within either one-eighth mile radius, the safety zone also shall include the roadway extended to the furthest portion of the next furthest intersection. The term "safety zone" does not include any portion of the roadway known as Lake Shore Drive or any controlled access highway with 8 or more lanes of traffic.

(a-5) The automated speed enforcement system shall be operational and violations shall be recorded only at the following times:

(i) if the safety zone is based upon the property line of any facility, area, or land owned by a school district, only on school days and no earlier than 6 a.m. and no later than 8:30 p.m. if the school day is during the period of Monday through Thursday, or 9 p.m. if the school day is a Friday; and

(ii) if the safety zone is based upon the property line of any facility, area, or land owned by a park district, no earlier than one hour prior to the time that the facility, area, or land is open to the public or other patrons, and no later than one hour after the facility, area, or land is closed to the public or other patrons.

(b) A municipality that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance must make the recorded images of a violation accessible to the alleged violator by providing the alleged violator with a website address, accessible through the Internet.

(c) Notwithstanding any penalties for any other violations of this Code, the owner of a motor vehicle

used in a traffic violation recorded by an automated speed enforcement system shall be subject to the following penalties:

(1) if the recorded speed is no less than 6 miles per hour and no more than 10 miles per hour over the legal speed limit, a civil penalty not exceeding $50, plus an additional penalty of not more than $50 for failure to pay the original penalty in a timely manner; or

(2) if the recorded speed is more than 10 miles per hour over the legal speed limit, a civil penalty not exceeding $100, plus an additional penalty of not more than $100 for failure to pay the original penalty in a timely manner.

A penalty may not be imposed under this Section if the driver of the motor vehicle received a Uniform Traffic Citation from a police officer for a speeding violation occurring within one-eighth of a mile and 15 minutes of the violation that was recorded by the system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle. A law enforcement officer is not required to be present or to witness the violation. No penalty may be imposed under this Section if the recorded speed of a vehicle is 5 miles per hour or less over the legal speed limit. The municipality may send, in the same manner that notices are sent under this Section, a speed violation warning notice where the violation involves a speed of 5 miles per hour or less above the legal speed limit.

(d) The net proceeds that a municipality receives from civil penalties imposed under an automated speed enforcement system, after deducting all non-personnel and personnel costs associated with the operation and maintenance of such system, shall be expended or obligated by the municipality for the following purposes:

(i) public safety initiatives to ensure safe passage around schools, and to provide police protection and surveillance around schools and parks, including but not limited to: (1) personnel costs; and (2) non-personnel costs such as construction and maintenance of public safety infrastructure and equipment;

(ii) initiatives to improve pedestrian and traffic safety;

(iii) construction and maintenance of infrastructure within the municipality, including but not limited to roads and bridges; and

(iv) after school programs.

(e) For each violation of a provision of this Code or a local ordinance recorded by an automated speed enforcement system, the municipality having jurisdiction shall issue a written notice of the violation to the registered owner of the vehicle as the alleged violator. The notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days after the Secretary of State notifies the municipality of the identity of the owner of the vehicle, but in no event later than 90 days after the violation.

(f) The notice required under subsection (e) of this Section shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the date, time, and location where the violation occurred;

(5) a copy of the recorded image or images;

(6) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(7) a statement that recorded images are evidence of a violation of a speed restriction;

(8) a warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability;

(9) a statement that the person may elect to proceed by:

(A) paying the fine; or

(B) challenging the charge in court, by mail, or by administrative hearing; and

(10) a website address, accessible through the Internet, where the person may view the recorded images of the violation.

(g) (Blank).

(h) Based on inspection of recorded images produced by an automated speed enforcement system, a notice alleging that the violation occurred shall be evidence of the facts contained in the notice and admissible in any proceeding alleging a violation under this Section.

(i) Recorded images made by an automated speed enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section, for statistical purposes, or for other governmental purposes. Any recorded image evidencing a violation of this Section, however, may be admissible in any proceeding resulting from the issuance of the citation.

(j) The court or hearing officer may consider in defense of a violation:

(1) that the motor vehicle or registration plates or digital registration plates of the motor vehicle were stolen before the violation occurred and not under the control or in the possession of the owner or lessee at the time of the violation;

(1.5) that the motor vehicle was hijacked before the violation occurred and not under the control of or in the possession of the owner or lessee at the time of the violation;

(2) that the driver of the motor vehicle received a Uniform Traffic Citation from a police officer for a speeding violation occurring within one-eighth of a mile and 15 minutes of the violation that was recorded by the system; and

(3) any other evidence or issues provided by municipal ordinance.

(k) To demonstrate that the motor vehicle was hijacked or the motor vehicle or registration plates or digital registration plates were stolen before the violation occurred and were not under the control or possession of the owner or lessee at the time of the violation, the owner or lessee must submit proof that a report concerning the motor vehicle or registration plates was filed with a law enforcement agency in a timely manner.

(*l*) A roadway equipped with an automated speed enforcement system shall be posted with a sign conforming to the national Manual on Uniform Traffic Control Devices that is visible to approaching traffic stating that vehicle speeds are being photo-enforced and indicating the speed limit. The municipality shall install such additional signage as it determines is necessary to give reasonable notice to drivers as to where automated speed enforcement systems are installed.

(m) A roadway where a new automated speed enforcement system is installed shall be posted with signs providing 30 days notice of the use of a new automated speed enforcement system prior to the issuance of any citations through the automated speed enforcement system.

(n) The compensation paid for an automated speed enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(o) (Blank).

(p) No person who is the lessor of a motor vehicle pursuant to a written lease agreement shall be liable for an automated speed or traffic law enforcement system violation involving such motor vehicle during the period of the lease; provided that upon the request of the appropriate authority received within 120 days after the violation occurred, the lessor provides within 60 days after such receipt the name and address of the lessee. The drivers license number of a lessee may be subsequently individually requested by the appropriate authority if needed for enforcement of this Section.

Upon the provision of information by the lessor pursuant to this subsection, the municipality may issue the violation to the lessee of the vehicle in the same manner as it would issue a violation to a registered owner of a vehicle pursuant to this Section, and the lessee may be held liable for the violation.

(q) A municipality using an automated speed enforcement system must provide notice to drivers by publishing the locations of all safety zones where system equipment is installed on the website of the municipality.

(r) A municipality operating an automated speed enforcement system shall conduct a statistical analysis to assess the safety impact of the system. The statistical analysis shall be based upon the best available crash, traffic, and other data, and shall cover a period of time before and after installation of the system sufficient to provide a statistically valid comparison of safety impact. The statistical analysis shall be consistent with professional judgment and acceptable industry practice. The statistical analysis also shall be consistent with the data required for valid comparisons of before and after conditions and shall be conducted within a reasonable period following the installation of the automated traffic law enforcement system. The statistical analysis required by this subsection shall be made available to the public and shall be published on the website of the municipality.

(s) This Section applies only to municipalities with a population of 1,000,000 or more inhabitants.

HISTORY:

P.A. 97-672, § 5; 97-674, § 5; 98-463, § 440; 2019 P.A. 101-395, § 20, effective August 16, 2019; 2020 P.A. 101-652, § 10-191, effective July 1, 2021; 2022 P.A. 102-905, § 5, effective January 1, 2023.

625 ILCS 5/11-213 Power of a fire department officer; highway or lane closure.

In the absence of a law enforcement officer or a representative of the highway agency having jurisdiction over the highway, an officer of a fire department, in the performance of his or her official duties, has the authority to close to traffic a highway, or a lane or lanes of a highway, as necessary to protect the safety of persons or property. In order to promote the safe implementation of this Section, the fire department officer shall utilize an official fire department vehicle with lighted red or white oscillating, rotating, or flashing lights in accordance with Section 12-215 of this Code [625 ILCS 5/12-215] and proper temporary traffic control in accordance with the sections of the Illinois Manual on Uniform Traffic Control Devices concerning temporary traffic control and incident management. The officer should also receive training in safe practices for accomplishing these tasks near traffic. This Section does not apply to highways under the jurisdiction of the Illinois State Toll Highway Authority. As used in this Section, "highway" has the meaning set forth in Section 1-126 of this Code [625 ILCS 5/1-126].

HISTORY:

P.A. 95-803, § 5.

625 ILCS 5/11-214 Local government reporting. [Repealed]

HISTORY:

P.A. 97-291, § 5; repealed by 2019 P.A. 101-328, § 10, effective January 1, 2020.

ARTICLE III.

TRAFFIC SIGNS, SIGNALS, AND MARKINGS

625 ILCS 5/11-301 Department to adopt sign manual.

(a) The Department shall adopt a State manual and specifications for a uniform system of traffic-control devices consistent with this Chapter for use upon highways within this State. Such manual shall include the adoption of the R 7-8 sign adopted by the United States Department of Transportation to designate the reservation of parking facilities for a person with disabilities. Non-conforming signs in use prior to January 1, 1985 shall not constitute a violation during their useful lives, which shall not be extended by other means than normal maintenance. The manual shall also specify insofar as practicable the minimum warrants justifying the use of the various traffic control devices. Such uniform system shall correlate with and, where not inconsistent with Illinois highway conditions, conform to the system set forth in the most recent edition of the national manual on Uniform Traffic Control Devices for Streets and Highways.

(b) Signs adopted by the Department to designate the reservation of parking facilities for a person with disabilities shall also exhibit, in a manner determined by the Department, the words "$100 Fine".

(c) If the amount of a fine is changed, the Department shall change the design of the signs to indicate the current amount of the fine.

HISTORY:
P.A. 85-484; 88-685, § 5; 89-533, § 5.

625 ILCS 5/11-301.1 [Signs for parking spaces for persons with disabilities]

Beginning July 1, 1988, all signs erected and used to designate the reservation of parking facilities for a person with disabilities shall be in a form and manner prescribed under Section 11-301 of this Code [625 ILCS 5/11-301], and all parking spaces reserved for a person with disabilities, except those reserving on-street parking areas, shall be at least 16 feet wide. Non-conforming signs in use prior to July 1, 1988 shall not constitute a violation during their useful lives, which shall not be extended by means other than normal maintenance. Beginning October 1, 1992, all parking spaces reserved for a person with disabilities, except those reserving on-street parking areas, shall be at least 16 feet wide.

HISTORY:
P.A. 87-562; 88-685, § 5.

625 ILCS 5/11-302 Authority to designate through highway and stop and yield intersections.

(a) The Department with reference to State highways under its jurisdiction, and local authorities with reference to other highways under their jurisdiction, may designate through highways and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection. Designation of through highways and stop or yield intersections and the erection of stop signs or yield signs on township or road district roads are subject to the written approval of the county engineer or superintendent of highways.

(b) Every stop sign and yield sign shall conform to the State Manual and Specifications and shall be located as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as close as practicable to the nearest line of the intersecting roadway.

(c) The Department may in its discretion and when traffic conditions warrant such action give preference to traffic upon any of the State highways under its jurisdiction over traffic crossing or entering such highway by erecting appropriate traffic control devices.

HISTORY:
P.A. 87-217; 93-177, § 10.

625 ILCS 5/11-303 The Department to place signs on all State highways.

(a) The Department shall place and maintain such traffic-control devices, conforming to its manual and specifications on all highways under its jurisdiction as it shall deem necessary to indicate and to carry out the provisions of this Chapter or to regulate, warn or guide traffic. These traffic control devices shall include temporary stop signs placed as a substitute for missing or damaged permanent stop signs required by the State Manual. Temporary stop signs shall be placed in a manner to provide adequate visibility and legibility, and shall be placed within duration recommendations in the State Manual, unless circumstances require longer placement.

(b) No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the Department except by the latter's permission.

(c) The Department shall erect and maintain guide, warning and direction signs upon highways in cities, towns and villages of which portions or lanes of such highways are under the control and jurisdiction of the Department or for which the Department has maintenance responsibility.

(d) Nothing in this Chapter shall divest the corporate authorities of park districts of power to prohibit or restrict the use of highways under their jurisdiction by certain types or weights of motor vehicles or the power of cities, villages, incorporated towns and park districts to designate highways for one-way traffic or the power of such municipal corporations to

erect and maintain appropriate signs respecting such uses.

(e) Nothing in this Section shall prohibit a municipality, township, or county from erecting signs as required under the Illinois Adopt-A-Highway Act [605 ILCS 120/1 et seq.].

HISTORY:
P.A. 80-1495; 87-1118, § 90; 99-124, § 5.

625 ILCS 5/11-304 Local traffic-control devices; tourist oriented businesses signs.

Local authorities in their respective maintenance jurisdiction shall place and maintain such traffic-control devices, including temporary stop signs placed as a substitute for missing or damaged permanent stop signs required by the State Manual, upon highways under their maintenance jurisdiction as are required to indicate and carry out the provisions of this Chapter, and local traffic ordinances or to regulate, warn, or guide traffic. All such traffic control devices shall conform to the State Manual and Specifications and shall be justified by traffic warrants stated in the Manual. Temporary stop signs shall be placed in a manner to provide adequate visibility and legibility, and shall be placed within duration recommendations in the State Manual, unless circumstances require longer placement. Placement of traffic-control devices on township or road district roads also shall be subject to the written approval of the county engineer or superintendent of highways.

Local authorities in their respective maintenance jurisdictions shall have the authority to install signs, in conformance with the State Manual and specifications, alerting motorists of the tourist oriented businesses available on roads under local jurisdiction in rural areas as may be required to guide motorists to the businesses. The local authorities and road district highway commissioners shall also have the authority to sell or lease space on these signs to the owners or operators of the businesses.

HISTORY:
P.A. 87-217; 90-519, § 5; 93-177, § 10; 99-124, § 5.

625 ILCS 5/11-305 Obedience to and required traffic-control devices.

(a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed or held in accordance with the provisions of this Act, unless otherwise directed by a police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Act.

(b) It is unlawful for any person to leave the roadway and travel across private property to avoid an official traffic control device.

(c) No provision of this Act for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

(d) Whenever any official traffic-control device is placed or held in position approximately conforming to the requirements of this Act and purports to conform to the lawful requirements pertaining to such device, such device shall be presumed to have been so placed or held by the official act or direction of lawful authority, and comply with the requirements of this Act, unless the contrary shall be established by competent evidence.

(e) The driver of a vehicle approaching a traffic control signal on which no signal light facing such vehicle is illuminated shall stop before entering the intersection in accordance with rules applicable in making a stop at a stop sign.

(f) Any violation of subsection (a) that occurs within a designated highway construction zone or maintenance zone shall result in a fine of no less than $100 and no more than $1,000.

HISTORY:
P.A. 84-873; 2019 P.A. 101-172, § 5, effective January 1, 2020.

625 ILCS 5/11-310 Display of Unauthorized Signs, Signals or Markings.

(a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the movement of traffic or the effectiveness of an official traffic-control device or any railroad sign or signal.

(b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(c) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

(d) No person shall sell or offer for sale any traffic control device to be used on any street or highway in this State which does not conform to the requirements of this Chapter.

(e) This Section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(f) This Section shall not be deemed to prohibit the erection of Illinois Adopt-A-Highway signs by municipalities, townships, or counties as provided in the Illinois Adopt-A-Highway Act [605 ILCS 120/1 et seq.].

(g) Any person failing to comply with this Section shall be guilty of a Class A misdemeanor.

HISTORY:
P.A. 81-1509; 87-1118, § 90.

625 ILCS 5/11-311 Interference with official traffic-control devices or railroad signs or signals.

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device, or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof.

Every person who is convicted of a violation of this Section shall be guilty of a Class A misdemeanor, punishable by a fine of at least $250 in addition to any other penalties which may be imposed.

HISTORY:
P.A. 83-672.

625 ILCS 5/11-312 Unlawful Use or Damage to Highways, Appurtenances and Structures.

It shall be unlawful for any person to wilfully injure or damage any public highway or street or any bridge or culvert, or to wilfully damage, injure or remove any sign, signpost, or structure upon or used or constructed in connection with any public highway or street for the protection thereof or for protection or regulation of traffic thereon by any wilfully unusual, improper or unreasonable use thereof, or by wilfully careless driving or use of any vehicle thereon, or by the wilful mutilation, defacing, destruction or removal thereof.

Every person who is convicted of a violation of this Section shall be guilty of a Class A misdemeanor, punishable by a fine of at least $250 in addition to any other penalty which may be imposed.

HISTORY:
P.A. 83-672.

625 ILCS 5/11-313 Unlawful possession of highway sign or marker.

The Department and local authorities, with reference to traffic control signs, signals, or markers owned by the Department or local authority, are authorized to indicate the ownership of the signs, signals, or markers in letters not less than 3/8 inch or more than 3/4 inch in height, by use of a metal stamp, etching, or other permanent means and, except for employees of the Department or local authorities, police officers, contractors and their employees engaged in a highway construction contract or work on the highway approved by the Department or local authority, it is unlawful for any person to possess such sign, signal, or marker so identified.

HISTORY:
P.A. 80-1364; 91-512, § 5.

ARTICLE VI.

SPEED RESTRICTIONS

625 ILCS 5/11-601 General speed restrictions.

(a) No vehicle may be driven upon any highway of this State at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(a-5) For purposes of this Section, "urban district" does not include any interstate highway as defined by Section 1-133.1 of this Code [625 ILCS 5/1-133.1] which includes all highways under the jurisdiction of the Illinois State Toll Highway Authority.

(b) No person may drive a vehicle upon any highway of this State at a speed which is greater than the applicable statutory maximum speed limit established by paragraphs (c), (d), (e), (f) or (g) of this Section, by Section 11-605 [625 ILCS 5/11-605] or by a regulation or ordinance made under this Chapter.

(c) Unless some other speed restriction is established under this Chapter, the maximum speed limit in an urban district for all vehicles is:

1. 30 miles per hour; and
2. 15 miles per hour in an alley.

(d) Unless some other speed restriction is established under this Chapter, the maximum speed limit outside an urban district for any vehicle is (1) 65 miles per hour for all or part of highways that are designated by the Department, have at least 4 lanes of traffic, and have a separation between the roadways moving in opposite directions and (2) 55 miles per hour for all other highways, roads, and streets.

(d-1) Unless some other speed restriction is established under this Chapter, the maximum speed limit outside an urban district for any vehicle is (1) 70 miles per hour on any interstate highway as defined by Section 1-133.1 of this Code which includes all highways under the jurisdiction of the Illinois State Toll Highway Authority;

(2) 65 miles per hour for all or part of highways that are designated by the Department, have at least 4 lanes of traffic, and have a separation

between the roadways moving in opposite directions; and

(3) 55 miles per hour for all other highways, roads, and streets. The counties of Cook, DuPage, Kane, Lake, Madison, McHenry, St. Clair, and Will may adopt ordinances setting a maximum speed limit on highways, roads, and streets that is lower than the limits established by this Section.

(e) In the counties of Cook, DuPage, Kane, Lake, McHenry, and Will, unless some lesser speed restriction is established under this Chapter, the maximum speed limit outside an urban district for a second division vehicle designed or used for the carrying of a gross weight of 8,001 pounds or more (including the weight of the vehicle and maximum load) is 60 miles per hour on any interstate highway as defined by Section 1-133.1 of this Code and 55 miles per hour on all other highways, roads, and streets.

(e-1) (Blank).

(f) Unless some other speed restriction is established under this Chapter, the maximum speed limit outside an urban district for a bus is:

1. 65 miles per hour upon any highway which has at least 4 lanes of traffic and of which the roadways for traffic moving in opposite directions are separated by a strip of ground which is not surfaced or suitable for vehicular traffic, except that the maximum speed limit for a bus on all highways, roads, or streets not under the jurisdiction of the Department or the Illinois State Toll Highway Authority is 55 miles per hour;

1.5. 70 miles per hour upon any interstate highway as defined by Section 1-133.1 of this Code outside the counties of Cook, DuPage, Kane, Lake, McHenry, and Will; and

2. 55 miles per hour on any other highway.

(g) (Blank).

HISTORY:
P.A. 84-730; 89-444, § 5; 89-551, § 5; 96-524, § 5; 97-202, § 5; 98-511, § 5; 98-1126, § 5; 98-1128, § 5; 99-78, § 465.

625 ILCS 5/11-601.5 Driving 26 miles per hour or more in excess of applicable limit.

(a) A person who drives a vehicle upon any highway of this State at a speed that is 26 miles per hour or more but less than 35 miles per hour in excess of the applicable maximum speed limit established under this Chapter or a local ordinance commits a Class B misdemeanor.

(b) A person who drives a vehicle upon any highway of this State at a speed that is 35 miles per hour or more in excess of the applicable maximum speed limit established under this Chapter or a local ordinance commits a Class A misdemeanor.

HISTORY:
P.A. 91-469, § 5; 96-1002, § 5; 96-1507, § 5; 98-511, § 5.

625 ILCS 5/11-602 Alteration of limits by Department.

Whenever the Department determines, upon the basis of an engineering and traffic investigation concerning any highway for which the Department has maintenance responsibility, that a maximum speed limit prescribed in Section 11-601 of this Chapter [625 ILCS 5/11-601] is greater or less than is reasonable or safe with respect to the conditions found to exist at any intersection or other place on such highway or along any part or zone thereof, the Department shall determine and declare a reasonable and safe absolute maximum speed limit applicable to such intersection or place, or along such part or zone. However, such limit shall conform with the maximum speed limit restrictions provided for in Section 11-601 of this Code. Where a highway under the Department's jurisdiction is contiguous to school property, the Department may, at the school district's request, set a reduced maximum speed limit for student safety purposes in the portion of the highway that faces the school property and in the portions of the highway that extend one-quarter mile in each direction from the opposite ends of the school property. A limit determined and declared as provided in this Section becomes effective, and suspends the applicability of the limit prescribed in Section 11-601 of this Chapter, when appropriate signs giving notice of the limit are erected at such intersection or other place, or along such part or zone of the highway. Electronic speed-detecting devices shall not be used within 500 feet beyond any such sign in the direction of travel; if so used in violation hereof, evidence obtained thereby shall be inadmissible in any prosecution for speeding. However, nothing in this Section prohibits the use of such electronic speed-detecting devices within 500 feet of a sign within a special school speed zone indicating such zone, conforming to the requirements of Section 11-605 of this Act [625 ILCS 5/11-605], nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone.

HISTORY:
P.A. 79-267; 89-444, § 5; 89-551, § 5; 93-624, § 5; 96-524, § 5; 98-511, § 5.

625 ILCS 5/11-603 Alteration of limits by Toll Highway Authority.

Whenever the Illinois State Toll Highway Authority determines, upon the basis of an engineering and traffic investigation concerning a toll highway under its jurisdiction, that a maximum speed limit prescribed in Section 11-601 of this Chapter [625 ILCS 5/11-601] is greater or less than is reasonable or safe with respect to conditions found to exist at any place or along any part or zone of such highway, the Authority shall determine and declare by regulation a reasonable and safe absolute maximum speed limit at such place or along such part or zone, and the speed limit shall conform with the maximum speed limit restrictions provided for in Section 11-601 of

this Code. A limit so determined and declared becomes effective, and suspends the application of the limit prescribed in Section 11-601 of this Chapter, when (a) the Department concurs in writing with the Authority's regulation, and (b) appropriate signs giving notice of the limit are erected at such place or along such part or zone of the highway. Electronic speed-detecting devices shall not be used within 500 feet beyond any such sign in the direction of travel; if so used in violation hereof, evidence obtained thereby shall be inadmissible in any prosecution for speeding.

HISTORY:
P.A. 79-267; 89-444, § 5; 98-511, § 5.

625 ILCS 5/11-604 Alteration of limits by local authorities.

(a) Subject to the limitations set forth in this Section, the county board of a county may establish absolute maximum speed limits on all county highways, township roads and district roads as defined in the Illinois Highway Code [605 ILCS 5/1-101 et seq.], except those under the jurisdiction of the Department or of the Illinois State Toll Highway Authority, as described in Sections 11-602 and 11-603 of this Chapter [625 ILCS 5/11-602 and 625 ILCS 5/11-603]; and any park district, city, village, or incorporated town may establish absolute maximum speed limits on all streets which are within its corporate limits and which are not under the jurisdiction of the Department or of such Authority, and for which the county or a highway commissioner of such county does not have maintenance responsibility.

(b) Whenever any such park district, city, village, or incorporated town determines, upon the basis of an engineering or traffic investigation concerning a highway or street on which it is authorized by this Section to establish speed limits, that a maximum speed limit prescribed in Section 11-601 of this Chapter [625 ILCS 5/11-601] is greater or less than is reasonable or safe with respect to the conditions found to exist at any place or along any part or zone of such highway or street, the local authority or park district shall determine and declare by ordinance a reasonable and safe absolute maximum speed limit at such place or along such part or zone, which:

(1) Decreases the limit within an urban district, but not to less than 20 miles per hour; or

(2) Increases the limit within an urban district, but not to more than 55 miles per hour; or

(3) Decreases the limit outside of an urban district, but not to less than 35 miles per hour, except as otherwise provided in subparagraph 4 of this paragraph; or

(4) Decreases the limit within a residence district, but not to less than 25 miles per hour, except as otherwise provided in subparagraph 1 of this paragraph.

The park district, city, village, or incorporated town may make such limit applicable at all times or only during certain specified times. Not more than 6 such alterations shall be made per mile along a highway or street; and the difference in limit between adjacent altered speed zones shall not be more than 10 miles per hour.

A limit so determined and declared by a park district, city, village, or incorporated town becomes effective, and suspends the application of the limit prescribed in Section 11-601 of this Chapter, when appropriate signs giving notice of the limit are erected at the proper place or along the proper part or zone of the highway or street. Electronic speed-detecting devices shall not be used within 500 feet beyond any such sign in the direction of travel; if so used in violation of this Section evidence obtained thereby shall be inadmissible in any prosecution for speeding. However, nothing in this Section prohibits the use of such electronic speed-detecting devices within 500 feet of a sign within a special school speed zone indicating such zone, conforming to the requirements of Section 11-605 of this Act [625 ILCS 5/11-605], nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone.

(c) A county engineer or superintendent of highways may submit to the Department for approval, a county policy for establishing altered speed zones on township and county highways based upon engineering and traffic investigations.

(d) Whenever the county board of a county determines that a maximum speed limit is greater or less than is reasonable or safe with respect to the conditions found to exist at any place or along any part or zone of the highway or road, the county board shall determine and declare by ordinance a reasonable and safe absolute maximum speed limit at that place or along that part or zone. However, the maximum speed limit shall not exceed 55 miles per hour. Upon receipt of an engineering study for the part or zone of highway in question from the county engineer, and notwithstanding any other provision of law, the county board of a county may determine and declare by ordinance a reduction in the maximum speed limit at any place or along any part or zone of a county highway whenever the county board, in its sole discretion, determines that the reduction in the maximum speed limit is reasonable and safe. The county board may post signs designating the new speed limit. The limit becomes effective, and suspends the application of the limit prescribed in Section 11-601 of this Chapter, when appropriate signs giving notice of the limit are erected at the proper place or along the proper part of the zone of the highway. Electronic speed-detecting devices shall not be used within 500 feet beyond any such sign in the direction of travel; if so used in violation of this Section, evidence obtained thereby shall be inadmissible in any prosecution for speeding. However, nothing in this Section prohibits the use of such electronic speed-detecting devices within 500 feet of a sign

within a special school speed zone indicating such zone, conforming to the requirements of Section 11-605 of this Act, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone.

HISTORY:
P.A. 87-217; 89-444, § 5; 95-574, § 5; 95-788, § 5.

625 ILCS 5/11-605 Special speed limit while passing schools. [Effective until January 1, 2023]

(a) For the purpose of this Section, "school" means the following entities:

(1) A public or private primary or secondary school.

(2) A primary or secondary school operated by a religious institution.

(3) A public, private, or religious nursery school.

On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic, no person shall drive a motor vehicle at a speed in excess of 20 miles per hour while passing a school zone or while traveling on a roadway on public school property or upon any public thoroughfare where children pass going to and from school.

For the purpose of this Section, a school day begins at 6:30 a.m. and concludes at 4 p.m.

This Section shall not be applicable unless appropriate signs are posted upon streets and highways under their respective jurisdiction and maintained by the Department, township, county, park district, city, village or incorporated town wherein the school zone is located. With regard to the special speed limit while passing schools, such signs shall give proper due warning that a school zone is being approached and shall indicate the school zone and the maximum speed limit in effect during school days when school children are present.

(b) (Blank).

(c) Nothing in this Chapter shall prohibit the use of electronic speed-detecting devices within 500 feet of signs within a special school speed zone indicating such zone, as defined in this Section, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone.

(d) (Blank).

(e) Except as provided in subsection (e-5), a person who violates this Section is guilty of a petty offense. Violations of this Section are punishable with a minimum fine of $150 for the first violation and a minimum fine of $300 for the second or subsequent violation.

(e-5) A person committing a violation of this Section is guilty of aggravated special speed limit while passing schools when he or she drives a motor vehicle at a speed that is:

(1) 26 miles per hour or more but less than 35 miles per hour in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class B misdemeanor; or

(2) 35 miles per hour or more in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class A misdemeanor.

(f) (Blank).

(g) (Blank).

(h) (Blank).

HISTORY:
P.A. 82-124; 89-251, § 5; 89-559, § 5; 91-531, § 5; 92-242, § 5; 92-619, § 10; 92-780, § 5; 93-955, § 5; 96-52, § 5; 99-212, § 3; 2018 P.A. 100-987, § 905-45, effective July 1, 2019; 2021 P.A. 102-58, § 5, effective July 9, 2021.

625 ILCS 5/11-605 Special speed limit while passing schools. [Effective January 1, 2023]

(a) For the purpose of this Section, "school" means the following entities:

(1) A public or private primary or secondary school.

(2) A primary or secondary school operated by a religious institution.

(3) A public, private, or religious nursery school.

On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic, no person shall drive a motor vehicle at a speed in excess of 20 miles per hour while passing a school zone or while traveling on a local, county, or State roadway on public school property or upon any public thoroughfare where children pass going to and from school.

For the purpose of this Section, a school day begins at 6:30 a.m. and concludes at 4 p.m.

This Section shall not be applicable unless appropriate signs are posted upon streets and highways under their respective jurisdiction and maintained by the Department, township, county, park district, city, village or incorporated town wherein the school zone is located. With regard to the special speed limit while passing schools, such signs shall give proper due warning that a school zone is being approached and shall indicate the school zone and the maximum speed limit in effect during school days when school children are present.

(b) (Blank).

(c) Nothing in this Chapter shall prohibit the use of electronic speed-detecting devices within 500 feet of signs within a special school speed zone indicating such zone, as defined in this Section, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding provided the use of such device shall apply only to the enforcement of the speed limit in such special school speed zone.

(d) (Blank).

(e) Except as provided in subsection (e-5), a person who violates this Section is guilty of a petty offense. Violations of this Section are punishable with a minimum fine of $150 for the first violation and a minimum fine of $300 for the second or subsequent violation.

(e-5) A person committing a violation of this Section is guilty of aggravated special speed limit while passing schools when he or she drives a motor vehicle at a speed that is:

(1) 26 miles per hour or more but less than 35 miles per hour in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class B misdemeanor; or

(2) 35 miles per hour or more in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class A misdemeanor.

(f) (Blank).

(g) (Blank).

(h) (Blank).

HISTORY:

P.A. 82-124; 89-251, § 5; 89-559, § 5; 91-531, § 5; 92-242, § 5; 92-619, § 10; 92-780, § 5; 93-955, § 5; 96-52, § 5; 99-212, § 3; 2018 P.A. 100-987, § 905-45, effective July 1, 2019; 2021 P.A. 102-58, § 5, effective July 9, 2021; 2022 P.A. 102-978, § 5, effective January 1, 2023.

625 ILCS 5/11-605.1 Special limit while traveling through a highway construction or maintenance speed zone.

(a) A person may not operate a motor vehicle in a construction or maintenance speed zone at a speed in excess of the posted speed limit when workers are present.

(a-5) A person may not operate a motor vehicle in a construction or maintenance speed zone at a speed in excess of the posted speed limit when workers are not present.

(b) Nothing in this Chapter prohibits the use of electronic speed-detecting devices within 500 feet of signs within a construction or maintenance speed zone indicating the zone, as defined in this Section, nor shall evidence obtained by use of those devices be inadmissible in any prosecution for speeding, provided the use of the device shall apply only to the enforcement of the speed limit in the construction or maintenance speed zone.

(c) As used in this Section, a "construction or maintenance speed zone" is an area in which the Department, Toll Highway Authority, or local agency has posted signage advising drivers that a construction or maintenance speed zone is being approached, or in which the Department, Authority, or local agency has posted a lower speed limit with a highway construction or maintenance speed zone special speed limit sign after determining that the preexisting established speed limit through a highway construction or maintenance project is greater than is reasonable or safe with respect to the conditions expected to exist in the construction or maintenance speed zone.

If it is determined that the preexisting established speed limit is safe with respect to the conditions expected to exist in the construction or maintenance speed zone, additional speed limit signs which conform to the requirements of this subsection (c) shall be posted.

Highway construction or maintenance speed zone special speed limit signs shall be of a design approved by the Department. The signs must give proper due warning that a construction or maintenance speed zone is being approached and must indicate the maximum speed limit in effect. The signs also must state the amount of the minimum fine for a violation.

(d) Except as provided under subsection (d-5), a person who violates this Section is guilty of a petty offense. Violations of this Section are punishable with a minimum fine of $250 for the first violation and a minimum fine of $750 for the second or subsequent violation.

(d-5) A person committing a violation of this Section is guilty of aggravated special speed limit while traveling through a highway construction or maintenance speed zone when he or she drives a motor vehicle at a speed that is:

(1) 26 miles per hour or more but less than 35 miles per hour in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class B misdemeanor; or

(2) 35 miles per hour or more in excess of the applicable special speed limit established under this Section or a similar provision of a local ordinance and is guilty of a Class A misdemeanor.

(e) (Blank).

(e-5) The Illinois State Police and the local county police department have concurrent jurisdiction over any violation of this Section that occurs on an interstate highway.

(f) The Transportation Safety Highway Hire-back Fund, which was created by Public Act 92-619, shall continue to be a special fund in the State treasury. Subject to appropriation by the General Assembly and approval by the Secretary, the Secretary of Transportation shall use all moneys in the Transportation Safety Highway Hire-back Fund to hire off-duty Illinois State Police officers to monitor construction or maintenance zones.

(f-5) Each county shall create a Transportation Safety Highway Hire-back Fund. The county shall use the moneys in its Transportation Safety Highway Hire-back Fund to hire off-duty county police officers to monitor construction or maintenance zones in that county on highways other than interstate highways. The county, in its discretion, may also use a portion of the moneys in its Transportation Safety Highway Hire-back Fund to purchase equipment for county law enforcement and fund the production of materials to educate drivers on construction zone safe driving habits.

(g) For a second or subsequent violation of this Section within 2 years of the date of the previous violation, the Secretary of State shall suspend the driver's license of the violator for a period of 90 days. This suspension shall only be imposed if the current violation of this Section and at least one prior violation of this Section occurred during a period when workers were present in the construction or maintenance zone.

HISTORY:
P.A. 93-955, § 5; 94-814, § 5; 97-830, § 5; 98-337, § 5; 99-212, § 3; 99-280, § 5; 99-642, § 525; 2018 P.A. 100-987, § 905-45, effective July 1, 2019; 2021 P.A. 102-538, § 935, effective August 20, 2021.

625 ILCS 5/11-605.2 Delegation of authority to set a special speed limit while traveling through highway construction or maintenance zones.

(a) A local agency may delegate to its superintendent of highways the authority to set and post a reduced speed limit for a construction or maintenance zone, as defined in Section 11-605.1 [625 ILCS 5/11-605.1], under subsection (c) of that Section.

(b) If a superintendent of highways sets a reduced speed limit for a construction or maintenance zone in accordance with this Section, the local agency must maintain a record that indicates:

(1) the location of the construction or maintenance zone;

(2) the reduced speed limit set and posted for the construction or maintenance zone; and

(3) the dates during which the reduced speed limit was in effect.

HISTORY:
P.A. 93-947, § 90; 96-1000, § 575.

625 ILCS 5/11-605.3 Special traffic protections while passing parks and recreation facilities and areas. [Effective until January 1, 2023]

(a) As used in this Section:

(1) "Park district" means the following entities:

(A) any park district organized under the Park District Code [70 ILCS 1205/1-1 et seq.];

(B) any park district organized under the Chicago Park District Act [70 ILCS 1505/0.01 et seq.]; and

(C) any municipality, county, forest district, school district, township, or other unit of local government that operates a public recreation department or public recreation facilities that has recreation facilities that are not on land owned by any park district listed in subparagraphs (A) and (B) of this subdivision (a) (1).

(2) "Park zone" means the recreation facilities and areas on any land owned or operated by a park district that are used for recreational purposes, including but not limited to: parks; playgrounds; swimming pools; hiking trails; bicycle paths; picnic areas; roads and streets; and parking lots.

(3) "Park zone street" means that portion of any street or intersection under the control of a local unit of government, adjacent to a park zone, where the local unit of government has, by ordinance or resolution, designated and approved the street or intersection as a park zone street. If, before the effective date of this amendatory Act of the 94th General Assembly, a street already had a posted speed limit lower than 20 miles per hour, then the lower limit may be used for that park zone street.

(4) "Safety purposes" means the costs associated with: park zone safety education; the purchase, installation, and maintenance of signs, roadway painting, and caution lights mounted on park zone signs; and any other expense associated with park zones and park zone streets.

(b) On any day when children are present and within 50 feet of motorized traffic, a person may not drive a motor vehicle at a speed in excess of 20 miles per hour or any lower posted speed while traveling on a park zone street that has been designated for the posted reduced speed.

(c) On any day when children are present and within 50 feet of motorized traffic, any driver traveling on a park zone street who fails to come to a complete stop at a stop sign or red light, including a driver who fails to come to a complete stop at a red light before turning right onto a park zone street, is in violation of this Section.

(d) This Section does not apply unless appropriate signs are posted upon park zone streets maintained by the Department or by the unit of local government in which the park zone is located. With regard to the special speed limit on park zone streets, the signs must give proper due warning that a park zone is being approached and must indicate the maximum speed limit on the park zone street.

(e) A first violation of this Section is a petty offense with a minimum fine of $250. A second or subsequent violation of this Section is a petty offense with a minimum fine of $500.

(f) (Blank).

(g) The Department shall, within 6 months of the effective date of this amendatory Act of the 94th General Assembly, design a set of standardized traffic signs for park zones and park zone streets, including but not limited to: "park zone", "park zone speed limit", and "warning: approaching a park zone". The design of these signs shall be made available to all units of local government or manufacturers at no charge, except for reproduction and postage.

HISTORY:
P.A. 94-808, § 5; 2018 P.A. 100-987, § 905-45, effective July 1, 2019.

625 ILCS 5/11-605.3 Special traffic protections while passing parks and recreation facilities and areas. [Effective January 1, 2023]

(a) As used in this Section:

(1) "Park district" means the following entities:

(A) any park district organized under the Park District Code [70 ILCS 1205/1-1 et seq.];

(B) any park district organized under the Chicago Park District Act [70 ILCS 1505/0.01 et seq.]; and

(C) any municipality, county, forest district, school district, township, or other unit of local government that operates a public recreation department or public recreation facilities that has recreation facilities that are not on land owned by any park district listed in subparagraphs (A) and (B) of this subdivision (a)(1).

(2) "Park zone" means the recreation facilities and areas on any land owned or operated by a park district that are used for recreational purposes, including but not limited to: parks; playgrounds; swimming pools; hiking trails; bicycle paths; picnic areas; roads and streets; and parking lots.

(3) "Park zone street" means that portion of any State or local street or intersection under the control of a local unit of government, adjacent to a park zone, where the local unit of government has, by ordinance or resolution, designated and approved the street or intersection as a park zone street. If, before the effective date of this amendatory Act of the 94th General Assembly, a street already had a posted speed limit lower than 20 miles per hour, then the lower limit may be used for that park zone street.

(4) "Safety purposes" means the costs associated with: park zone safety education; the purchase, installation, and maintenance of signs, roadway painting, and caution lights mounted on park zone signs; and any other expense associated with park zones and park zone streets.

(b) On any day when children are present and within 50 feet of motorized traffic, a person may not drive a motor vehicle at a speed in excess of 20 miles per hour or any lower posted speed while traveling on a park zone street that has been designated for the posted reduced speed.

(c) On any day when children are present and within 50 feet of motorized traffic, any driver traveling on a park zone street who fails to come to a complete stop at a stop sign or red light, including a driver who fails to come to a complete stop at a red light before turning right onto a park zone street, is in violation of this Section.

(d) This Section does not apply unless appropriate signs are posted upon park zone streets maintained by the Department or by the unit of local government in which the park zone is located. With regard to the special speed limit on park zone streets, the signs must give proper due warning that a park zone is being approached and must indicate the maximum speed limit on the park zone street.

(e) A first violation of this Section is a petty offense with a minimum fine of $250. A second or subsequent violation of this Section is a petty offense with a minimum fine of $500.

(f) (Blank).

(g) The Department shall, within 6 months of the effective date of this amendatory Act of the 94th General Assembly, design a set of standardized traffic signs for park zones and park zone streets, including but not limited to: "park zone", "park zone speed limit", and "warning: approaching a park zone". The design of these signs shall be made available to all units of local government or manufacturers at no charge, except for reproduction and postage.

HISTORY:

P.A. 94-808, § 5; 2018 P.A. 100-987, § 905-45, effective July 1, 2019; 2022 P.A. 102-978, § 5, effective January 1, 2023.

625 ILCS 5/11-606 Minimum speed regulation.

(a) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation of his vehicle or in compliance with law.

(b) Whenever the Department, The Illinois State Toll Highway Authority, or a local authority described in Section 11-604 of this Chapter [625 ILCS 5/11-604] determines, upon the basis of an engineering and traffic investigation concerning a highway or street under its jurisdiction that slow vehicle speeds along any part or zone of such highway or street consistently impede the normal and reasonable movement of traffic, the Department, the Toll Highway Authority, or local authority (as appropriate) may determine and declare by proper regulation or ordinance a minimum speed limit below which no person shall drive except when necessary for safe operation of his vehicle or in compliance with law. A limit so determined and declared becomes effective when appropriate signs giving notice of the limit are erected along such part or zone of the highway or street.

HISTORY:

P.A. 81-840.

625 ILCS 5/11-608 Special speed limitation on elevated structures.

(a) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is sign posted as provided in this Section.

(b) The Department upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this Chapter, the Department shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable

signs stating such maximum speed to be erected and maintained before each end of such structure.

(c) Upon the trial of any person charged with a violation of this Section proof of the determination of the maximum speed by the Department and the existence of such signs is conclusive evidence of the maximum speed which can be maintained with safety to such bridge or structure.

HISTORY:
P.A. 76-1586.

625 ILCS 5/11-610 Charging Violations and Rule in Civil Actions. [Effective until July 1, 2023]

(a) In every charge of violation of any speed regulation in this article the complaint, and also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven and the maximum speed applicable within the district or at the location.

(b) The provision of this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

HISTORY:
P.A. 79-1069.

625 ILCS 5/11-610 Charging Violations and Rule in Civil Actions. [Effective July 1, 2023]

(a) In every charge of violation of any speed regulation in this article the complaint, and also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven and the maximum speed applicable within the district or at the location.

(b) The provision of this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of a crash.

HISTORY:
P.A. 79-1069; 2022 P.A. 102-982, § 105, effective July 1, 2023.

625 ILCS 5/11-611 [Maximum attainable operating speed]

No person shall drive or operate any motor vehicle on any street or highway in this State where the minimum allowable speed on that street or highway, as posted, is greater than the maximum attainable operating speed of the vehicle. Maximum attainable operating speed shall be determined by the manufacturer of the vehicle and clearly published in the manual of specifications and operation, or it shall be determined by applicable rule and regulation promulgated by the Secretary of State.

HISTORY:
P.A. 79-700.

625 ILCS 5/11-612 Certain systems to record vehicle speeds prohibited.

Except as authorized in the Automated Traffic Control Systems in Highway Construction or Maintenance Zones Act and Section 11-208.8 of this Code [625 ILCS 7/1 et seq. and 625 ILCS 5/11-208.8], no photographic, video, or other imaging system may be used in this State to record vehicle speeds for the purpose of enforcing any law or ordinance regarding a maximum or minimum speed limit unless a law enforcement officer is present at the scene and witnesses the event. No State or local governmental entity, including a home rule county or municipality, may use such a system in a way that is prohibited by this Section. The regulation of the use of such systems is an exclusive power and function of the State. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution [Ill. Const. (1970) Art. VII, § 6].

HISTORY:
P.A. 94-771, § 5; 94-795, § 5; 94-814, § 5; 97-672, § 5.

ARTICLE VII.

DRIVING ON RIGHT SIDE OF ROADWAY; OVERTAKING AND PASSING, ETC.

625 ILCS 5/11-711 Restrictions on use of controlled access highway.

(a) No person may drive a vehicle onto or from any controlled access highway except at entrances and exits established by public authority.

(b) The Department with respect to any controlled access highway under its jurisdiction may prohibit the use of any such highways by pedestrians (except in authorized areas or facilities), bicycles, farm tractors, implements of husbandry, funeral processions, and any vehicle unable to maintain the minimum speed for which the highway is posted, or other non-motorized traffic or by any person operating a motor driven cycle. The Department may also prohibit the use of such highway to school buses picking up and discharging children and mail delivery vehicles picking up or delivering mail. The Department shall erect and maintain official signs on the controlled access highway on which such prohibitions are applicable and when so erected no person may disobey the restrictions stated on such sign.

HISTORY:
P.A. 76-1586.

ARTICLE VIII.

TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

625 ILCS 5/11-804 When signal required.

(a) No person may turn a vehicle at an intersection unless the vehicle is in proper position upon the highway as required in Section 11-801 [625 ILCS 5/11-801] or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person may so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(b) A signal of intention to turn right or left, change lanes, otherwise turn a vehicle from a direct course, move right or left upon a highway, or when required must be given continuously during not less than the last 100 feet traveled by the vehicle within a business or residence district, and such signal must be given continuously during not less than the last 200 feet traveled by the vehicle outside a business or residence district.

(c) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this Chapter to the driver of any vehicle immediately to the rear when there is opportunity to give such a signal.

(d) The electric turn signal device required in Section 12-208 of this Act [625 ILCS 5/12-208] must be used and operated as prescribed in subsection (b) of this Section to indicate an intention to turn, change lanes, turn a vehicle from a direct course, move right or left upon a highway, or start from a parallel parked position. Unless the conditions of subsection (b) of this Section are met, an electric turn signal device required in Section 12-208 shall not be left in the on position and must not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear. However, such signal devices may be flashed simultaneously on both sides of a motor vehicle to indicate the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking and passing.

HISTORY:
P.A. 78-1297; 2021 P.A. 102-508, § 5, effective August 20, 2021.

ARTICLE IX.

RIGHT-OF-WAY

625 ILCS 5/11-907 Operation of vehicles and streetcars on approach of authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this Code or a police vehicle properly and lawfully making use of an audible or visual signal:

(1) the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the highway clear of any intersection and shall, if necessary to permit the safe passage of the emergency vehicle, stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer; and

(2) the operator of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

(b) This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(c) Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue lights or amber or yellow warning lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle; or

(2) if changing lanes would be impossible or unsafe, proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions and leaving a safe distance until safely past the stationary emergency vehicles.

The visual signal specified under this subsection (c) given by an authorized emergency vehicle is an indication to drivers of approaching vehicles that a hazardous condition is present when circumstances are not immediately clear. Drivers of vehicles approaching a stationary emergency vehicle in any lane shall heed the warning of the signal, reduce the speed of the vehicle, proceed with due caution, maintain a safe speed for road conditions, be prepared to stop, and leave a safe distance until safely passed the stationary emergency vehicle.

As used in this subsection (c), "authorized emergency vehicle" includes any vehicle authorized by law to be equipped with oscillating, rotating, or flashing lights under Section 12-215 of this Code [625 ILCS 5/12-215], while the owner or operator of the vehicle is engaged in his or her official duties.

(d) A person who violates subsection (c) of this Section commits a business offense punishable by a fine of not less than $250 or more than $10,000 for a first violation, and a fine of not less than $750 or

more than $10,000 for a second or subsequent violation. It is a factor in aggravation if the person committed the offense while in violation of Section 11-501, 12-610.1, or 12-610.2 of this Code [625 ILCS 5/11-501, 625 ILCS 5/12-610.1, or 625 ILCS 5/12-610.2]. Imposition of the penalties authorized by this subsection (d) for a violation of subsection (c) of this Section that results in the death of another person does not preclude imposition of appropriate additional civil or criminal penalties. A person who violates subsection (c) and the violation results in damage to another vehicle commits a Class A misdemeanor. A person who violates subsection (c) and the violation results in the injury or death of another person commits a Class 4 felony.

(e) If a violation of subsection (c) of this Section results in damage to the property of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 90 days and not more than one year.

(f) If a violation of subsection (c) of this Section results in injury to another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 180 days and not more than 2 years.

(g) If a violation of subsection (c) of this Section results in the death of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for 2 years.

(h) The Secretary of State shall, upon receiving a record of a judgment entered against a person under subsection (c) of this Section:

(1) suspend the person's driving privileges for the mandatory period; or

(2) extend the period of an existing suspension by the appropriate mandatory period.

(i) The Scott's Law Fund shall be a special fund in the State treasury. Subject to appropriation by the General Assembly and approval by the Director, the Director of the State Police shall use all moneys in the Scott's Law Fund in the Department's discretion to fund the production of materials to educate drivers on approaching stationary authorized emergency vehicles, to hire off-duty Department of State Police for enforcement of this Section, and for other law enforcement purposes the Director deems necessary in these efforts.

(j) For violations of this Section issued by a county or municipal police officer, the assessment shall be deposited into the county's or municipality's Transportation Safety Highway Hire-back Fund. The county shall use the moneys in its Transportation Safety Highway Hire-back Fund to hire off-duty county police officers to monitor construction or maintenance zones in that county on highways other than interstate highways. The county, in its discretion, may also use a portion of the moneys in its Transportation Safety Highway Hire-back Fund to purchase equipment for county law enforcement and fund the production of materials to educate drivers on construction zone safe driving habits and approaching stationary authorized emergency vehicles.

(k) In addition to other penalties imposed by this Section, the court may order a person convicted of a violation of subsection (c) to perform community service as determined by the court.

HISTORY:

P.A. 83-781; 92-283, § 5; 92-872, § 5; 93-173, § 5; 93-705, § 5; 95-884, § 5; 2017 P.A. 100-201, § 650, effective August 18, 2017; 2019 P.A. 101-173, § 10, effective January 1, 2020; 2021 P.A. 102-336, § 5, effective January 1, 2022; 2021 P.A. 102-338, § 5, effective January 1, 2022; 2022 P.A. 102-813, § 575, effective May 13, 2022.

625 ILCS 5/11-907.2 Move Over Early Warning Task Force. [Repealed January 1, 2024]

(a) The Move Over Early Warning Task Force is created to study the issue of violations of Sections 11-907, 11-907.5, and 11-908 [625 ILCS 5/11-907, 625 ILCS 5/11-907.5, and 625 ILCS 5/11-908] with attention to the causes of violations and ways to protect law enforcement and emergency responders.

(b) The Move Over Early Warning Task Force shall study new technologies and early warning systems in cellular phones and vehicles that alert the public to the presence of first responders and road safety hazards.

(c) The membership of the Task Force shall consist of the following members:

(1) the Director of State Police or his or her designee, who shall serve as chair;

(2) the Secretary of State or his or her designee;

(3) the Secretary of Transportation or his or her designee;

(4) the Illinois Commerce Commission Chair or his or her designee;

(5) the Statewide 911 Administrator;

(6) the Director of the Illinois Toll Highway Authority or his or her designee;

(7) the President of the Illinois Association of Chiefs of Police or his or her designee;

(8) the President of the Illinois Sheriffs' Association or his or her designee;

(9) the President of the Associated Fire Fighters of Illinois or his or her designee;

(10) the following persons appointed by the Governor:

(A) one representative of a statewide trucking association;

(B) one representative of a Chicago area motor club;

(C) one incumbent local exchange carrier; and

(D) two representatives from a large wireless carrier.

(d) The members of the Task Force shall serve without compensation and may meet remotely via telephone or live video conference platforms.

(e) The Task Force shall meet and present its report and recommendations, including legislative recommendations, if any, on how to better enforce the

provisions described in subsection (a) and use 21st-century driver communication technology to prevent fatalities and injuries on Illinois roadways, to the General Assembly no later than January 1, 2023.

(f) The Illinois State Police shall provide administrative support to the Task Force as needed.

(g) This Section is repealed on January 1, 2024.

HISTORY:
2021 P.A. 102-336, § 5, effective January 1, 2022.

625 ILCS 5/11-908 Vehicle approaching or entering a highway construction or maintenance area or zone.

(a) The driver of a vehicle shall yield the right-of-way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic-control devices.

(a-1) Upon entering a construction or maintenance zone when workers are present, a person who drives a vehicle shall:

(1) proceeding with due caution, make a lane change into a lane not adjacent to that of the workers present, if possible with due regard to safety and traffic conditions, if on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

(a-2) A person who violates subsection (a-1) of this Section commits a business offense punishable by a fine of not less than $100 and not more than $25,000. It is a factor in aggravation if the person committed the offense while in violation of Section 11-501 of this Code [625 ILCS 5/11-501].

(a-3) If a violation of subsection (a-1) of this Section results in damage to the property of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 90 days and not more than one year.

(a-4) If a violation of subsection (a-1) of this Section results in injury to another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for a fixed period of not less than 180 days and not more than 2 years.

(a-5) If a violation of subsection (a-1) of this Section results in the death of another person, in addition to any other penalty imposed, the person's driving privileges shall be suspended for 2 years.

(a-6) The Secretary of State shall, upon receiving a record of a judgment entered against a person under subsection (a-1) of this Section:

(1) suspend the person's driving privileges for the mandatory period; or

(2) extend the period of an existing suspension by the appropriate mandatory period.

(b) The driver of a vehicle shall yield the right-of-way to any authorized vehicle obviously and actually engaged in work upon a highway whenever the vehicle engaged in construction or maintenance work displays flashing lights as provided in Section 12-215 of this Act [625 ILCS 5/12-215].

(c) The driver of a vehicle shall stop if signaled to do so by a flagger or a traffic control signal and remain in such position until signaled to proceed. If a driver of a vehicle fails to stop when signaled to do so by a flagger, the flagger is authorized to report such offense to the State's Attorney or authorized prosecutor. The penalties imposed for a violation of this subsection (c) shall be in addition to any penalties imposed for a violation of subsection (a-1).

HISTORY:
P.A. 86-611; 92-872, § 5; 93-705, § 5; 2017 P.A. 100-201, § 650, effective August 18, 2017; 2019 P.A. 101-172, § 5, effective January 1, 2020.

ARTICLE X.

PEDESTRIANS' RIGHTS AND DUTIES

625 ILCS 5/11-1001 Pedestrian obedience to traffic control devices and traffic regulations.

(a) A pedestrian shall obey the instructions of any official traffic control device specifically applicable to him, unless otherwise directed by a police officer.

(b) Pedestrians shall be subject to traffic and pedestrian control signals provided in Sections 11-306 and 11-307 of this Chapter [625 ILCS 5/11-306 and 625 ILCS 5/11-307], but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this Article.

HISTORY:
P.A. 76-1734.

625 ILCS 5/11-1002 Pedestrians' right-of-way at crosswalks.

(a) When traffic control signals are not in place or not in operation the driver of a vehicle shall stop and yield the right-of-way to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a moving vehicle which is so close as to constitute an immediate hazard.

(c) Paragraph (a) shall not apply under the condition stated in Section 11-1003(b) [625 ILCS 5/11-1003].

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(e) Whenever stop signs or flashing red signals are in place at an intersection or at a plainly marked crosswalk between intersections, drivers shall yield right-of-way to pedestrians as set forth in Section 11-904 of this Chapter [625 ILCS 5/11-904].

HISTORY:
P.A. 79-857; 96-1165, § 5.

625 ILCS 5/11-1002.5 Pedestrians' right-of-way at crosswalks; school zones.

(a) For the purpose of this Section, "school" has the meaning ascribed to that term in Section 11-605 [625 ILCS 5/11-605].

On a school day when school children are present and so close thereto that a potential hazard exists because of the close proximity of the motorized traffic and when traffic control signals are not in place or not in operation, the driver of a vehicle shall stop and yield the right-of-way to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

For the purpose of this Section, a school day shall begin at seven ante meridian and shall conclude at four post meridian.

This Section shall not be applicable unless appropriate signs are posted in accordance with Section 11-605.

(b) A first violation of this Section is a petty offense with a minimum fine of $150. A second or subsequent violation of this Section is a petty offense with a minimum fine of $300.

(c) (Blank).

HISTORY:
P.A. 95-302, § 5; 96-1165, § 5; 2018 P.A. 100-987, § 905-45, effective July 1, 2019.

625 ILCS 5/11-1003 Crossing at other than crosswalks.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(e) Pedestrians with disabilities may cross a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk where the intersection is physically inaccessible to them but they shall yield the right-of-way to all vehicles upon the roadway.

HISTORY:
P.A. 80-1495; 88-685, § 5.

625 ILCS 5/11-1003.1 Drivers to exercise due care.

Notwithstanding other provisions of this Code or the provisions of any local ordinance, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian, or any person operating a bicycle or other device propelled by human power and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person.

HISTORY:
P.A. 82-132.

625 ILCS 5/11-1004 Pedestrian with disabilities; right-of-way.

The driver of a vehicle shall yield the right-of-way to any pedestrian with clearly visible disabilities.

HISTORY:
P.A. 83-93; 88-685, § 5.

ARTICLE XIII.

STOPPING, STANDING, AND PARKING

625 ILCS 5/11-1303 Stopping, standing or parking prohibited in specified places.

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

1. Stop, stand or park a vehicle:

a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

b. On a sidewalk;

c. Within an intersection;

d. On a crosswalk;

e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone,

unless a different length is indicated by signs or markings;

f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

h. On any railroad tracks. A violation of any part of this subparagraph h. shall result in a mandatory fine of $500 or 50 hours of community service.

i. At any place where official signs prohibit stopping;

j. On any controlled-access highway;

k. In the area between roadways of a divided highway, including crossovers;

l. In a public parking area if the vehicle does not display a current annual registration sticker or digital registration sticker or current temporary permit pending registration.

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge passengers:

a. In front of a public or private driveway;

b. Within 15 feet of a fire hydrant;

c. Within 20 feet of a crosswalk at an intersection;

d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;

e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance (when properly signposted);

f. At any place where official signs prohibit standing.

3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:

a. Within 50 feet of the nearest rail of a railroad crossing;

b. At any place where official signs prohibit parking.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

HISTORY:
P.A. 79-1069; 89-245, § 5; 89-658, § 5; 2019 P.A. 101-395, § 20, effective August 16, 2019.

625 ILCS 5/11-1304 Additional parking regulations.

(a) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.

(b) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within 12 inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder, or with its left-hand wheels within 12 inches of the left-hand curb or as close as practicable to the left edge of the left-hand shoulder.

(c) Local authorities may permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or State highway unless the Department has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(d) The Department with respect to highways under its jurisdiction may place signs prohibiting, limiting, or restricting the stopping, standing or parking of vehicles on any highway where in its opinion such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. No person shall stop, stand or park any vehicle in violation of the restrictions indicated by such devices.

HISTORY:
P.A. 79-801; 79-1069; 79-1454.

625 ILCS 5/11-1304.5 Parking of vehicle with expired registration.

No person may stop, park, or leave standing upon a public street, highway, or roadway a vehicle upon which is displayed an Illinois registration plate or plates or digital registration plate or plates or registration sticker or digital registration sticker after the termination of the registration period, except as provided for in subsection (b) of Section 3-701 of this Code [625 ILCS 5/3-701], for which the registration plate or plates or digital registration plate or plates or registration sticker or digital registration sticker was issued or after the expiration date set under Section 3-414 or 3-414.1 of this Code [625 ILCS 5/3-414 or 625 ILCS 5/3-414.1].

HISTORY:
P.A. 91-487, § 5; 99-166, § 15; 2019 P.A. 101-395, § 20, effective August 16, 2019.

ARTICLE XIV.

MISCELLANEOUS LAWS

625 ILCS 5/11-1403 Riding on motorcycles.

(a) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry

more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for 2 persons, or upon another seat firmly attached to the motorcycle at the rear or side of the operator.

(b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(c) No person shall operate any motorcycle with handlebar grips higher than the height of the head of the operator when the operator is seated in the normal driving position astride that portion of the seat or saddle occupied by the operator.

(d) The operator of any motorcycle shall keep at least one hand on a handlebar grip at all times the motorcycle is in motion.

(e) The operator of a motorcycle may not transport a passenger unless the passenger is capable of resting a foot on the footrest while the motorcycle is in motion.

HISTORY:

P.A. 84-602; 97-743, § 5; 2021 P.A. 102-344, § 5, effective January 1, 2022.

625 ILCS 5/11-1414 Approaching, overtaking, and passing school bus. [Effective until January 1, 2023]

(a) The driver of a vehicle shall stop such vehicle before meeting or overtaking, from either direction, any school bus stopped on a highway, roadway, private road, parking lot, school property, or at any other location, including, without limitation, a location that is not a highway or roadway for the purpose of receiving or discharging pupils. Such stop is required before reaching the school bus when there is in operation on the school bus the visual signals as specified in Sections 12-803 and 12-805 of this Code [625 ILCS 5/12-803 and 625 ILCS 5/12-805]. The driver of the vehicle shall not proceed until the school bus resumes motion or the driver of the vehicle is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(b) The stop signal arm required by Section 12-803 of this Code shall be extended after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be closed before the school bus is placed in motion again. The stop signal arm shall not be extended at any other time.

(c) The alternately flashing red signal lamps of an 8-lamp flashing signal system required by Section 12-805 of this Code shall be actuated after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be turned off before the school bus is placed in motion again. The red signal lamps shall not be actuated at any other time except as provided in paragraph (d) of this Section.

(d) The alternately flashing amber signal lamps of an 8-lamp flashing signal system required by Section 12-805 of this Code shall be actuated continuously during not less than the last 100 feet traveled by the school bus before stopping for the purpose of loading or discharging pupils within an urban area and during not less than the last 200 feet traveled by the school bus outside an urban area. The amber signal lamps shall remain actuated until the school bus is stopped. The amber signal lamps shall not be actuated at any other time.

(d-5) The alternately flashing head lamps permitted by Section 12-805 of this Code may be operated while the alternately flashing red or amber signal lamps required by that Section are actuated.

(e) The driver of a vehicle upon a highway having 4 or more lanes which permits at least 2 lanes of traffic to travel in opposite directions need not stop such vehicle upon meeting a school bus which is stopped in the opposing roadway; and need not stop such vehicle when driving upon a controlled access highway when passing a school bus traveling in either direction that is stopped in a loading zone adjacent to the surfaced or improved part of the controlled access highway where pedestrians are not permitted to cross.

(f) Beginning with the effective date of this amendatory Act of 1985, the Secretary of State shall suspend for a period of 3 months the driving privileges of any person convicted of a violation of subsection (a) of this Section or a similar provision of a local ordinance; the Secretary shall suspend for a period of one year the driving privileges of any person convicted of a second or subsequent violation of subsection (a) of this Section or a similar provision of a local ordinance if the second or subsequent violation occurs within 5 years of a prior conviction for the same offense. In addition to the suspensions authorized by this Section, any person convicted of violating this Section or a similar provision of a local ordinance shall be subject to a mandatory fine of $300 or, upon a second or subsequent violation, $1,000. The Secretary may also grant, for the duration of any suspension issued under this subsection, a restricted driving permit granting the privilege of driving a motor vehicle between the driver's residence and place of employment or within other proper limits that the Secretary of State shall find necessary to avoid any undue hardship. A restricted driving permit issued hereunder shall be subject to cancellation, revocation and suspension by the Secretary of State in like manner and for like cause as a driver's license may be cancelled, revoked or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension or cancellation of the restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. Any conviction for a violation of this subsection shall be included as an offense for the purposes of determining suspension action under any other provision of this Code, pro-

vided however, that the penalties provided under this subsection shall be imposed unless those penalties imposed under other applicable provisions are greater.

The owner of any vehicle alleged to have violated paragraph (a) of this Section shall, upon appropriate demand by the State's Attorney or other designated person acting in response to a signed complaint, provide a written statement or deposition identifying the operator of the vehicle if such operator was not the owner at the time of the alleged violation. Failure to supply such information shall result in the suspension of the vehicle registration of the vehicle for a period of 3 months. In the event the owner has assigned control for the use of the vehicle to another, the person to whom control was assigned shall comply with the provisions of this paragraph and be subject to the same penalties as herein provided.

HISTORY:

P.A. 84-112; 89-210, § 5; 91-260, § 5; 93-180, § 5; 93-181, § 5; 95-105, § 5; 95-331, § 1005; 99-740, § 5; 2019 P.A. 101-55, § 5, effective January 1, 2020.

625 ILCS 5/11-1414 Approaching, overtaking, and passing school bus. [Effective January 1, 2023]

(a) The driver of a vehicle shall stop such vehicle before meeting or overtaking, from either direction, any school bus stopped on a highway, roadway, private road, parking lot, school property, or at any other location, including, without limitation, a location that is not a highway or roadway for the purpose of receiving or discharging pupils. Such stop is required before reaching the school bus when there is in operation on the school bus the visual signals as specified in Sections 12-803 and 12-805 of this Code [625 ILCS 5/12-803 and 625 ILCS 5/12-805]. The driver of the vehicle shall not proceed until the school bus resumes motion or the driver of the vehicle is signaled by the school bus driver to proceed or the visual signals are no longer actuated.

(b) The stop signal arm required by Section 12-803 of this Code shall be extended after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be closed before the school bus is placed in motion again. The stop signal arm shall not be extended at any other time.

(c) The alternately flashing red signal lamps of an 8-lamp flashing signal system required by Section 12-805 of this Code shall be actuated after the school bus has come to a complete stop for the purpose of loading or discharging pupils and shall be turned off before the school bus is placed in motion again. The red signal lamps shall not be actuated at any other time except as provided in paragraph (d) of this Section.

(d) The alternately flashing amber signal lamps of an 8-lamp flashing signal system required by Section 12-805 of this Code shall be actuated continuously during not less than the last 100 feet traveled by the school bus before stopping for the purpose of loading or discharging pupils within an urban area and during not less than the last 200 feet traveled by the school bus outside an urban area. The amber signal lamps shall remain actuated until the school bus is stopped. The amber signal lamps shall not be actuated at any other time.

(d-5) The alternately flashing head lamps permitted by Section 12-805 of this Code may be operated while the alternately flashing red or amber signal lamps required by that Section are actuated.

(e) The driver of a vehicle upon a highway having 4 or more lanes which permits at least 2 lanes of traffic to travel in opposite directions need not stop such vehicle upon meeting a school bus which is stopped in the opposing roadway; and need not stop such vehicle when driving upon a controlled access highway when passing a school bus traveling in either direction that is stopped in a loading zone adjacent to the surfaced or improved part of the controlled access highway where pedestrians are not permitted to cross.

(f) Beginning with the effective date of this amendatory Act of 1985, the Secretary of State shall suspend for a period of 3 months the driving privileges of any person convicted of a violation of subsection (a) of this Section or a similar provision of a local ordinance; the Secretary shall suspend for a period of one year the driving privileges of any person convicted of a second or subsequent violation of subsection (a) of this Section or a similar provision of a local ordinance if the second or subsequent violation occurs within 5 years of a prior conviction for the same offense. In addition to the suspensions authorized by this Section, any person convicted of violating this Section or a similar provision of a local ordinance shall be subject to a mandatory fine of $300 or, upon a second or subsequent violation, $1,000, and community service in an amount set by the court. The Secretary may also grant, for the duration of any suspension issued under this subsection, a restricted driving permit granting the privilege of driving a motor vehicle between the driver's residence and place of employment or within other proper limits that the Secretary of State shall find necessary to avoid any undue hardship. A restricted driving permit issued hereunder shall be subject to cancellation, revocation and suspension by the Secretary of State in like manner and for like cause as a driver's license may be cancelled, revoked or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension or cancellation of the restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. Any conviction for a violation of this subsection shall be included as an offense for the purposes of determining suspension action under any other provision of this Code,

provided however, that the penalties provided under this subsection shall be imposed unless those penalties imposed under other applicable provisions are greater.

The owner of any vehicle alleged to have violated paragraph (a) of this Section shall, upon appropriate demand by the State's Attorney or other designated person acting in response to a signed complaint, provide a written statement or deposition identifying the operator of the vehicle if such operator was not the owner at the time of the alleged violation. Failure to supply such information shall result in the suspension of the vehicle registration of the vehicle for a period of 3 months. In the event the owner has assigned control for the use of the vehicle to another, the person to whom control was assigned shall comply with the provisions of this paragraph and be subject to the same penalties as herein provided.

HISTORY:

P.A. 84-112; 89-210, § 5; 91-260, § 5; 93-180, § 5; 93-181, § 5; 95-105, § 5; 95-331, § 1005; 99-740, § 5; 2019 P.A. 101-55, § 5, effective January 1, 2020; 2022 P.A. 102-859, § 5, effective January 1, 2023.

625 ILCS 5/11-1414.1 School transportation of students.

(a) Every student enrolled in grade 12 or below in any entity listed in subsection (a) of Section 1-182 of this Code [625 ILCS 5/1-182] must be transported in a school bus or a vehicle described in subdivision (1) or (2) of subsection (b) of Section 1-182 of this Code for any curriculum-related school activity, except a student in any of grades 9 through 12 or a student in any of grades K through 12 with an Individualized Education Plan (IEP) with a staff to student ratio of 1 to 5, and attending Acacia Academy, Alexander Leigh, Marklund, Helping Hands Center, Connections Organization, Soaring Eagle Academy, or New Horizon Academy may be transported in a multifunction school activity bus (MFSAB) as defined in Section 1-148.3a-5 of this Code [625 ILCS 5/1-148.3a-5] for any curriculum-related activity except for transportation on regular bus routes from home to school or from school to home, subject to the following conditions:

(i) A MFSAB may not be used to transport students under this Section unless the driver holds a valid school bus driver permit.

(ii) The use of a MFSAB under this Section is subject to the requirements of Sections 6-106.11, 6-106.12, 12-707.01, 13-101, and 13-109 of this Code [625 ILCS 5/6-106.11, 625 ILCS 5/6-106.12, 625 ILCS 5/12-707.01, 625 ILCS 5/13-101, and 625 ILCS 5/13-109].

"Curriculum-related school activity" as used in this subsection (a) includes transportation from home to school or from school to home, tripper or shuttle service between school attendance centers, transportation to a vocational or career center or other trade-skill development site or a regional safe school or other school-sponsored alternative learning program, or a trip that is directly related to the regular curriculum of a student for which he or she earns credit.

(b) Every student enrolled in grade 12 or below in any entity listed in subsection (a) of Section 1-182 of this Code who is transported in a vehicle that is being operated by or for a public or private primary or secondary school, including any primary or secondary school operated by a religious institution, for an interscholastic, interscholastic-athletic, or school-sponsored, noncurriculum-related activity that (i) does not require student participation as part of the educational services of the entity and (ii) is not associated with the students' regular class-for-credit schedule shall transport students only in a school bus or vehicle described in subsection (b) of Section 1-182 of this Code. A student participating in an agrarian-related activity may also be transported in a second division pick-up truck registered under paragraph 7 of subsection (b) of Section 3-808.1. For purposes of this subsection, "pick-up truck" means a truck weighing 12,000 pounds or less with an enclosed cabin that can seat up to 6 passengers with seatbelts, including the driver, and an open cargo area. This subsection (b) does not apply to any second division vehicle used by an entity listed in subsection (a) of Section 1-182 of this Code for a parade, homecoming, or a similar noncurriculum-related school activity.

HISTORY:

P.A. 83-299; 89-132, § 10; 96-410, § 10; 97-896, § 10; 99-888, § 5; 2018 P.A. 100-667, § 5, effective January 1, 2019; 2021 P.A. 102-544, § 5, effective August 20, 2021.

625 ILCS 5/11-1426 Operation of all-terrain vehicles and off-highway motorcycles on streets, roads and highways. [Repealed]

HISTORY:

P.A. 85-830; 86-1091; 89-445, § 9A-87; 90-287, § 100; repealed by P.A. 96-279, § 15, effective January 1, 2010.

625 ILCS 5/11-1426.1 Operation of non-highway vehicles on streets, roads, and highways.

(a) As used in this Section, "non-highway vehicle" means a motor vehicle not specifically designed to be used on a public highway, including:

(1) an all-terrain vehicle, as defined by Section 1-101.8 of this Code [625 ILCS 5/1-101.8];

(2) a golf cart, as defined by Section 1-123.9 [625 ILCS 5/1-123.9];

(3) an off-highway motorcycle, as defined by Section 1-153.1 [625 ILCS 5/1-153.1]; and

(4) a recreational off-highway vehicle, as defined by Section 1-168.8 [625 ILCS 5/1-168.8].

(b) Except as otherwise provided in this Section, it is unlawful for any person to drive or operate a non-highway vehicle upon any street, highway, or roadway in this State. If the operation of a non-highway vehicle is authorized under subsection (d),

the non-highway vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This subsection (b) does not prohibit a non-highway vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(b-5) A person may not operate a non-highway vehicle upon any street, highway, or roadway in this State unless he or she has a valid driver's license issued in his or her name by the Secretary of State or by a foreign jurisdiction.

(c) No person operating a non-highway vehicle shall make a direct crossing upon or across any tollroad, interstate highway, or controlled access highway in this State. No person operating a non-highway vehicle shall make a direct crossing upon or across any other highway under the jurisdiction of the State except at an intersection of the highway with another public street, road, or highway.

(c-5) (Blank).

(d) A municipality, township, county, or other unit of local government may authorize, by ordinance or resolution, the operation of non-highway vehicles on roadways under its jurisdiction if the unit of local government determines that the public safety will not be jeopardized. The Department may authorize the operation of non-highway vehicles on the roadways under its jurisdiction if the Department determines that the public safety will not be jeopardized. The unit of local government or the Department may restrict the types of non-highway vehicles that are authorized to be used on its streets.

Before permitting the operation of non-highway vehicles on its roadways, a municipality, township, county, other unit of local government, or the Department must consider the volume, speed, and character of traffic on the roadway and determine whether non-highway vehicles may safely travel on or cross the roadway. Upon determining that non-highway vehicles may safely operate on a roadway and the adoption of an ordinance or resolution by a municipality, township, county, or other unit of local government, or authorization by the Department, appropriate signs shall be posted.

If a roadway is under the jurisdiction of more than one unit of government, non-highway vehicles may not be operated on the roadway unless each unit of government agrees and takes action as provided in this subsection.

(e) No non-highway vehicle may be operated on a roadway unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of this Code [625 ILCS 5/12-709]) on the rear of the non-highway vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. When operated on a roadway, a non-highway vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of this Code [625 ILCS 5/12-201].

(f) A person who drives or is in actual physical control of a non-highway vehicle on a roadway while under the influence is subject to Sections 11-500 through 11-502 of this Code [625 ILCS 5/11-500 through 625 ILCS 5/11-502].

(g) Any person who operates a non-highway vehicle on a street, highway, or roadway shall be subject to the mandatory insurance requirements under Article VI of Chapter 7 of this Code [625 ILCS 5/7-601 et seq.].

(h) It shall not be unlawful for any person to drive or operate a non-highway vehicle, as defined in paragraphs (1) and (4) of subsection (a) of this Section, on a county roadway or township roadway for the purpose of conducting farming operations to and from the home, farm, farm buildings, and any adjacent or nearby farm land.

Non-highway vehicles, as used in this subsection (h), shall not be subject to subsections (e) and (g) of this Section. However, if the non-highway vehicle, as used in this Section, is not covered under a motor vehicle insurance policy pursuant to subsection (g) of this Section, the vehicle must be covered under a farm, home, or non-highway vehicle insurance policy issued with coverage amounts no less than the minimum amounts set for bodily injury or death and for destruction of property under Section 7-203 of this Code [625 ILCS 5/7-203]. Non-highway vehicles operated on a county or township roadway at any time between one-half hour before sunset and one-half hour after sunrise must be equipped with head lamps and tail lamps, and the head lamps and tail lamps must be lighted.

Non-highway vehicles, as used in this subsection (h), shall not make a direct crossing upon or across any tollroad, interstate highway, or controlled access highway in this State.

Non-highway vehicles, as used in this subsection (h), shall be allowed to cross a State highway, municipal street, county highway, or road district highway if the operator of the non-highway vehicle makes a direct crossing provided:

(1) the crossing is made at an angle of approximately 90 degrees to the direction of the street, road or highway and at a place where no obstruction prevents a quick and safe crossing;

(2) the non-highway vehicle is brought to a complete stop before attempting a crossing;

(3) the operator of the non-highway vehicle yields the right of way to all pedestrian and vehicular traffic which constitutes a hazard; and

(4) that when crossing a divided highway, the crossing is made only at an intersection of the highway with another public street, road, or highway.

(i) No action taken by a unit of local government under this Section designates the operation of a non-highway vehicle as an intended or permitted use of property with respect to Section 3-102 of the Local

Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10/3-102].

HISTORY:
P.A. 94-298, § 5; 95-150, § 5; 95-414, § 5; 95-575, § 5; 95-876, § 300; 96-279, § 10; 96-1434, § 5; 97-144, § 5; 98-567, § 5.

625 ILCS 5/11-1426.2 Operation of low-speed vehicles on streets.

(a) Except as otherwise provided in this Section, it is lawful for any person to drive or operate a low-speed vehicle upon any street in this State where the posted speed limit is 30 miles per hour or less.

(b) Low-speed vehicles may cross a street at an intersection where the street being crossed has a posted speed limit of not more than 45 miles per hour. Low-speed vehicles may not cross a street with a speed limit in excess of 45 miles per hour unless the crossing is at an intersection controlled by a traffic light or 4-way stop sign.

(c) The Department of Transportation or a municipality, township, county, or other unit of local government may prohibit, by regulation, ordinance, or resolution, the operation of low-speed vehicles on streets under its jurisdiction where the posted speed limit is 30 miles per hour or less if the Department of Transportation or unit of local government determines that the public safety would be jeopardized.

(d) Upon determining that low-speed vehicles may not safely operate on a street, and upon the adoption of an ordinance or resolution by a unit of local government, or regulation by the Department of Transportation, the operation of low-speed vehicles may be prohibited. The unit of local government or the Department of Transportation may prohibit the operation of low-speed vehicles on any and all streets under its jurisdiction. Appropriate signs shall be posted in conformance with the State Manual on Uniform Traffic Control Devices adopted pursuant to Section 11-301 of this Code [625 ILCS 5/11-301].

(e) If a street is under the jurisdiction of more than one unit of local government, or under the jurisdiction of the Department of Transportation and one or more units of local government, low-speed vehicles may be operated on the street unless each unit of local government and the Department of Transportation agree and take action to prohibit such operation as provided in this Section.

(e-5) A unit of local government may, by ordinance or resolution, authorize the operation of low-speed vehicles on one or more streets under its jurisdiction that have a speed limit of more than 30 miles per hour but not greater than 35 miles per hour.

Before authorizing the operation of low-speed vehicles on any street under this subsection (e-5), the unit of local government must consider the volume, speed, and character of traffic on the street and determine whether low-speed vehicles may travel safely on that street.

If a street is under the jurisdiction of more than one unit of government, low-speed vehicles may not be operated on the street under this subsection (e-5) unless each unit of government agrees and takes action as provided in this subsection.

Upon the adoption of an ordinance authorizing low-speed vehicles under this subsection (e-5), appropriate signs shall be posted.

(f) No low-speed vehicle may be operated on any street unless, at a minimum, it has the following: a parking brake, a steering apparatus, tires, a windshield that conforms to the federal vehicle safety standards on glazing materials as set forth in 49 CFR part 571.205, a vehicle identification number, seat belts, a rearview mirror, an exterior rearview mirror mounted on the driver's side of the vehicle, red reflectorized warning devices on each rear side and one on the center rear of the vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and front and rear turn signals. When operated on a street, a low-speed vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of this Code [625 ILCS 5/12-201].

(g) A person may not operate a low-speed vehicle upon any street in this State unless he or she has a valid driver's license issued in his or her name by the Secretary of State or a foreign jurisdiction.

(h) The operation of a low-speed vehicle upon any street is subject to the provisions of Chapter 11 of this Code [625 ILCS 5/11-100 et seq.] concerning the Rules of the Road, and applicable local ordinances.

(i) Every owner of a low-speed vehicle is subject to the mandatory insurance requirements specified in Article VI of Chapter 7 of this Code [625 ILCS 5/7-601 et seq.].

(j) Any person engaged in the retail sale of low-speed vehicles are required to comply with the motor vehicle dealer licensing, registration, and bonding laws of this State, as specified in Sections 5-101 and 5-102 of this Code [625 ILCS 5/5-101 and 625 ILCS 5/5-102].

(k) No action taken by a unit of local government under this Section designates the operation of a low-speed vehicle as an intended or permitted use of property with respect to Section 3-102 of the Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10/3-102].

(*l*) Every owner of a low-speed vehicle which may be operated upon a highway shall secure a certificate of title and display valid registration.

HISTORY:
P.A. 96-653, § 5; 96-1434, § 5; 97-144, § 5; 99-401, § 5.

625 ILCS 5/11-1428 Operation of golf carts on streets, roads and highways. [Repealed]

HISTORY:
P.A. 87-847; 90-683, § 5; 96-279, § 15; repealed by P.A. 96-279, § 15, effective January 1, 2010.

625 ILCS 5/11-1429 Excessive idling.

(a) The purpose of this law is to protect public health and the environment by reducing emissions while conserving fuel and maintaining adequate rest and safety of all drivers of diesel vehicles.

(b) As used in this Section, "affected areas" means the counties of Cook, DuPage, Lake, Kane, McHenry, Will, Madison, St. Clair, and Monroe and the townships of Aux Sable and Goose Lake in Grundy County and the township of Oswego in Kendall County.

(c) A person that operates a motor vehicle operating on diesel fuel in an affected area may not cause or allow the motor vehicle, when it is not in motion, to idle for more than a total of 10 minutes within any 60 minute period, except under the following circumstances:

(1) the motor vehicle has a Gross Vehicle Weight Rating of less than 8,000 pounds;

(2) the motor vehicle idles while forced to remain motionless because of on-highway traffic, an official traffic control device or signal, or at the direction of a law enforcement official;

(3) the motor vehicle idles when operating defrosters, heaters, air conditioners, or other equipment solely to prevent a safety or health emergency;

(4) a police, fire, ambulance, public safety, other emergency or law enforcement motor vehicle, or any motor vehicle used in an emergency capacity, idles while in an emergency or training mode and not for the convenience of the vehicle operator;

(5) the primary propulsion engine idles for maintenance, servicing, repairing, or diagnostic purposes if idling is necessary for such activity;

(6) a motor vehicle idles as part of a government inspection to verify that all equipment is in good working order, provided idling is required as part of the inspection;

(7) when idling of the motor vehicle is required to operate auxiliary equipment to accomplish the intended use of the vehicle (such as loading, unloading, mixing, or processing cargo; controlling cargo temperature; construction operations; lumbering operations; oil or gas well servicing; or farming operations), provided that this exemption does not apply when the vehicle is idling solely for cabin comfort or to operate non-essential equipment such as air conditioning, heating, microwave ovens, or televisions;

(8) an armored motor vehicle idles when a person remains inside the vehicle to guard the contents, or while the vehicle is being loaded or unloaded;

(9) a bus idles a maximum of 15 minutes in any 60 minute period to maintain passenger comfort while non-driver passengers are on board;

(10) if the motor vehicle has a sleeping berth, when the operator is occupying the vehicle during a rest or sleep period and idling of the vehicle is required to operate air conditioning or heating;

(11) when the motor vehicle idles due to mechanical difficulties over which the operator has no control;

(12) the motor vehicle is used as airport ground support equipment, including, but not limited to, motor vehicles operated on the air side of the airport terminal to service or supply aircraft;

(13) the motor vehicle is (i) a bus owned by a public transit authority and (ii) being operated on a designated bus route or on a street or highway between designated bus routes for the provision of public transportation;

(14) the motor vehicle is an implement of husbandry exempt from registration under subdivision A(2) of Section 3-402 of this Code;

(15) the motor vehicle is owned by an electric utility and is operated for electricity generation or hydraulic pressure to power equipment necessary in the restoration, repair, modification or installation of electric utility service;

(16) the outdoor temperature is less than 32 degrees Fahrenheit or greater than 80 degrees Fahrenheit; or

(17) the motor vehicle idles while being operated by a remote starter system.

(d) When the outdoor temperature is 32 degrees Fahrenheit or higher and 80 degrees Fahrenheit or lower, a person who operates a motor vehicle operating on diesel fuel in an affected area may not cause or allow the motor vehicle to idle for a period greater than 30 minutes in any 60 minute period while waiting to weigh, load, or unload cargo or freight, unless the vehicle is in a line of vehicles that regularly and periodically moves forward.

(e) This Section does not prohibit the operation of an auxiliary power unit or generator set as an alternative to idling the main engine of a motor vehicle operating on diesel fuel.

(f) This Section does not apply to the owner of a motor vehicle rented or leased to another entity or person operating the vehicle.

(g) Any person convicted of any violation of this Section is guilty of a petty offense and shall be fined $90 for the first conviction and $500 for a second or subsequent conviction within any 12 month period.

(h) Fines; distribution. All fines and all penalties collected under this Section shall be deposited in the State Treasury and shall be distributed as follows: (i) $50 for the first conviction and $150 for a second or subsequent conviction within any 12 month period under this Section shall be deposited into the State's General Revenue Fund; (ii) $20 for the first conviction and $262.50 for a second or subsequent conviction within any 12 month period under this Section shall be distributed to the law enforcement agency that issued the citation; and (iii) $20 for the first conviction and $87.50 for a second or subsequent conviction within any 12 month period under this Section shall be deposited into the Vehicle Inspection Fund.

(i) (Blank).

(j) Notwithstanding any other provision of this Section, a person who operates a motor vehicle with a gross vehicle weight rating of 8,000 pounds or more operating on diesel fuel on property that (i) offers paid parking services to vehicle owners, (ii) does not involve fuel dispensing, and (iii) is located in an affected area within a county of over 3 million residents but outside of a municipality of over 2 million residents may not cause or allow the motor vehicle, when it is not in motion, to idle for more than a total of 10 minutes within any 60-minute period under any circumstances if the vehicle is within 200 feet of a residential area. This Section may be enforced by either the law enforcement agency having jurisdiction over the residential area or the law enforcement agency having jurisdiction over the property on which the violation took place. This subsection does not apply to:

(1) school buses;

(2) waste hauling vehicles;

(3) facilities operated by the Department of Transportation;

(4) vehicles owned by a public utility and operated to power equipment necessary in the restoration, repair, modification, or installation of a utility service; or

(5) ambulances.

HISTORY:

P.A. 94-845, § 5; 96-576, § 10; 2017 P.A. 100-435, § 5, effective August 25, 2017; 2019 P.A. 101-319, § 5, effective January 1, 2020; 2022 P.A. 102-1071, article 20, § 20-85, effective June 10, 2022.

ARTICLE XV.

BICYCLES

625 ILCS 5/11-1516 Low-speed gas bicycles.

(a) A person may operate a low-speed gas bicycle only if the person is at least 16 years of age.

(b) A person may not operate a low-speed gas bicycle at a speed greater than 20 miles per hour upon any highway, street, or roadway.

(c) A person may not operate a low-speed gas bicycle on a sidewalk.

(d) Except as otherwise provided in this Section, the provisions of this Article XV that apply to bicycles also apply to low-speed gas bicycles.

HISTORY:

P.A. 96-125, § 5; 2017 P.A. 100-209, § 5, effective January 1, 2018.

625 ILCS 5/11-1517 Low-speed electric bicycles.

(a) Except as otherwise provided in this Section, the provisions of this Chapter that apply to bicycles also apply to low-speed electric bicycles.

(b) Each low-speed electric bicycle operating in this State shall comply with equipment and manufacturing requirements adopted by the United States Consumer Product Safety Commission under 16 CFR 1512. Each Class 3 low-speed electric bicycle shall be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.

(c) Beginning on or after January 1, 2018, every manufacturer and distributor of low-speed electric bicycles shall apply a label that is permanently affixed to the bicycle in a prominent location. The label shall contain, in Arial font in at least 9-point type:

(1) a classification number for the bicycle that corresponds with a class under Section 1-140.10 of this Code [625 ILCS 5/1-140.10];

(2) the bicycle's top assisted speed; and

(3) the bicycle's motor wattage.

No person shall knowingly tamper or modify the speed capability or engagement of a low-speed electric bicycle without replacing the label required under this subsection (c).

(d) A Class 2 low-speed electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied. A Class 1 low-speed electric bicycle and a Class 3 low-speed electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling.

(e) A person may operate a low-speed electric bicycle upon any highway, street, or roadway authorized for use by bicycles, including, but not limited to, bicycle lanes.

(f) A person may operate a low-speed electric bicycle upon any bicycle path unless the municipality, county, or local authority with jurisdiction prohibits the use of low-speed electric bicycles or a specific class of low-speed electric bicycles on that path.

(g) A person may not operate a low-speed electric bicycle on a sidewalk.

(h) A person may operate a Class 3 low-speed electric bicycle only if he or she is 16 years of age or older. A person who is less than 16 years of age may ride as a passenger on a Class 3 low-speed electric bicycle that is designed to accommodate passengers.

HISTORY:

2017 P.A. 100-209, § 5, effective January 1, 2018.

CHAPTER 12.

EQUIPMENT OF VEHICLES

Article II. Lights and Lamps

Article VI. Miscellaneous Requirements

ARTICLE II.

LIGHTS AND LAMPS

625 ILCS 5/12-205.1 Implements of husbandry or slow-moving vehicles — Display of amber signal lamp.

Every animal drawn vehicle, farm tractor, implement of husbandry and special mobile equipment, except when used for road construction or maintenance within the limits of a construction or maintenance project where traffic control devices are used in compliance with the applicable provisions of the manual and specifications adopted under Section 11-301 of the Illinois Vehicle Code [625 ILCS 5/11-301], when operated on a highway during a time when lighted lamps are required by Section 12-201 of this Chapter [625 ILCS 5/12-201], shall display to the rear at least one flashing amber signal lamp mounted as high as practicable and of sufficient intensity to be visible for a distance of at least 500 feet in normal sunlight; provided, that only the rearmost vehicle of a combination of vehicles coupled together need display such lamp. The flashing amber signal lamp may be operated lighted during daylight hours when other lamps are not required to be lighted when vehicles authorized in this Section are operated on a highway. Implements of husbandry manufactured on or after January 1, 2003 and operated on public roads between sunset and sunrise shall display markings and lighting that meet or exceed the design, performance, and mounting specifications adopted by the American Society of Agricultural Engineers and published by that body as ASAE S279.11 APR01.

HISTORY:
P.A. 84-285; 91-505, § 5; 92-820, § 5.

625 ILCS 5/12-208 Signal lamps and signal devices.

(a) Every vehicle other than an antique vehicle displaying an antique plate or an expanded-use antique vehicle displaying expanded-use antique vehicle plates operated in this State shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light visible from a distance of not less than 500 feet to the rear in normal sunlight and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with other rear lamps. During times when lighted lamps are not required, an antique vehicle or an expanded-use antique vehicle may be equipped with a stop lamp or lamps on the rear of such vehicle of the same type originally installed by the manufacturer as original equipment and in working order. However, at all other times, except as provided in subsection (a-1), such antique vehicle or expanded-use antique vehicle must be equipped with stop lamps meeting the requirements of Section 12-208 of this Act.

(a-1) A motorcycle or an antique vehicle or an expanded-use antique vehicle, including an antique motorcycle, may display a blue light or lights of up to one inch in diameter as part of the vehicle's rear stop lamp or lamps.

(b) Every motor vehicle other than an antique vehicle displaying an antique plate or an expanded-use antique vehicle displaying expanded-use antique vehicle plates shall be equipped with an electric turn signal device which shall indicate the intention of the driver to turn to the right or to the left, change lanes, turn a vehicle, or otherwise turn or maneuver a vehicle from a direct course of travel in the form of flashing lights located at and showing to the front and rear of the vehicle on the side of the vehicle toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a red or amber light. An antique vehicle or expanded-use antique vehicle shall be equipped with a turn signal device of the same type originally installed by the manufacturer as original equipment and in working order.

(c) Every trailer and semitrailer shall be equipped with an electric turn signal device which indicates the intention of the driver in the power unit to turn to the right or to the left in the form of flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made and mounted on the same level and as widely spaced laterally as practicable.

(d) Turn signal lamps must be visible from a distance of not less than 300 feet in normal sunlight.

(e) Motorcycles and motor-driven cycles need not be equipped with electric turn signals. Antique vehicles and expanded-use antique vehicles need not be equipped with turn signals unless such were installed by the manufacturer as original equipment.

(f) (Blank).

(g) Motorcycles and motor-driven cycles may be equipped with a stop lamp or lamps on the rear of the vehicle that display a red or amber light, visible from a distance of not less than 500 feet to the rear in normal sunlight, that flashes and becomes steady only when the brake is actuated.

(h) Electric turn signal lamps shall not be flashed or left in the on position other than to indicate the intention of a driver to turn a vehicle left or right, change lanes, or otherwise turn or maneuver a vehicle from a direct course of travel.

HISTORY:

P.A. 77-37; 92-668, § 5; 94-299, § 5; 96-487, § 5; 97-412, § 10; 97-743, § 5; 99-598, § 5; 2021 P.A. 102-508, § 5, effective August 20, 2021.

625 ILCS 5/12-212 Special restrictions on lamps.

(a) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device on the vehicle or equipment displaying a red light visible from directly in front of the vehicle or equipment except as otherwise provided in this Act.

(b) Subject to the restrictions of this Act, flashing lights are prohibited on motor vehicles except as expressly authorized in this Chapter or as a means for indicating a right or left turn, lane change, or a maneuver of a vehicle from a direct course of travel as provided in Section 12-208 [625 ILCS 5/12-208] or the presence of a vehicular traffic hazard requiring unusual care as expressly provided in Sections 11-804 or 12-215 [625 ILCS 5/11-804 or 625 ILCS 5/12-215].

(c) Unless otherwise expressly authorized by this Code, all other lighting or combination of lighting on any vehicle shall be prohibited.

(d) No person shall drive or move any motor vehicle or equipment upon any highway with any lighting or combination of lighting with a smoked or tinted lens or cover.

HISTORY:

P.A. 86-664; 2019 P.A. 101-189, § 5, effective January 1, 2020; 2021 P.A. 102-508, § 5, effective August 20, 2021.

625 ILCS 5/12-215 Oscillating, rotating or flashing lights on motor vehicles. [Effective until January 1, 2023]

Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Law enforcement vehicles of State, Federal or local authorities;

2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;

2.1. A vehicle operated by a fire chief, deputy fire chief, or assistant fire chief who has completed an emergency vehicle operation training course approved by the Office of the State Fire Marshal and designated or authorized by local authorities, in writing, as a fire department, fire protection district, or township fire department vehicle; however, the designation or authorization must be carried in the vehicle, and the lights may be visible or activated only when responding to a bona fide emergency;

3. Vehicles of local fire departments and State or federal firefighting vehicles;

4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;

4.5. Vehicles which are occasionally used as rescue vehicles that have been authorized for use as rescue vehicles by a volunteer EMS provider, provided that the operator of the vehicle has successfully completed an emergency vehicle operation training course recognized by the Department of Public Health; furthermore, the lights shall not be lighted except when responding to an emergency call for the sick or injured;

5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois;

6. Vehicles of the Illinois Emergency Management Agency, vehicles of the Office of the Illinois State Fire Marshal, vehicles of the Illinois Department of Public Health, vehicles of the Illinois Department of Corrections, and vehicles of the Illinois Department of Juvenile Justice;

7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act;

8. School buses operating alternately flashing head lamps as permitted under Section 12-805 of this Code [625 ILCS 5/12-805];

9. Vehicles that are equipped and used exclusively as organ transplant vehicles when used in combination with blue oscillating, rotating, or flashing lights; furthermore, these lights shall be lighted only when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization;

10. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response;

11. Vehicles of the Illinois Department of Transportation identified as Emergency Traffic Patrol; the lights shall not be lighted except when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at the scene of the emergency; and

12. Vehicles of the Illinois State Toll Highway Authority with a gross vehicle weight rating of 9,000 pounds or more and those identified as Highway Emergency Lane Patrol; the lights shall not be lighted except when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at the scene of the emergency.

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code [625 ILCS 5/12-201]; in addition, these vehicles may use white oscillating, rotating, or flashing lights in combination with amber oscillating, rotating, or flashing lights as provided in this paragraph;

2. Motor vehicles or equipment of the State of Illinois, the Illinois State Toll Highway Authority, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;

3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;

4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code [625 ILCS 5/15-301];

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

6.1. The front and rear of motorized equipment or vehicles that (i) are not owned by the State of Illinois or any political subdivision of the State, (ii) are designed and used for removal of snow and ice from highways and parking lots, and (iii) are equipped with a snow plow that is 12 feet in width; these lights may not be lighted except when the motorized equipment or vehicle is actually being used for those purposes on behalf of a unit of government;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code [625 ILCS 5/12-212];

8. Such other vehicles as may be authorized by local authorities;

9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;

9.5. Propane delivery trucks;

10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

10.5. Vehicles of the Office of the Illinois State Fire Marshal, provided that such lights shall not be lighted except for when such vehicles are engaged in work for the Office of the Illinois State Fire Marshal;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1 [625 ILCS 5/12-205.1];

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage, recycling, or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, control agency, or the Illinois Department of Corrections;

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and

15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.

(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department and vehicles owned or operated by a:
voluntary firefighter;
paid firefighter;
part-paid firefighter;
call firefighter;
member of the board of trustees of a fire protection district;
paid or unpaid member of a rescue squad;

paid or unpaid member of a voluntary ambulance unit; or
paid or unpaid members of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle.

However, such lights are not to be lighted except when responding to a bona fide emergency or when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle accident.

Any person using these lights in accordance with this subdivision (c)1 must carry on his or her person an identification card or letter identifying the bona fide member of a fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency that owns or operates that vehicle. The card or letter must include:

(A) the name of the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;

(B) the member's position within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;

(C) the member's term of service; and

(D) the name of a person within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency to contact to verify the information provided.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.

7. Vehicles of the Illinois Emergency Management Agency, vehicles of the Office of the Illinois State Fire Marshal, vehicles of the Illinois Department of Public Health, vehicles of the Illinois Department of Corrections, and vehicles of the Illinois Department of Juvenile Justice, when used in combination with red oscillating, rotating, or flashing lights.

8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights.

9. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response, when used in combination with red oscillating, rotating, or flashing lights.

(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call or when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle accident.

(c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on second division vehicles designed and used for towing or hoisting vehicles or motor vehicles or equipment of the State of Illinois, local authorities, contractors, and union representatives; furthermore, such lights shall not be lighted on second division vehicles designed and used for towing or hoisting vehicles or vehicles of the State of Illinois, local authorities, and contractors except while such vehicles are engaged in a tow operation, highway maintenance, or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project.

(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative or authorized vendor

from temporarily mounting such lights on a vehicle for demonstration purposes only. If the lights are not covered while the vehicle is operated upon a highway, the vehicle shall display signage indicating that the vehicle is out of service or not an emergency vehicle. The signage shall be displayed on all sides of the vehicle in letters at least 2 inches tall and one-half inch wide. A vehicle authorized to have oscillating, rotating, or flashing lights mounted for demonstration purposes may not activate the lights while the vehicle is operated upon a highway.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 2 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

HISTORY:

P.A. 86-611; 87-531; 88-58, § 5; 88-341, § 1; 88-670, § 2-59; 89-433, § 5; 89-507, § 90D-84; 90-330, § 5; 90-347, § 5; 90-655, § 153; 91-357, § 231; 92-138, § 5; 92-407, § 5; 92-651, § 77; 92-782, § 5; 92-820, § 5; 92-872, § 5; 93-181, § 5; 93-725, § 5; 93-794, § 25; 93-829, § 40; 94-143, § 5; 94-270, § 5; 94-331, § 5; 94-730, § 10; 96-214, § 5; 96-1190, § 5; 97-39, § 5; 97-149, § 5; 97-813, § 605; 97-1173, § 5; 98-80, § 5; 98-123, § 5; 98-468, § 5; 98-756, § 675; 98-873, § 5; 99-40, § 5; 99-78, § 465; 99-125, § 5; 99-642, § 525; 2017 P.A. 100-62, § 5, effective August 11, 2017; 2019 P.A. 101-56, § 5, effective January 1, 2020.

625 ILCS 5/12-215 Oscillating, rotating or flashing lights on motor vehicles. [Effective January 1, 2023]

Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Law enforcement vehicles of State, Federal or local authorities;

2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;

2.1. A vehicle operated by a fire chief, deputy fire chief, or assistant fire chief who has completed an emergency vehicle operation training course approved by the Office of the State Fire Marshal and designated or authorized by local authorities, fire departments, or fire protection districts, in writing, as a fire department, fire protection district, or township fire department vehicle; however, the designation or authorization must be carried in the vehicle, and the lights may be visible or activated only when responding to a bona fide emergency;

3. Vehicles of local fire departments and State or federal firefighting vehicles;

4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;

4.5. Vehicles which are occasionally used as rescue vehicles that have been authorized for use as rescue vehicles by a volunteer EMS provider, provided that the operator of the vehicle has successfully completed an emergency vehicle operation training course recognized by the Department of Public Health; furthermore, the lights shall not be lighted except when responding to an emergency call for the sick or injured;

5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois;

6. Vehicles of the Illinois Emergency Management Agency, vehicles of the Office of the Illinois State Fire Marshal, vehicles of the Illinois Department of Public Health, vehicles of the Illinois Department of Corrections, and vehicles of the Illinois Department of Juvenile Justice;

7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act;

8. School buses operating alternately flashing head lamps as permitted under Section 12-805 of this Code [625 ILCS 5/12-805];

9. Vehicles that are equipped and used exclusively as organ transplant vehicles when used in combination with blue oscillating, rotating, or flashing lights; furthermore, these lights shall be lighted only when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization;

10. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response;

11. Vehicles of the Illinois Department of Transportation identified as Emergency Traffic Patrol; the lights shall not be lighted except when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at the scene of the emergency; and

12. Vehicles of the Illinois State Toll Highway Authority with a gross vehicle weight rating of 9,000 pounds or more and those identified as Highway Emergency Lane Patrol; the lights shall not be lighted except when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at the scene of the emergency.

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore,

such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of an accident or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code [625 ILCS 5/12-201]; in addition, these vehicles may use white oscillating, rotating, or flashing lights in combination with amber oscillating, rotating, or flashing lights as provided in this paragraph;

2. Motor vehicles or equipment of the State of Illinois, the Illinois State Toll Highway Authority, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;

3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;

4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code [625 ILCS 5/15-301];

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

6.1. The front and rear of motorized equipment or vehicles that (i) are not owned by the State of Illinois or any political subdivision of the State, (ii) are designed and used for removal of snow and ice from highways and parking lots, and (iii) are equipped with a snow plow that is 12 feet in width; these lights may not be lighted except when the motorized equipment or vehicle is actually being used for those purposes on behalf of a unit of government;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code [625 ILCS 5/12-212];

8. Such other vehicles as may be authorized by local authorities;

9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;

9.5. Propane delivery trucks;

10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

10.5. Vehicles of the Office of the Illinois State Fire Marshal, provided that such lights shall not be lighted except for when such vehicles are engaged in work for the Office of the Illinois State Fire Marshal;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1 [625 ILCS 5/12-205.1];

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage, recycling, or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, control agency, or the Illinois Department of Corrections;

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and

15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.

(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department or fire protection district and vehicles owned or operated by a:
voluntary firefighter;
paid firefighter;
part-paid firefighter;
call firefighter;
member of the board of trustees of a fire protection district;
paid or unpaid member of a rescue squad;
paid or unpaid member of a voluntary ambulance unit; or
paid or unpaid members of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle.

However, such lights are not to be lighted except when responding to a bona fide emergency or when parked or stationary at the scene

of a fire, rescue call, ambulance call, or motor vehicle accident.

Any person using these lights in accordance with this subdivision (c)1 must carry on his or her person an identification card or letter identifying the bona fide member of a fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency that owns or operates that vehicle. The card or letter must include:

(A) the name of the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;

(B) the member's position within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;

(C) the member's term of service; and

(D) the name of a person within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency to contact to verify the information provided.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.

7. Vehicles of the Illinois Emergency Management Agency, vehicles of the Office of the Illinois State Fire Marshal, vehicles of the Illinois Department of Public Health, vehicles of the Illinois Department of Corrections, and vehicles of the Illinois Department of Juvenile Justice, when used in combination with red oscillating, rotating, or flashing lights.

8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights.

9. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response, when used in combination with red oscillating, rotating, or flashing lights.

(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call or when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle accident.

(c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on second division vehicles designed and used for towing or hoisting vehicles or motor vehicles or equipment of the State of Illinois, local authorities, contractors, and union representatives; furthermore, such lights shall not be lighted on second division vehicles designed and used for towing or hoisting vehicles or vehicles of the State of Illinois, local authorities, and contractors except while such vehicles are engaged in a tow operation, highway maintenance, or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project.

(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative or authorized vendor from temporarily mounting such lights on a vehicle for demonstration purposes only. If the lights are not covered while the vehicle is operated upon a highway, the vehicle shall display signage indicating that the vehicle is out of service or not an emergency vehicle. The signage shall be displayed on all sides of the vehicle in letters at least 2 inches tall and one-half inch wide. A vehicle authorized to have oscillating, rotating, or flashing lights mounted for demonstration purposes may not activate the lights while the vehicle is operated upon a highway.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 2 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

HISTORY:

P.A. 86-611; 87-531; 88-58, § 5; 88-341, § 1; 88-670, § 2-59; 89-433, § 5; 89-507, § 90D-84; 90-330, § 5; 90-347, § 5; 90-655, § 153; 91-357, § 231; 92-138, § 5; 92-407, § 5; 92-651, § 77; 92-782, § 5; 92-820, § 5; 92-872, § 5; 93-181, § 5; 93-725, § 5; 93-794, § 25; 93-829, § 40; 94-143, § 5; 94-270, § 5; 94-331, § 5; 94-730, § 10; 96-214, § 5; 96-1190, § 5; 97-39, § 5; 97-149, § 5; 97-813, § 605; 97-1173, § 5; 98-80, § 5; 98-123, § 5; 98-468, § 5; 98-756, § 675; 98-873, § 5; 99-40, § 5; 99-78, § 465; 99-125, § 5; 99-642, § 525; 2017 P.A. 100-62, § 5, effective August 11, 2017; 2019 P.A. 101-56, § 5, effective January 1, 2020; 2022 P.A. 102-842, § 5, effective January 1, 2023.

625 ILCS 5/12-215 Oscillating, rotating or flashing lights on motor vehicles. [Effective July 1, 2023]

Except as otherwise provided in this Code:

(a) The use of red or white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Law enforcement vehicles of State, Federal or local authorities;

2. A vehicle operated by a police officer or county coroner and designated or authorized by local authorities, in writing, as a law enforcement vehicle; however, such designation or authorization must be carried in the vehicle;

2.1. A vehicle operated by a fire chief, deputy fire chief, or assistant fire chief who has completed an emergency vehicle operation training course approved by the Office of the State Fire Marshal and designated or authorized by local authorities, in writing, as a fire department, fire protection district, or township fire department vehicle; however, the designation or authorization must be carried in the vehicle, and the lights may be visible or activated only when responding to a bona fide emergency;

3. Vehicles of local fire departments and State or federal firefighting vehicles;

4. Vehicles which are designed and used exclusively as ambulances or rescue vehicles; furthermore, such lights shall not be lighted except when responding to an emergency call for and while actually conveying the sick or injured;

4.5. Vehicles which are occasionally used as rescue vehicles that have been authorized for use as rescue vehicles by a volunteer EMS provider, provided that the operator of the vehicle has successfully completed an emergency vehicle operation training course recognized by the Department of Public Health; furthermore, the lights shall not be lighted except when responding to an emergency call for the sick or injured;

5. Tow trucks licensed in a state that requires such lights; furthermore, such lights shall not be lighted on any such tow truck while the tow truck is operating in the State of Illinois;

6. Vehicles of the Illinois Emergency Management Agency, vehicles of the Office of the Illinois State Fire Marshal, vehicles of the Illinois Department of Public Health, vehicles of the Illinois Department of Corrections, and vehicles of the Illinois Department of Juvenile Justice;

7. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act [20 ILCS 3305/1 et. seq.];

8. School buses operating alternately flashing head lamps as permitted under Section 12-805 of this Code [625 ILCS 5/12-805];

9. Vehicles that are equipped and used exclusively as organ transplant vehicles when used in combination with blue oscillating, rotating, or flashing lights; furthermore, these lights shall be lighted only when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization;

10. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response;

11. Vehicles of the Illinois Department of Transportation identified as Emergency Traffic Patrol; the lights shall not be lighted except when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at the scene of the emergency; and

12. Vehicles of the Illinois State Toll Highway Authority with a gross vehicle weight rating of 9,000 pounds or more and those identified as Highway Emergency Lane Patrol; the lights shall not be lighted except when responding to an emergency call or when parked or stationary while engaged in motor vehicle assistance or at the scene of the emergency.

(b) The use of amber oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Second division vehicles designed and used for towing or hoisting vehicles; furthermore, such lights shall not be lighted except as required in this paragraph 1; such lights shall be lighted when such vehicles are actually being used at the scene of a crash or disablement; if the towing vehicle is equipped with a flat bed that supports all wheels of the vehicle being transported, the lights shall not be lighted while the vehicle is engaged in towing on a highway; if the towing vehicle is not equipped with a flat bed that supports all wheels of a vehicle being transported, the lights shall be lighted while the

towing vehicle is engaged in towing on a highway during all times when the use of headlights is required under Section 12-201 of this Code [625 ILCS 5/12-201]; in addition, these vehicles may use white oscillating, rotating, or flashing lights in combination with amber oscillating, rotating, or flashing lights as provided in this paragraph;

2. Motor vehicles or equipment of the State of Illinois, the Illinois State Toll Highway Authority, local authorities and contractors; furthermore, such lights shall not be lighted except while such vehicles are engaged in maintenance or construction operations within the limits of construction projects;

3. Vehicles or equipment used by engineering or survey crews; furthermore, such lights shall not be lighted except while such vehicles are actually engaged in work on a highway;

4. Vehicles of public utilities, municipalities, or other construction, maintenance or automotive service vehicles except that such lights shall be lighted only as a means for indicating the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing while such vehicles are engaged in maintenance, service or construction on a highway;

5. Oversized vehicle or load; however, such lights shall only be lighted when moving under permit issued by the Department under Section 15-301 of this Code [625 ILCS 5/15-301];

6. The front and rear of motorized equipment owned and operated by the State of Illinois or any political subdivision thereof, which is designed and used for removal of snow and ice from highways;

6.1. The front and rear of motorized equipment or vehicles that (i) are not owned by the State of Illinois or any political subdivision of the State, (ii) are designed and used for removal of snow and ice from highways and parking lots, and (iii) are equipped with a snow plow that is 12 feet in width; these lights may not be lighted except when the motorized equipment or vehicle is actually being used for those purposes on behalf of a unit of government;

7. Fleet safety vehicles registered in another state, furthermore, such lights shall not be lighted except as provided for in Section 12-212 of this Code [625 ILCS 5/12-212];

8. Such other vehicles as may be authorized by local authorities;

9. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights;

9.5. Propane delivery trucks;

10. Vehicles used for collecting or delivering mail for the United States Postal Service provided that such lights shall not be lighted except when such vehicles are actually being used for such purposes;

10.5. Vehicles of the Office of the Illinois State Fire Marshal, provided that such lights shall not be lighted except for when such vehicles are engaged in work for the Office of the Illinois State Fire Marshal;

11. Any vehicle displaying a slow-moving vehicle emblem as provided in Section 12-205.1 [625 ILCS 5/12-205.1];

12. All trucks equipped with self-compactors or roll-off hoists and roll-on containers for garbage, recycling, or refuse hauling. Such lights shall not be lighted except when such vehicles are actually being used for such purposes;

13. Vehicles used by a security company, alarm responder, control agency, or the Illinois Department of Corrections;

14. Security vehicles of the Department of Human Services; however, the lights shall not be lighted except when being used for security related purposes under the direction of the superintendent of the facility where the vehicle is located; and

15. Vehicles of union representatives, except that the lights shall be lighted only while the vehicle is within the limits of a construction project.

(c) The use of blue oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on:

1. Rescue squad vehicles not owned by a fire department and vehicles owned or operated by a:
voluntary firefighter;
paid firefighter;
part-paid firefighter;
call firefighter;
member of the board of trustees of a fire protection district;
paid or unpaid member of a rescue squad;
paid or unpaid member of a voluntary ambulance unit; or
paid or unpaid members of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, designated or authorized by local authorities, in writing, and carrying that designation or authorization in the vehicle.

However, such lights are not to be lighted except when responding to a bona fide emergency or when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle crash.

Any person using these lights in accordance with this subdivision (c)1 must carry on his or her person an identification card or letter identifying the bona fide member of a fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency that owns or operates that vehicle. The card or letter must include:

(A) the name of the fire department, fire protection district, rescue squad, ambulance

unit, or emergency management services agency;

(B) the member's position within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency;

(C) the member's term of service; and

(D) the name of a person within the fire department, fire protection district, rescue squad, ambulance unit, or emergency management services agency to contact to verify the information provided.

2. Police department vehicles in cities having a population of 500,000 or more inhabitants.

3. Law enforcement vehicles of State or local authorities when used in combination with red oscillating, rotating or flashing lights.

4. Vehicles of local fire departments and State or federal firefighting vehicles when used in combination with red oscillating, rotating or flashing lights.

5. Vehicles which are designed and used exclusively as ambulances or rescue vehicles when used in combination with red oscillating, rotating or flashing lights; furthermore, such lights shall not be lighted except when responding to an emergency call.

6. Vehicles that are equipped and used exclusively as organ transport vehicles when used in combination with red oscillating, rotating, or flashing lights; furthermore, these lights shall only be lighted when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization.

7. Vehicles of the Illinois Emergency Management Agency, vehicles of the Office of the Illinois State Fire Marshal, vehicles of the Illinois Department of Public Health, vehicles of the Illinois Department of Corrections, and vehicles of the Illinois Department of Juvenile Justice, when used in combination with red oscillating, rotating, or flashing lights.

8. Vehicles operated by a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, when used in combination with red oscillating, rotating, or flashing lights.

9. Vehicles of the Illinois Department of Natural Resources that are used for mine rescue and explosives emergency response, when used in combination with red oscillating, rotating, or flashing lights.

(c-1) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a voluntary firefighter, a voluntary member of a rescue squad, or a member of a voluntary ambulance unit may be equipped with flashing white headlights and blue grill lights, which may be used only in responding to an emergency call or when parked or stationary at the scene of a fire, rescue call, ambulance call, or motor vehicle crash.

(c-2) In addition to the blue oscillating, rotating, or flashing lights permitted under subsection (c), and notwithstanding subsection (a), a vehicle operated by a paid or unpaid member of a local or county emergency management services agency as defined in the Illinois Emergency Management Agency Act, may be equipped with white oscillating, rotating, or flashing lights to be used in combination with blue oscillating, rotating, or flashing lights, if authorization by local authorities is in writing and carried in the vehicle.

(d) The use of a combination of amber and white oscillating, rotating or flashing lights, whether lighted or unlighted, is prohibited except on second division vehicles designed and used for towing or hoisting vehicles or motor vehicles or equipment of the State of Illinois, local authorities, contractors, and union representatives; furthermore, such lights shall not be lighted on second division vehicles designed and used for towing or hoisting vehicles or vehicles of the State of Illinois, local authorities, and contractors except while such vehicles are engaged in a tow operation, highway maintenance, or construction operations within the limits of highway construction projects, and shall not be lighted on the vehicles of union representatives except when those vehicles are within the limits of a construction project.

(e) All oscillating, rotating or flashing lights referred to in this Section shall be of sufficient intensity, when illuminated, to be visible at 500 feet in normal sunlight.

(f) Nothing in this Section shall prohibit a manufacturer of oscillating, rotating or flashing lights or his representative or authorized vendor from temporarily mounting such lights on a vehicle for demonstration purposes only. If the lights are not covered while the vehicle is operated upon a highway, the vehicle shall display signage indicating that the vehicle is out of service or not an emergency vehicle. The signage shall be displayed on all sides of the vehicle in letters at least 2 inches tall and one-half inch wide. A vehicle authorized to have oscillating, rotating, or flashing lights mounted for demonstration purposes may not activate the lights while the vehicle is operated upon a highway.

(g) Any person violating the provisions of subsections (a), (b), (c) or (d) of this Section who without lawful authority stops or detains or attempts to stop or detain another person shall be guilty of a Class 2 felony.

(h) Except as provided in subsection (g) above, any person violating the provisions of subsections (a) or (c) of this Section shall be guilty of a Class A misdemeanor.

HISTORY:

P.A. 86-611; 87-531; 88-58, § 5; 88-341, § 1; 88-670, § 2-59; 89-433, § 5; 89-507, § 90D-84; 90-330, § 5; 90-347, § 5; 90-655,

§ 153; 91-357, § 231; 92-138, § 5; 92-407, § 5; 92-651, § 77; 92-782, § 5; 92-820, § 5; 92-872, § 5; 93-181, § 5; 93-725, § 5; 93-794, § 25; 93-829, § 40; 94-143, § 5; 94-270, § 5; 94-331, § 5; 94-730, § 10; 96-214, § 5; 96-1190, § 5; 97-39, § 5; 97-149, § 5; 97-813, § 605; 97-1173, § 5; 98-80, § 5; 98-123, § 5; 98-468, § 5; 98-756, § 675; 98-873, § 5; 99-40, § 5; 99-78, § 465; 99-125, § 5; 99-642, § 525; 2017 P.A. 100-62, § 5, effective August 11, 2017; 2019 P.A. 101-56, § 5, effective January 1, 2020; 2022 P.A. 102-982, § 105, effective July 1, 2023.

ARTICLE VI.

MISCELLANEOUS REQUIREMENTS

625 ILCS 5/12-601.1 Traffic control signal preemption devices. [Effective until January 1, 2023]

(a) As used in this Section, "traffic control signal preemption device" means any device, either mechanical or electrical, that emits a pulse of light or other signal that, when received by a detector attached to a traffic control signal, changes that traffic control signal to a green light or, if the traffic control signal is already green, extends the duration of the green light.

(b) Except as provided in subsection (d), a traffic control signal preemption device may not be installed on a motor vehicle, may not be transported in the passenger compartment of a motor vehicle, and may not be operated by the driver or passenger of a motor vehicle.

Violation of this subsection (b) is a Class A misdemeanor, punishable by a fine of $1,000 in addition to any other penalty that may be imposed.

(c) A retailer or manufacturer may not sell a traffic control signal preemption device to any person or entity for any intended use other than operation as permitted under subsection (d).

Violation of this subsection (c) is a Class A misdemeanor, punishable by a fine of $5,000 for each sale of each device, in addition to any other penalty that may be imposed.

(d) Installation of a traffic control signal preemption device is permitted on the following vehicles, and operation of the device is permitted as follows:

(1) Police department vehicles, when responding to a bona fide emergency, when used in combination with red or blue oscillating, rotating, or flashing lights.

(2) Law enforcement vehicles of State or local authorities, when responding to a bona fide emergency, when used in combination with red oscillating, rotating, or flashing lights.

(3) Vehicles of local fire departments and State or federal firefighting vehicles, when responding to a bona fide emergency, when used in combination with red oscillating, rotating, or flashing lights.

(4) Vehicles that are designed and used exclusively as ambulances or rescue vehicles, when responding to a bona fide emergency, when used in combination with red oscillating, rotating, or flashing lights.

(5) Vehicles that are equipped and used exclusively as organ transport vehicles, when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization, when used in combination with red oscillating, rotating, or flashing lights.

(6) Vehicles of the Illinois Emergency Management Agency and vehicles of the Department of Nuclear Safety, when responding to a bona fide emergency, when used in combination with red oscillating, rotating, or flashing lights.

(7) Commuter buses owned by any political subdivision of this State, operated either by the political subdivision or its lessee or agent, and offering short-haul for-hire regularly scheduled passenger transportation service, over regular routes with fixed schedules, within metropolitan and suburban areas, when used to extend the duration of an already green light to meet schedules.

(8) Vehicles used for snow removal owned by any political subdivision of this State, operated either by the political subdivision or its lessee or agent, when used during a snow emergency in combination with yellow or amber oscillating, rotating, or flashing lights, when used to extend the duration of an already green light.

(e) This Section does not prohibit use by motorcycles of electronic or magnetic safety devices designed to allow traffic control signal systems to recognize or detect motorcycles.

HISTORY:
P.A. 93-80, § 5.

625 ILCS 5/12-601.1 Traffic control signal preemption devices. [Effective January 1, 2023]

(a) As used in this Section, "traffic control signal preemption device" means any device, either mechanical or electrical, that emits a pulse of light or other signal that, when received by a detector attached to a traffic control signal, changes that traffic control signal to a green light or, if the traffic control signal is already green, extends the duration of the green light.

(b) Except as provided in subsection (d), a traffic control signal preemption device may not be installed on a motor vehicle, may not be transported in the passenger compartment of a motor vehicle, and may not be operated by the driver or passenger of a motor vehicle.

Violation of this subsection (b) is a Class A misdemeanor, punishable by a fine of $1,000 in addition to any other penalty that may be imposed.

(c) A retailer or manufacturer may not sell a traffic control signal preemption device to any person or entity for any intended use other than operation as permitted under subsection (d).

Violation of this subsection (c) is a Class A misdemeanor, punishable by a fine of $5,000 for each sale of each device, in addition to any other penalty that may be imposed.

(d) Installation of a traffic control signal preemption device is permitted on the following vehicles, and operation of the device is permitted as follows:

(1) Police department vehicles, when responding to a bona fide emergency, when used in combination with red or blue oscillating, rotating, or flashing lights.

(2) Law enforcement vehicles of State or local authorities, when responding to a bona fide emergency, when used in combination with red oscillating, rotating, or flashing lights.

(3) Vehicles of local fire departments, fire protection districts, and State or federal firefighting vehicles, when responding to a bona fide emergency, when used in combination with red oscillating, rotating, or flashing lights.

(4) Vehicles that are designed and used exclusively as ambulances or rescue vehicles, when responding to a bona fide emergency, when used in combination with red oscillating, rotating, or flashing lights.

(5) Vehicles that are equipped and used exclusively as organ transport vehicles, when the transportation is declared an emergency by a member of the transplant team or a representative of the organ procurement organization, when used in combination with red oscillating, rotating, or flashing lights.

(6) Vehicles of the Illinois Emergency Management Agency and vehicles of the Department of Nuclear Safety, when responding to a bona fide emergency, when used in combination with red oscillating, rotating, or flashing lights.

(7) Commuter buses owned by any political subdivision of this State, operated either by the political subdivision or its lessee or agent, and offering short-haul for-hire regularly scheduled passenger transportation service, over regular routes with fixed schedules, within metropolitan and suburban areas, when used to extend the duration of an already green light to meet schedules.

(8) Vehicles used for snow removal owned by any political subdivision of this State, operated either by the political subdivision or its lessee or agent, when used during a snow emergency in combination with yellow or amber oscillating, rotating, or flashing lights, when used to extend the duration of an already green light.

(e) This Section does not prohibit use by motorcycles of electronic or magnetic safety devices designed to allow traffic control signal systems to recognize or detect motorcycles.

HISTORY:

P.A. 93-80, § 5; 2022 P.A. 102-842, § 5, effective January 1, 2023.

625 ILCS 5/12-601.2 Traffic control signal preemption devices; ambulances. [Repealed]

HISTORY:

P.A. 94-373, § 10; repealed by P.A. 99-576, § 5-90, effective July 15, 2016.

625 ILCS 5/12-602.1 Excessive engine braking noise signs.

(a) A county or municipality may post signs that prohibit the driver of a commercial vehicle, as defined in Section 1-111.8 of this Code [625 ILCS 5/1-111.8], from operating or actuating any engine braking system that emits excessive noise. The Department of Transportation may erect and maintain the signs on interstate highways near weigh stations that are adjacent to residential areas or communities.

(b) The sign shall state, "EXCESSIVE ENGINE BRAKING NOISE PROHIBITED". The Department of Transportation shall adopt rules providing for the erection and placement of these signs.

(c) This Section does not apply to the use of an engine braking system that has an adequate sound muffling system in proper working order that prevents excessive noise.

(d) It is a defense to this Section that the driver used an engine braking system that emits excessive noise in an emergency to avoid a collision with a person or another vehicle on the highway.

(e) A violation of this Section is an equipment violation punishable by a fine of $75.

HISTORY:

P.A. 94-756, § 5; 96-523, § 5.

625 ILCS 5/12-610.2 Electronic communication devices. [Effective until July 1, 2023]

(a) As used in this Section:

"Electronic communication device" means an electronic device, including, but not limited to, a handheld wireless telephone, hand-held personal digital assistant, or a portable or mobile computer, but does not include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle.

(b) A person may not operate a motor vehicle on a roadway while using an electronic communication device, including using an electronic communication device to watch or stream video.

(b-5) A person commits aggravated use of an electronic communication device when he or she violates subsection (b) and in committing the violation he or she is involved in a motor vehicle accident that results in great bodily harm, permanent disability, disfigurement, or death to another and the violation is a proximate cause of the injury or death.

(c) A violation of this Section is an offense against traffic regulations governing the movement of vehicles. A person who violates this Section shall be fined a maximum of $75 for a first offense, $100 for a second offense, $125 for a third offense, and $150 for a fourth or subsequent offense, except that a person who violates subsection (b-5) shall be assessed a minimum fine of $1,000.

(d) This Section does not apply to:

(1) a law enforcement officer or operator of an emergency vehicle while performing his or her official duties;

(1.5) a first responder, including a volunteer first responder, while operating his or her own personal motor vehicle using an electronic communication device for the sole purpose of receiving information about an emergency situation while en route to performing his or her official duties;

(2) a driver using an electronic communication device for the sole purpose of reporting an emergency situation and continued communication with emergency personnel during the emergency situation;

(3) a driver using an electronic communication device in hands-free or voice-operated mode, which may include the use of a headset;

(4) a driver of a commercial motor vehicle reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed 10 inches tall by 10 inches wide in size;

(5) a driver using an electronic communication device while parked on the shoulder of a roadway;

(6) a driver using an electronic communication device when the vehicle is stopped due to normal traffic being obstructed and the driver has the motor vehicle transmission in neutral or park;

(7) a driver using two-way or citizens band radio services;

(8) a driver using two-way mobile radio transmitters or receivers for licensees of the Federal Communications Commission in the amateur radio service;

(9) a driver using an electronic communication device by pressing a single button to initiate or terminate a voice communication; or

(10) a driver using an electronic communication device capable of performing multiple functions, other than a hand-held wireless telephone or hand-held personal digital assistant (for example, a fleet management system, dispatching device, citizens band radio, or music player) for a purpose that is not otherwise prohibited by this Section.

(e) A person convicted of violating subsection (b-5) commits a Class A misdemeanor if the violation resulted in great bodily harm, permanent disability, or disfigurement to another. A person convicted of violating subsection (b-5) commits a Class 4 felony if the violation resulted in the death of another person.

HISTORY:

P.A. 96-130, § 5; 96-1000, § 575; 97-828, § 5; 98-507, § 5; 98-756, § 675; 2018 P.A. 100-727, § 5, effective August 3, 2018; 2018 P.A. 100-858, § 5, effective July 1, 2019; 2019 P.A. 101-81, § 670, effective July 12, 2019; 2019 P.A. 101-90, § 5, effective July 1, 2020; 2019 P.A. 101-297, § 5, effective January 1, 2020; 2021 P.A. 102-558, § 695, effective August 20, 2021.

625 ILCS 5/12-610.2 Electronic communication devices. [Effective July 1, 2023]

(a) As used in this Section:

"Electronic communication device" means an electronic device, including, but not limited to, a hand-held wireless telephone, hand-held personal digital assistant, or a portable or mobile computer, but does not include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle.

(b) A person may not operate a motor vehicle on a roadway while using an electronic communication device, including using an electronic communication device to watch or stream video.

(b-5) A person commits aggravated use of an electronic communication device when he or she violates subsection (b) and in committing the violation he or she is involved in a motor vehicle crash that results in great bodily harm, permanent disability, disfigurement, or death to another and the violation is a proximate cause of the injury or death.

(c) A violation of this Section is an offense against traffic regulations governing the movement of vehicles. A person who violates this Section shall be fined a maximum of $75 for a first offense, $100 for a second offense, $125 for a third offense, and $150 for a fourth or subsequent offense, except that a person who violates subsection (b-5) shall be assessed a minimum fine of $1,000.

(d) This Section does not apply to:

(1) a law enforcement officer or operator of an emergency vehicle while performing his or her official duties;

(1.5) a first responder, including a volunteer first responder, while operating his or her own personal motor vehicle using an electronic communication device for the sole purpose of receiving information about an emergency situation while en route to performing his or her official duties;

(2) a driver using an electronic communication device for the sole purpose of reporting an emergency situation and continued communication with emergency personnel during the emergency situation;

(3) a driver using an electronic communication device in hands-free or voice-operated mode, which may include the use of a headset;

(4) a driver of a commercial motor vehicle reading a message displayed on a permanently installed communication device designed for a commercial motor vehicle with a screen that does not exceed 10 inches tall by 10 inches wide in size;

(5) a driver using an electronic communication device while parked on the shoulder of a roadway;

(6) a driver using an electronic communication device when the vehicle is stopped due to normal

traffic being obstructed and the driver has the motor vehicle transmission in neutral or park;

(7) a driver using two-way or citizens band radio services;

(8) a driver using two-way mobile radio transmitters or receivers for licensees of the Federal Communications Commission in the amateur radio service;

(9) a driver using an electronic communication device by pressing a single button to initiate or terminate a voice communication; or

(10) a driver using an electronic communication device capable of performing multiple functions, other than a hand-held wireless telephone or hand-held personal digital assistant (for example, a fleet management system, dispatching device, citizens band radio, or music player) for a purpose that is not otherwise prohibited by this Section.

(e) A person convicted of violating subsection (b-5) commits a Class A misdemeanor if the violation resulted in great bodily harm, permanent disability, or disfigurement to another. A person convicted of violating subsection (b-5) commits a Class 4 felony if the violation resulted in the death of another person.

HISTORY:

P.A. 96-130, § 5; 96-1000, § 575; 97-828, § 5; 98-507, § 5; 98-756, § 675; 2018 P.A. 100-727, § 5, effective August 3, 2018; 2018 P.A. 100-858, § 5, effective July 1, 2019; 2019 P.A. 101-81, § 670, effective July 12, 2019; 2019 P.A. 101-90, § 5, effective July 1, 2020; 2019 P.A. 101-297, § 5, effective January 1, 2020; 2021 P.A. 102-558, § 695, effective August 20, 2021; 2022 P.A. 102-982, § 105, effective July 1, 2023.

ARTICLE VII.

SPECIAL REQUIREMENTS FOR VEHICLES OF THE SECOND DIVISION

625 ILCS 5/12-705.1 Required use of biodiesel by certain vehicles.

(a) Beginning July 1, 2006, any diesel powered vehicle owned or operated by this State, any county or unit of local government, any school district, any community college or public college or university, or any mass transit agency must, when refueling at a bulk central fueling facility, use a biodiesel blend that contains 5% biodiesel, as those terms are defined in the Illinois Renewable Fuels Development Program Act [20 ILCS 689/1 et seq.], where available, unless the engine is designed or retrofitted to operate on a higher percentage of biodiesel or on ultra low sulfur fuel.

(b) Nothing in this Section prohibits any unit of government from using a biodiesel blend containing more than 2% biodiesel.

(c) As used in this Section, a "bulk central fueling facility" means a non-commercial fueling facility whose primary purpose is the fueling of vehicles owned or operated by the State, a county or unit of local government, a school district, a community college or public college or university, or a mass transit agency.

(d) The Secretary of Transportation shall adopt rules for implementing this Section.

HISTORY:

P.A. 94-346, § 5; 96-281, § 5.

625 ILCS 5/12-709 Slow-moving vehicle emblem.

(a) Every animal drawn vehicle, farm tractor, implement of husbandry and special mobile equipment, when operated on a highway must display a slow-moving vehicle emblem mounted on the rear except as provided in paragraph (b) of this Section. Special mobile equipment is exempt when operated within the limits of a construction or maintenance project where traffic control devices are used in compliance with the applicable provisions of the manual and specifications adopted under Section 11-301 of the "Illinois Vehicle Code" [625 ILCS 5/11-301].

(b) Every vehicle or unit described in paragraph (a) of this Section when operated in combination on a highway must display a slow-moving vehicle emblem as follows:

1. Where the towed unit or any load thereon partially or totally obscures the slow-moving vehicle emblem on the towing unit, the towed unit shall be equipped with a slow-moving vehicle emblem. In such cases the towing unit need not display the emblem.

2. Where the slow-moving vehicle emblem on the towing unit is not obscured by the towed unit or its load, then either or both may be equipped with the required emblem but it shall be sufficient if either displays it.

3. A registered truck towed behind a farm tractor in conformity with the provisions of Section 11-1418 of the "Illinois Vehicle Code" [625 ILCS 5/11-1418] must display a slow-moving vehicle emblem in the manner provided in paragraph (c) while being towed on a highway if the emblem on the towing vehicle is partially or totally obscured.

(c) The slow-moving vehicle emblem required by paragraphs (a) and (b) of this Section must meet or exceed the specifications and mounting requirements established by the Department. Such specifications and mounting requirements shall, on and before August 31, 2004, be based on the specifications adopted by the American Society of Agricultural Engineers and published by that body as ASAE S 276.2 dated March, 1968 or as ASAE S 276.5. On and after September 1, 2004, the specifications and mounting requirements shall be based on the specifications adopted by the American Society of Agricultural Engineers and published by that body as ASAE S 276.5 NOV 97. No advertising or other marking shall appear upon the emblem except that specified by the American Society of Agricultural Engineers to

identify the standard to which the material complies. Each original package containing a slow-moving vehicle emblem shall display a notice on the outside of the package stating that such emblem shall only be used for the purposes stated in subsections (a) and (b).

(d) A slow-moving vehicle emblem is intended as a safety identification device and shall not be displayed on any vehicle nor displayed in any manner other than as described in paragraphs (a), (b) and (c) of this Section. A slow-moving vehicle emblem may not be displayed in public view from a highway on an object other than a vehicle or unit described in subsection (a) of this Section or a vehicle required to display a slow-moving vehicle emblem under subsection (e) of Section 11-1426.1 of this Code [625 ILCS 5/11-1426.1]. A violation of this subsection (d) is a petty offense punishable by a fine of $75.

HISTORY:
P.A. 86-1259; 91-505, § 5; 92-72, § 5; 97-958, § 5.

625 ILCS 5/12-712 Construction equipment to display company name.

(a) Construction equipment that is capable of being self propelled or any construction equipment capable of being towed shall display on the side of the equipment the name of the company for which it is employed. The name shall be in letters at least 2 inches tall and one-half inch wide. This Section shall not apply to any motor vehicle upon which is affixed the insignia required under Section 18c-4701 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-4701].

(b) Any person convicted of violating this Section shall be guilty of a petty offense and subject to a fine not to exceed $100.

HISTORY:
P.A. 87-1160, § 1; 88-45, § 2-54.

625 ILCS 5/12-713 Commercial trucks used by construction contractors or subcontractors to display company name.

(a) Every second division vehicle operating commercially in this State that is used by a construction contractor or subcontractor shall display on the side of the vehicle or its trailer the name of the company for which it is employed. The name shall be in letters at least 2 inches tall and one-half inch wide. This Section shall not apply to any motor vehicle upon which is affixed the insignia required under Section 18c-4701 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-4701].

(b) Any person convicted of violating this Section shall be guilty of a petty offense and subject to a fine of not less than $500.

HISTORY:
P.A. 87-1160, § 1; 88-45, § 2-54; 96-1179, § 5.

CHAPTER 15.

SIZE, WEIGHT, LOAD AND PERMITS

Article I. Size, Weight and Load

Article III. Permits

ARTICLE I.

SIZE, WEIGHT AND LOAD

625 ILCS 5/15-100 Definitions. [Repealed]

HISTORY:
P.A. 83-1473; 87-1203, § 1; repealed by P.A. 90-89, § 20, effective January 1, 1998.

625 ILCS 5/15-101 Scope and effect of Chapter 15.

(a) It is unlawful for any person to drive or move on, upon or across or for the owner to cause or knowingly permit to be driven or moved on, upon or across any highway any vehicle or vehicles of a size and weight exceeding the limitations stated in this Chapter or otherwise in violation of this Chapter, and the maximum size and weight of vehicles herein

specified shall be lawful throughout this State, and local authorities shall have no power or authority to alter such limitations except as express authority may be granted in this Chapter.

(b) The provisions of this Chapter governing size, weight, and load do not apply to equipment for snow and ice removal operations owned or operated by any governmental body, or to implements of husbandry, as defined in Chapter 1 of this Code, temporarily operated or towed in a combination upon a highway provided such combination does not consist of more than 3 vehicles or, in the case of hauling fresh, perishable fruits or vegetables from farm to the point of first processing, not more than 3 wagons being towed by an implement of husbandry, or to a vehicle operated under the terms of a special permit issued hereunder. Except for weight limits on Class I highways under this Chapter, the provisions of this Chapter governing size, weight, and load do not apply to fire apparatus or emergency vehicles.

(c) The provisions of this Chapter governing size, weight, and load do not apply to any snow and ice removal equipment that is no more than 12 feet in width, if the equipment displays flags at least 18 inches square mounted on the driver's side of the snow plow.

These vehicles must be equipped with an illuminated rotating, oscillating, or flashing amber light or lights, or a flashing amber strobe light or lights, mounted on the top of the cab and of sufficient intensity to be visible at 500 feet in normal sunlight. If the load on the transport vehicle blocks the visibility of the amber lighting from the rear of the vehicle, the vehicle must also be equipped with an illuminated rotating, oscillating, or flashing amber light or lights, or a flashing amber strobe light or lights, mounted on the rear of the load and of sufficient intensity to be visible at 500 feet in normal sunlight.

HISTORY:

P.A. 83-831; 92-417, § 5; 94-270, § 5; 99-717, § 5; 2017 P.A. 100-366, § 5, effective January 1, 2018.

625 ILCS 5/15-102 Width of vehicles.

(a) On Class III and non-designated State and local highways, the total outside width of any vehicle or load thereon shall not exceed 8 feet 6 inches.

(b) Except during those times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1000 feet, the following vehicles may exceed the 8 feet 6 inch limitation during the period from a half hour before sunrise to a half hour after sunset:

(1) Loads of hay, straw or other similar farm products provided that the load is not more than 12 feet wide.

(2) Implements of husbandry being transported on another vehicle and the transporting vehicle while loaded.

The following requirements apply to the transportation on another vehicle of an implement of husbandry wider than 8 feet 6 inches on the National System of Interstate and Defense Highways or other highways in the system of State highways:

(A) The driver of a vehicle transporting an implement of husbandry that exceeds 8 feet 6 inches in width shall obey all traffic laws and shall check the roadways prior to making a movement in order to ensure that adequate clearance is available for the movement. It is prima facie evidence that the driver of a vehicle transporting an implement of husbandry has failed to check the roadway prior to making a movement if the vehicle is involved in a collision with a bridge, overpass, fixed structure, or properly placed traffic control device or if the vehicle blocks traffic due to its inability to proceed because of a bridge, overpass, fixed structure, or properly placed traffic control device.

(B) Flags shall be displayed so as to wave freely at the extremities of overwidth objects and at the extreme ends of all protrusions, projections, and overhangs. All flags shall be clean, bright red flags with no advertising, wording, emblem, or insignia inscribed upon them and at least 18 inches square.

(C) "OVERSIZE LOAD" signs are mandatory on the front and rear of all vehicles with loads over 10 feet wide. These signs must have 12-inch high black letters with a 2-inch stroke on a yellow sign that is 7 feet wide by 18 inches high.

(D) One civilian escort vehicle is required for a load that exceeds 14 feet 6 inches in width and 2 civilian escort vehicles are required for a load that exceeds 16 feet in width on the National System of Interstate and Defense Highways or other highways in the system of State highways.

(E) The requirements for a civilian escort vehicle and driver are as follows:

(1) The civilian escort vehicle shall be a vehicle not exceeding a gross vehicle weight rating of 26,000 pounds that is designed to afford clear and unobstructed vision to both front and rear.

(2) The escort vehicle driver must be properly licensed to operate the vehicle.

(3) While in use, the escort vehicle must be equipped with illuminated rotating, oscillating, or flashing amber lights or flashing amber strobe lights mounted on top that are of sufficient intensity to be visible at 500 feet in normal sunlight.

(4) "OVERSIZE LOAD" signs are mandatory on all escort vehicles. The sign on an escort vehicle shall have 8-inch high black letters on a yellow sign that is 5 feet wide by 12 inches high.

(5) When only one escort vehicle is required and it is operating on a two-lane highway, the

escort vehicle shall travel approximately 300 feet ahead of the load. The rotating, oscillating, or flashing lights or flashing amber strobe lights and an "OVERSIZE LOAD" sign shall be displayed on the escort vehicle and shall be visible from the front. When only one escort vehicle is required and it is operating on a multilane divided highway, the escort vehicle shall travel approximately 300 feet behind the load and the sign and lights shall be visible from the rear.

(6) When 2 escort vehicles are required, one escort shall travel approximately 300 feet ahead of the load and the second escort shall travel approximately 300 feet behind the load. The rotating, oscillating, or flashing lights or flashing amber strobe lights and an "OVERSIZE LOAD" sign shall be displayed on the escort vehicles and shall be visible from the front on the lead escort and from the rear on the trailing escort.

(7) When traveling within the corporate limits of a municipality, the escort vehicle shall maintain a reasonable and proper distance from the oversize load, consistent with existing traffic conditions.

(8) A separate escort shall be provided for each load hauled.

(9) The driver of an escort vehicle shall obey all traffic laws.

(10) The escort vehicle must be in safe operational condition.

(11) The driver of the escort vehicle must be in radio contact with the driver of the vehicle carrying the oversize load.

(F) A transport vehicle while under load of more than 8 feet 6 inches in width must be equipped with an illuminated rotating, oscillating, or flashing amber light or lights or a flashing amber strobe light or lights mounted on the top of the cab that are of sufficient intensity to be visible at 500 feet in normal sunlight. If the load on the transport vehicle blocks the visibility of the amber lighting from the rear of the vehicle, the vehicle must also be equipped with an illuminated rotating, oscillating, or flashing amber light or lights or a flashing amber strobe light or lights mounted on the rear of the load that are of sufficient intensity to be visible at 500 feet in normal sunlight.

(G) When a flashing amber light is required on the transport vehicle under load and it is operating on a two-lane highway, the transport vehicle shall display to the rear at least one rotating, oscillating, or flashing light or a flashing amber strobe light and an "OVERSIZE LOAD" sign. When a flashing amber light is required on the transport vehicle under load and it is operating on a multilane divided highway, the sign and light shall be visible from the rear.

(H) Maximum speed shall be 45 miles per hour on all such moves or 5 miles per hour above the posted minimum speed limit, whichever is greater, but the vehicle shall not at any time exceed the posted maximum speed limit.

(3) Portable buildings designed and used for agricultural and livestock raising operations that are not more than 14 feet wide and with not more than a one-foot overhang along the left side of the hauling vehicle. However, the buildings shall not be transported more than 10 miles and not on any route that is part of the National System of Interstate and Defense Highways.

All buildings when being transported shall display at least 2 red cloth flags, not less than 12 inches square, mounted as high as practicable on the left and right side of the building.

An Illinois State Police escort shall be required if it is necessary for this load to use part of the left lane when crossing any 2-laned State highway bridge.

(c) Vehicles propelled by electric power obtained from overhead trolley wires operated wholly within the corporate limits of a municipality are also exempt from the width limitation.

(d) (Blank).

(d-1) A recreational vehicle, as defined in Section 1-169 [625 ILCS 5/1-169], may exceed 8 feet 6 inches in width if:

(1) the excess width is attributable to appurtenances that extend 6 inches or less beyond either side of the body of the vehicle; and

(2) the roadway on which the vehicle is traveling has marked lanes for vehicular traffic that are at least 11 feet in width.

As used in this subsection (d-1) and in subsection (d-2), the term appurtenance includes (i) a retracted awning and its support hardware and (ii) any appendage that is intended to be an integral part of a recreational vehicle.

(d-2) A recreational vehicle that exceeds 8 feet 6 inches in width as provided in subsection (d-1) may travel any roadway of the State if the vehicle is being operated between a roadway permitted under subsection (d-1) and:

(1) the location where the recreational vehicle is garaged;

(2) the destination of the recreational vehicle; or

(3) a facility for food, fuel, repair, services, or rest.

(e) A vehicle and load traveling upon the National System of Interstate and Defense Highways or any other highway in the system of State highways that has been designated as a Class I or Class II highway by the Department, or any street or highway designated by local authorities, may have a total outside width of 8 feet 6 inches, provided that certain safety devices that the Department determines as necessary for the safe and efficient operation of motor vehicles shall not be included in the calculation of width.

Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35] relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (e).

(f) Mirrors required by Section 12-502 of this Code may project up to 14 inches beyond each side of a bus and up to 6 inches beyond each side of any other vehicle, and that projection shall not be deemed a violation of the width restrictions of this Section.

(g) Any person who is convicted of violating this Section is subject to the penalty as provided in paragraph (b) of Section 15-113 [625 ILCS 5/15-113].

(h) Safety devices identified by the Department in accordance with Section 12-812 shall not be deemed a violation of the width restrictions of this Section.

HISTORY:

P.A. 86-1236; 87-217; 87-1160, § 1; 87-1203, § 1; 88-45, § 2-54; 88-476, § 2; 88-517, § 10; 88-589, § 10; 88-670, § 2-59; 88-675, § 5; 88-684, § 5; 89-551, § 5; 89-658, § 5; 90-14, § 2-225; 91-780, § 5; 92-417, § 5; 93-177, § 10; 94-949, § 5; 96-34, § 955; 96-37, § 60-40; 96-220, § 5; 96-1000, § 575; 2018 P.A. 100-830, § 10, effective January 1, 2019; 2021 P.A. 102-441, § 5, effective January 1, 2022; 2021 P.A. 102-538, § 935, effective August 20, 2021; 2022 P.A. 102-813, § 575, effective May 13, 2022.

625 ILCS 5/15-103 Height of vehicles.

The height of a vehicle from the under side of the tire to the top of the vehicle, inclusive of load, shall not exceed 13 feet, 6 inches on any highway in the State.

A person convicted of violating this Section is subject to the penalty provided in paragraph (b) of Section 15-113 [625 ILCS 5/15-113].

HISTORY:

P.A. 83-831; 92-417, § 5.

625 ILCS 5/15-105 Projecting loads on passenger vehicles.

No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than 6 inches beyond the line of the fenders on the right side thereof.

HISTORY:

P.A. 76-1586.

625 ILCS 5/15-106 Protruding members of vehicles.

No vehicle with boom, arm, drill rig or other protruding component shall be operated upon any highway in this State unless such protruding component is fastened so as to prevent shifting, bouncing or moving in any manner.

HISTORY:

P.A. 76-1586; 92-417, § 5.

625 ILCS 5/15-107 Length of vehicles.

(a) The maximum length of a single vehicle on any highway of this State may not exceed 42 feet except the following:

(1) Semitrailers.

(2) Charter or regulated route buses may be up to 45 feet in length, not including energy absorbing bumpers.

(a-1) A motor home as defined in Section 1-145.01 [625 ILCS 5/1-145.01] may be up to 45 feet in length, not including energy absorbing bumpers. The length limitations described in this subsection (a-1) shall be exclusive of energy-absorbing bumpers and rear view mirrors.

(b) (Blank).

(c) Except as provided in subsections (c-1) and (c-2), combinations of vehicles may not exceed a total of 2 vehicles except the following:

(1) A truck tractor semitrailer may draw one trailer.

(2) A truck tractor semitrailer may draw one converter dolly or one semitrailer.

(3) A truck tractor semitrailer may draw one vehicle that is defined in Chapter 1 as special mobile equipment, provided the overall dimension does not exceed 60 feet.

(4) A truck in transit may draw 3 trucks in transit coupled together by the triple saddlemount method.

(5) Recreational vehicles consisting of 3 vehicles, provided the following:

(A) The total overall dimension does not exceed 60 feet.

(B) The towing vehicle is a properly registered vehicle capable of towing another vehicle using a fifth-wheel type assembly.

(C) The second vehicle in the combination of vehicles is a recreational vehicle that is towed by a fifth-wheel assembly. This vehicle must be properly registered and must be equipped with brakes, regardless of weight.

(D) The third vehicle must be the lightest of the 3 vehicles and be a trailer or semitrailer designed or used for transporting a boat, all-terrain vehicle, personal watercraft, or motorcycle.

(E) The towed vehicles may be only for the use of the operator of the towing vehicle.

(F) All vehicles must be properly equipped with operating brakes and safety equipment required by this Code, except the additional brake requirement in subdivision (C) of this subparagraph (5).

(6) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle:

(A) Is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes. For the purpose of this subsection, gross vehicle weight rating, or GVWR, means the value specified by the manufacturer as the loaded weight of the tow truck.

(B) Is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.

(C) Is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

(D) Does not engage a tow exceeding 50 highway miles from the initial point of wreck or disablement to a place of repair. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-318 of this Code [625 ILCS ILCS 5/15-301 through 625 ILCS ILCS 5/15-318].

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle.

For purposes of this Section, a tow-dolly that merely serves as substitute wheels for another legally licensed vehicle is considered part of the licensed vehicle and not a separate vehicle.

(7) Commercial vehicles consisting of 3 vehicles, provided the following:

(A) The total overall dimension does not exceed 65 feet.

(B) The towing vehicle is a properly registered vehicle capable of towing another vehicle using a fifth-wheel type assembly or a goose-neck hitch ball.

(C) The third vehicle must be the lightest of the 3 vehicles and be a trailer or semitrailer.

(D) All vehicles must be properly equipped with operating brakes and safety equipment required by this Code.

(E) The combination of vehicles must be operated by a person who holds a commercial driver's license (CDL).

(F) The combination of vehicles must be en route to a location where new or used trailers are sold by an Illinois or out-of-state licensed new or used trailer dealer.

(c-1) A combination of 3 vehicles is allowed access to any State designated highway if:

(1) the length of neither towed vehicle exceeds 28.5 feet;

(2) the overall wheel base of the combination of vehicles does not exceed 62 feet; and

(3) the combination of vehicles is en route to a location where new or used trailers are sold by an Illinois or out-of-state licensed new or used trailer dealer.

(c-2) A combination of 3 vehicles is allowed access from any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of delivery or collection of one or both of the towed vehicles if:

(1) the length of neither towed vehicle exceeds 28.5 feet;

(2) the combination of vehicles does not exceed 40,000 pounds in gross weight and 8 feet 6 inches in width;

(3) there is no sign prohibiting that access;

(4) the route is not being used as a thoroughfare between State designated highways; and

(5) the combination of vehicles is en route to a location where new or used trailers are sold by an Illinois or out-of-state licensed new or used trailer dealer.

(d) On Class I highways there are no overall length limitations on motor vehicles operating in combinations provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor may not exceed 53 feet.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches. The limit contained in this paragraph (2) shall not apply to trailers or semi-trailers used for the transport of livestock as defined by Section 18b-101 [625 ILCS ILCS 5/18b-101].

(3) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer or truck tractor semitrailer-semitrailer combination, may not exceed 28 feet 6 inches.

(4) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(5) Combinations of vehicles specifically designed to transport motor vehicles or boats may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(6) Stinger-steered semitrailer vehicles specifically designed to transport motor vehicles or boats and automobile transporters, as defined in Chapter 1, may not exceed 80 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(7) A truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not exceed 97 feet overall dimension.

(8) A towaway trailer transporter combination may not exceed 82 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismantled or disassembled are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public

service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

The length limitations described in this paragraph (d) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

Section 5-35 of the Illinois Administrative Procedure Act [5 ILCS 100/5—35] relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (d).

(e) On Class II highways there are no overall length limitations on motor vehicles operating in combinations, provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor, may not exceed 53 feet overall dimension.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches. The limit contained in this paragraph (2) shall not apply to trailers or semi-trailers used for the transport of livestock as defined by Section 18b-101.

(3) A truck tractor-semitrailer-trailer or truck tractor semitrailer-semitrailer combination may not exceed 65 feet in dimension from front axle to rear axle.

(4) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer or truck tractor semitrailer-semitrailer combination, may not exceed 28 feet 6 inches.

(5) Maxi-cube combinations, as defined in Chapter 1 [625 ILCS 5/1-100 et seq.], may not exceed 65 feet overall dimension.

(6) A combination of vehicles, specifically designed to transport motor vehicles or boats, may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(7) Stinger-steered semitrailer vehicles specifically designed to transport motor vehicles or boats may not exceed 80 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(8) A truck in transit transporting 3 trucks coupled together by the triple saddlemount method may not exceed 97 feet overall dimension.

(9) A towaway trailer transporter combination may not exceed 82 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismantled or disassembled are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

Local authorities, with respect to streets and highways under their jurisdiction, may also by ordinance or resolution allow length limitations of this subsection (e).

The length limitations described in this paragraph (e) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

Section 5-35 [5 ILCS 100/5-35] of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (e).

(e-1) (Blank).

(e-2) Except as provided in subsection (e-3), combinations of vehicles over 65 feet in length, with no overall length limitation except as provided in subsections (d) and (e) of this Section, are allowed access as follows:

(1) From a Class I highway onto any street or highway for a distance of one highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest, provided there is no sign prohibiting that access.

(2) From a Class I or Class II highway onto any non-designated highway for a distance of 5 highway miles for the purpose of loading, unloading, food, fuel, repairs, and rest if:

(A) there is no sign prohibiting that access; and

(B) the route is not being used as a thoroughfare between Class I or Class II highways.

(e-3) Combinations of vehicles over 65 feet in length operated by household goods carriers or tow-away trailer transporter combinations, with no overall length limitations except as provided in subsections (d) and (e) of this Section, have unlimited access to points of loading, unloading, or delivery to or from a manufacturer, distributor, or dealer.

(f) On non-designated highways, the maximum length limitations for vehicles in combination are as follows:

(1) A truck tractor in combination with a semitrailer may not exceed 65 feet overall dimension. An agency or instrumentality of the State of Illinois or any unit of local government shall not be required to widen or otherwise alter a non-designated highway constructed before January 1, 2018 to accommodate truck tractor-semitrailer combinations under this paragraph (1).

(2) Semitrailers, unladen or with load, may not exceed 53 feet overall dimension.

(3) A truck tractor-semitrailer-trailer or truck tractor semitrailer-semitrailer may not exceed 60 feet overall dimension.

(4) The distance between the kingpin and the center axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 42 feet 6 inches. The limit contained in this paragraph (4) shall not apply to trailers or semi-trailers used for the transport of livestock as defined by Section 18b-101.

(g) Length limitations in the preceding subsections of this Section 15-107 do not apply to the following:

(1) Vehicles operated in the daytime, except on Saturdays, Sundays, or legal holidays, when transporting poles, pipe, machinery, or other objects of a structural nature that cannot readily be dismantled or disassembled, provided the overall length of vehicle and load may not exceed 100 feet and no object exceeding 80 feet in length may be transported unless a permit has been obtained as authorized in Section 15-301. As used in this Section, "legal holiday" means any of the following days: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

(2) Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties, but during night operation every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

(3) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

The towing vehicle, however, may tow any disabled vehicle from the initial point of wreck or disablement to a point where repairs are actually to occur. This movement shall be valid only on State routes. The tower must abide by posted bridge weight limits.

All other combinations not listed in this subsection (f) may not exceed 60 feet overall dimension.

(h) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than 3 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper. The provisions of this subsection (h) shall not apply to any vehicle or combination of vehicles specifically designed for the collection and transportation of waste, garbage, or recyclable materials during the vehicle's operation in the course of collecting garbage, waste, or recyclable materials if the vehicle is traveling at a speed not in excess of 15 miles per hour during the vehicle's operation and in the course of collecting garbage, waste, or recyclable materials. However, in no instance shall the load extend more than 7 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper.

(i) The load upon the front vehicle of an automobile transporter or a stinger-steered vehicle specifically designed to transport motor vehicles shall not extend more than 4 feet beyond the foremost part of the transporting vehicle and the load upon the rear transporting vehicle shall not extend more than 6 feet beyond the rear of the bed or body of the vehicle. This paragraph shall only be applicable upon highways designated in paragraphs (d) and (e) of this Section.

(j) Articulated vehicles comprised of 2 sections, neither of which exceeds a length of 42 feet, designed for the carrying of more than 10 persons, may be up to 60 feet in length, not including energy absorbing bumpers, provided that the vehicles are:

1. operated by or for any public body or motor carrier authorized by law to provide public transportation services; or

2. operated in local public transportation service by any other person and the municipality in which the service is to be provided approved the operation of the vehicle.

(j-1) (Blank).

(k) Any person who is convicted of violating this Section is subject to the penalty as provided in paragraph (b) of Section 15-113 [625 ILCS 5/15-113].

(*l*) (Blank).

HISTORY:

P.A. 86-419; 86-447; 86-589; 86-1028; 87-1203, § 1; 88-45, § 3-128; 88-384, § 5; 88-670, § 2-59; 89-219, § 5; 89-434, § 5; 89-626, § 2-66; 90-89, § 15; 90-147, § 5; 90-407, § 5; 90-655, § 153; 92-417, § 5; 92-766, § 5; 92-883, § 5; 93-177, § 10; 93-1023, § 5; 94-713, § 5; 96-34, § 955; 96-37, § 60-40; 96-1352, § 5; 97-200, § 5; 97-883, § 5; 99-717, § 5; 2017 P.A. 100-201, § 650, effective August 18, 2017; 2017 P.A. 100-343, § 10, effective January 1, 2018; 2018 P.A. 100-728, § 5, effective January 1, 2019; 2019 P.A. 101-328, § 5, effective January 1, 2020; 2021 P.A. 102-124, § 5, effective July 23, 2021.

625 ILCS 5/15-108 Planking edge of a pavement.

No tractor, traction engine or other metal tired vehicle, weighing more than 4 tons, including the weight of the vehicle and its load, shall drive up onto, off or over the edge of any paved public highway in this State, without protecting such edge by putting down solid planks or other suitable device to prevent such vehicle from breaking off the edges or corners of such pavement.

HISTORY:
P.A. 76-1586; 90-655, § 153.

625 ILCS 5/15-109 Spilling loads on highways prohibited.

(a) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

(b) No person shall operate on any highway any vehicle with any load unless said load and any covering thereon is securely fastened so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

(c) The Department shall adopt such rules and regulations it deems appropriate which require the securing of steel rolls and other objects on flatbed trucks so as to prevent injury to users of highways and damage to property. Any person who operates a flatbed truck on any highway in violation of the rules and regulations promulgated by the Department under this subsection shall be guilty of a Class A misdemeanor.

HISTORY:
P.A. 82-231.

625 ILCS 5/15-109.1 Covers or tarpaulins required for certain loads.

(a) No person shall operate or cause to be operated, on a highway, any second division vehicle loaded with dirt, aggregate, garbage, refuse, or other similar material, when any portion of the load is falling, sifting, blowing, dropping or in any way escaping from the vehicle.

(b) No person shall operate or cause to be operated, on a highway, any second division vehicle having a gross vehicle weight rating of 8,000 pounds or more loaded with dirt, aggregate, garbage, refuse, or other similar material in or on any part of the vehicle other than in the cargo area. In addition, no person shall operate on any highway, such vehicle unless the tailgate on the vehicle is in good repair and operating condition and closes securely so as to prevent any load, residue, or other material from escaping.

(c) This Section shall not apply to the operation of highway maintenance vehicles engaged in removing snow and ice from the roadway, nor to implements of husbandry or other farm vehicles while transporting agricultural products to or from the original place of production.

(d) For the purpose of this Section "aggregate" shall include all ores, minerals, sand, gravel, shale, coal, clay, limestone or any other ore or mineral which may be mined.

(e) Notwithstanding any other penalty, whenever a police officer determines that the operator of a vehicle is in violation of this Section, as evidenced by the issuance of a citation for a violation of Section 15-109.1 of this Code [625 ILCS 5/15-109.1], or where a police officer determines that a dangerous condition exists whereby any portion of the load may fall, sift, blow, drop, or in any way escape or fall from the vehicle, the police officer shall require the operator to stop the vehicle in a suitable place and keep such vehicle stationary until the load has either been reduced, secured, or covered with a cover or tarpaulin of sufficient size to prevent any further violation of this Section.

(f) Any violation of the provisions of this Section shall be a petty offense punishable by a fine not to exceed $250.

HISTORY:
P.A. 84-226; 91-858, § 5.

625 ILCS 5/15-110 Towed vehicles.

(a) When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull all the weight towed thereby and the drawbar or other connection shall not exceed 15 feet from one vehicle to the other, except for the connection between any 2 vehicles transporting poles, pipes, machinery or other objects of structural nature which cannot readily be dismembered.

(b) Outside a business, residential or suburban district or on any controlled access highway, no vehicle other than a pole trailer or a semitrailer which is being towed by a truck tractor and is connected by the means of a fifth wheel shall be towed on a roadway except by a drawbar and each such vehicle so towed shall, in addition, be coupled with 2 safety chains or cables to the towing vehicle. Such chains or cables shall be of sufficient size and strength to prevent the towed vehicle parting from the drawing vehicle in case the drawbar should break or become disengaged.

(c) The provisions of this section shall not apply to any second division vehicle owned, operated or controlled by any person who is registered with the Bureau of Motor Carrier Safety of the Federal Highway Administration and has complied with the federal safety provisions of the Bureau of Motor Carrier

Safety of the Federal Highway Administration and the rules and regulations of the Bureau.

HISTORY:
P.A. 77-22.

625 ILCS 5/15-111 Wheel and axle loads and gross weights.

(a) No vehicle or combination of vehicles with pneumatic tires may be operated, unladen or with load, when the total weight on the road surface exceeds the following: 20,000 pounds on a single axle; 34,000 pounds on a tandem axle with no axle within the tandem exceeding 20,000 pounds; 80,000 pounds gross weight for vehicle combinations of 5 or more axles; or a total weight on a group of 2 or more consecutive axles in excess of that weight produced by the application of the following formula: W = 500 times the sum of (LN divided by N-1) + 12N + 36, where "W" equals overall total weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" equals the distance measured to the nearest foot between extremes of any group of 2 or more consecutive axles, and "N" equals the number of axles in the group under consideration.

The above formula when expressed in tabular form results in allowable loads as follows:

Distance measured to the nearest foot between the extremes of any group of 2 or more consecutive axles	Maximum weight in pounds of any group of 2 or more consecutive axles				
feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000*	34,000			
Between 8 and 9	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11		44,000			
12		45,000	50,000		
13		45,500	50,500		
14		46,500	51,500		
15		47,000	52,000		
16		48,000	52,500	58,000	
17		48,500	53,500	58,500	
18		49,500	54,000	59,000	
19		50,000	54,500	60,000	

Distance measured to the nearest foot between the extremes of any group of 2 or more consecutive axles	Maximum weight in pounds of any group of 2 or more consecutive axles			
20	51,000	55,500	60,500	66,000
21	51,500	56,000	61,000	66,500
22	52,500	56,500	61,500	67,000
23	53,000	57,500	62,500	68,000
24	54,000	58,000	63,000	68,500
25	54,500	58,500	63,500	69,000
26	55,500	59,500	64,000	69,500
27	56,000	60,000	65,000	70,000
28	57,000	60,500	65,500	71,000
29	57,500	61,500	66,000	71,500
30	58,500	62,000	66,500	72,000
31	59,000	62,500	67,500	72,500
32	60,000	63,500	68,000	73,000
33		64,000	68,500	74,000
34		64,500	69,000	74,500
35		65,500	70,000	75,000
36		66,000**	70,500	75,500
37		66,500**	71,000	76,000
38		67,500**	72,000	77,000
39		68,000	72,500	77,500
40		68,500	73,000	78,000
41		69,500	73,500	78,500
42		70,000	74,000	79,000
43		70,500	75,000	80,000
44		71,500	75,500	
45		72,000	76,000	
46		72,500	76,500	
47		73,500	77,500	
48		74,000	78,000	
49		74,500	78,500	
50		75,500	79,000	
51		76,000	80,000	
52		76,500		
53		77,500		
54		78,000		
55		78,500		
56		79,500		
57		80,000		

*If the distance between 2 axles is 96 inches or less, the 2 axles are tandem axles and the maximum total weight may not exceed 34,000 pounds, notwithstanding the higher limit resulting from the application of the formula.

**Two consecutive sets of tandem axles may carry 34,000 pounds each if the overall distance between the first and last axles of these tandems is 36 feet or more.

Vehicles not in a combination having more than 4 axles may not exceed the weight in the table in this subsection (a) for 4 axles measured between the extreme axles of the vehicle.

Vehicles in a combination having more than 6 axles may not exceed the weight in the table in this subsection (a) for 6 axles measured between the extreme axles of the combination.

Local authorities, with respect to streets and highways under their jurisdiction, without additional fees, may also by ordinance or resolution allow the weight limitations of this subsection, provided the maximum gross weight on any one axle shall not exceed 20,000 pounds and the maximum total weight on any tandem axle shall not exceed 34,000 pounds, on designated highways when appropriate regulatory signs giving notice are erected upon the street or highway or portion of any street or highway affected by the ordinance or resolution.

The following are exceptions to the above formula:

(1) Vehicles for which a different limit is established and posted in accordance with Section 15-316 of this Code [625 ILCS 5/15-316].

(2) Vehicles for which the Department of Transportation and local authorities issue overweight permits under authority of Section 15-301 of this Code [625 ILCS 5/15-301]. These vehicles are not subject to the bridge formula.

(3) Cities having a population of more than 50,000 may permit by ordinance axle loads on 2-axle motor vehicles 33 1/2% above those provided for herein, but the increase shall not become effective until the city has officially notified the Department of the passage of the ordinance and shall not apply to those vehicles when outside of the limits of the city, nor shall the gross weight of any 2-axle motor vehicle operating over any street of the city exceed 40,000 pounds.

(4) Weight limitations shall not apply to vehicles (including loads) operated by a public utility when transporting equipment required for emergency repair of public utility facilities or properties or water wells.

(4.5) A 3-axle or 4-axle vehicle (including when laden) operated or hired by a municipality within Cook, Lake, McHenry, Kane, DuPage, or Will county being operated for the purpose of performing emergency sewer repair that would be subject to a weight limitation less than 66,000 pounds under the formula in this subsection (a) shall have a weight limitation of 66,000 pounds or the vehicle's gross vehicle weight rating, whichever is less. This paragraph (4.5) does not apply to vehicles being operated on the National System of Interstate and Defense Highways, or to vehicles being operated on bridges or other elevated structures constituting a part of a highway.

(5) Two consecutive sets of tandem axles may carry a total weight of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more, notwithstanding the lower limit resulting from the application of the above formula.

(6) A truck, not in combination and used exclusively for the collection of rendering materials, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle.

(7) A truck not in combination, equipped with a self compactor or an industrial roll-off hoist and roll-off container, used exclusively for garbage, refuse, or recycling operations, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 40,000 pounds gross weight on a 2-axle vehicle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula.

(7.5) A 3-axle rear discharge truck mixer registered as a Special Hauling Vehicle, used exclusively for the mixing and transportation of concrete in the plastic state, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on single axle; 40,000 pounds on a tandem axle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula.

(8) Except as provided in paragraph (7.5) of this subsection (a), tandem axles on a 3-axle truck registered as a Special Hauling Vehicle, manufactured prior to or in the model year of 2024 and first registered in Illinois prior to January 1, 2025, with a distance greater than 72 inches but not more than 96 inches between any series of 2 axles, is allowed a combined weight on the series not to exceed 36,000 pounds and neither axle of the series may exceed 20,000 pounds. Any vehicle of this type manufactured after the model year of 2024 or first registered in Illinois after December 31, 2024 may not exceed a combined weight of 34,000 pounds through the series of 2 axles and neither axle of the series may exceed 20,000 pounds.

A 3-axle combination sewer cleaning jetting vacuum truck registered as a Special Hauling Vehicle, used exclusively for the transportation of non-hazardous solid waste, manufactured before or in the model year of 2014, first registered in Illinois before January 1, 2015, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula.

(9) A 4-axle truck mixer registered as a Special Hauling Vehicle, used exclusively for the mixing

and transportation of concrete in the plastic state, and not operated on a highway that is part of the National System of Interstate Highways, is allowed the following maximum weights: 20,000 pounds on any single axle; 36,000 pounds on a series of axles greater than 72 inches but not more than 96 inches; and 34,000 pounds on any series of 2 axles greater than 40 inches but not more than 72 inches. The gross weight of this vehicle may not exceed the weights allowed by the bridge formula for 4 axles. The bridge formula does not apply to any series of 3 axles while the vehicle is transporting concrete in the plastic state, but no axle or tandem axle of the series may exceed the maximum weight permitted under this paragraph (9) of subsection (a).

(10) Combinations of vehicles, registered as Special Hauling Vehicles that include a semitrailer manufactured prior to or in the model year of 2024, and registered in Illinois prior to January 1, 2025, having 5 axles with a distance of 42 feet or less between extreme axles, may not exceed the following maximum weights: 20,000 pounds on a single axle; 34,000 pounds on a tandem axle; and 72,000 pounds gross weight. This combination of vehicles is not subject to the bridge formula. For all those combinations of vehicles that include a semitrailer manufactured after the effective date of P.A. 92-0417, the overall distance between the first and last axles of the 2 sets of tandems must be 18 feet 6 inches or more. Any combination of vehicles that has had its cargo container replaced in its entirety after December 31, 2024 may not exceed the weights allowed by the bridge formula.

(11) The maximum weight allowed on a vehicle with crawler type tracks is 40,000 pounds.

(12) A combination of vehicles, including a tow truck and a disabled vehicle or disabled combination of vehicles, that exceeds the weight restriction imposed by this Code, may be operated on a public highway in this State provided that neither the disabled vehicle nor any vehicle being towed nor the tow truck itself shall exceed the weight limitations permitted under this Chapter. During the towing operation, neither the tow truck nor the vehicle combination shall exceed 24,000 pounds on a single rear axle and 44,000 pounds on a tandem rear axle, provided the towing vehicle:

(i) is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and is equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes;

(ii) is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions;

(iii) is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles; and

(iv) does not engage in a tow exceeding 20 miles from the initial point of wreck or disablement. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-318 of this Code [625 ILCS 5/15-301 through 625 ILCS 5/15-318]. The towing vehicle, however, may tow any disabled vehicle to a point where repairs are actually to occur. This movement shall be valid only on State routes. The tower must abide by posted bridge weight limits.

(12.5) The vehicle weight limitations in this Section do not apply to a covered heavy duty tow and recovery vehicle. The covered heavy duty tow and recovery vehicle license plate must cover the operating empty weight of the covered heavy duty tow and recovery vehicle only.

(13) Upon and during a declaration of an emergency propane supply disaster by the Governor under Section 7 of the Illinois Emergency Management Agency Act [20 ILCS 3305/7]:

(i) a truck not in combination, equipped with a cargo tank, used exclusively for the transportation of propane or liquefied petroleum gas may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 40,000 pounds gross weight on a 2-axle vehicle; 54,000 pounds gross weight on a 3-axle vehicle; and

(ii) a truck when in combination with a trailer equipped with a cargo tank used exclusively for the transportation of propane or liquefied petroleum gas may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 90,000 pounds gross weight on a 5-axle or 6-axle vehicle.

Vehicles operating under this paragraph (13) are not subject to the bridge formula.

(14) A vehicle or combination of vehicles that uses natural gas or propane gas as a motor fuel may exceed the above weight limitations by up to 2,000 pounds, the total allowance is calculated by an amount that is equal to the difference between the weight of the vehicle attributable to the natural gas or propane gas tank and fueling system carried by the vehicle, and the weight of a comparable diesel tank and fueling system. This paragraph (14) shall not allow a vehicle to exceed any posted weight limit on a highway or structure.

(15) An emergency vehicle or fire apparatus that is a vehicle designed to be used under emergency conditions to transport personnel and equipment, and used to support the suppression of fires and mitigation of other hazardous situations on a Class I highway, may not exceed 86,000 pounds gross weight, or any of the following weight allowances:

(i) 24,000 pounds on a single steering axle;

(ii) 33,500 pounds on a single drive axle;

(iii) 62,000 pounds on a tandem axle; or

(iv) 52,000 pounds on a tandem rear drive steer axle.

(16) A bus, motor coach, or recreational vehicle may carry a total weight of 24,000 pounds on a single axle, but may not exceed other weight provisions of this Section.

Gross weight limits shall not apply to the combination of the tow truck and vehicles being towed. The tow truck license plate must cover the operating empty weight of the tow truck only. The weight of each vehicle being towed shall be covered by a valid license plate issued to the owner or operator of the vehicle being towed and displayed on that vehicle. If no valid plate issued to the owner or operator of that vehicle is displayed on that vehicle, or the plate displayed on that vehicle does not cover the weight of the vehicle, the weight of the vehicle shall be covered by the third tow truck plate issued to the owner or operator of the tow truck and temporarily affixed to the vehicle being towed. If a roll-back carrier is registered and being used as a tow truck, however, the license plate or plates for the tow truck must cover the gross vehicle weight, including any load carried on the bed of the roll-back carrier.

The Department may by rule or regulation prescribe additional requirements. However, nothing in this Code shall prohibit a tow truck under instructions of a police officer from legally clearing a disabled vehicle, that may be in violation of weight limitations of this Chapter, from the roadway to the berm or shoulder of the highway. If in the opinion of the police officer that location is unsafe, the officer is authorized to have the disabled vehicle towed to the nearest place of safety.

For the purpose of this subsection, gross vehicle weight rating, or GVWR, means the value specified by the manufacturer as the loaded weight of the tow truck.

(b) As used in this Section, "recycling haul" or "recycling operation" means the hauling of non-hazardous, non-special, non-putrescible materials, such as paper, glass, cans, or plastic, for subsequent use in the secondary materials market.

(c) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated, unladen or with load, upon the highways of this State in violation of the provisions of any permit issued under the provisions of Sections 15-301 through 15-318 of this Chapter.

(d) No vehicle or combination of vehicles equipped with other than pneumatic tires may be operated, unladen or with load, upon the highways of this State when the gross weight on the road surface through any wheel exceeds 800 pounds per inch width of tire tread or when the gross weight on the road surface through any axle exceeds 16,000 pounds.

(e) No person shall operate a vehicle or combination of vehicles over a bridge or other elevated structure constituting part of a highway with a gross weight that is greater than the maximum weight permitted by the Department, when the structure is sign posted as provided in this Section.

(f) The Department upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that the structure cannot with safety to itself withstand the weight of vehicles otherwise permissible under this Code the Department shall determine and declare the maximum weight of vehicles that the structures can withstand, and shall cause or permit suitable signs stating maximum weight to be erected and maintained before each end of the structure. No person shall operate a vehicle or combination of vehicles over any structure with a gross weight that is greater than the posted maximum weight.

(g) Upon the trial of any person charged with a violation of subsection (e) or (f) of this Section, proof of the determination of the maximum allowable weight by the Department and the existence of the signs, constitutes conclusive evidence of the maximum weight that can be maintained with safety to the bridge or structure.

HISTORY:

P.A. 86-409; 86-519; 86-1005; 86-1028; 86-1236; 87-1203, § 1; 87-1249, § 1; 88-45, § 3-128; 88-385, § 5; 88-403, § 5; 88-476, § 2; 88-670, § 2-59; 89-117, § 10; 89-433, § 5; 90-89, § 15; 90-330, § 5; 90-655, § 153; 92-417, § 5; 93-177, § 10; 93-186, § 5; 93-1023, § 5-35; 94-464, § 5; 94-926, § 5; 95-51, § 5; 96-34, § 955; 96-37, § 60-40; 97-201, § 5; 98-409, § 5; 98-410, § 5; 98-756, § 675; 98-942, § 5; 98-956, § 5; 98-1029, § 5; 99-78, § 465; 99-717, § 5; 2017 P.A. 100-366, § 5, effective January 1, 2018; 2018 P.A. 100-728, § 5, effective January 1, 2019; 2021 P.A. 102-124, § 5, effective July 23, 2021.

625 ILCS 5/15-112 Officers to weigh vehicles and require removal of excess loads.

(a) Any police officer having reason to believe that the weight of a vehicle and load is unlawful shall require the driver to stop and submit to a weighing of the same either by means of a portable or stationary scales that have been tested and approved at a frequency prescribed by the Illinois Department of Agriculture, or for those scales operated by the State, when such tests are requested by the Illinois State Police, whichever is more frequent. If such scales are not available at the place where such vehicle is stopped, the police officer shall require that such vehicle be driven to the nearest available scale that has been tested and approved pursuant to this Section by the Illinois Department of Agriculture. Notwithstanding any provisions of the Weights and Measures Act [225 ILCS 470/1 et seq.] or the United States Department of Commerce NIST handbook 44, multi or single draft weighing is an acceptable method of weighing by law enforcement for determining a violation of Chapter 3 or 15 of this Code [625 ILCS 5/3-100 et seq. or 625 ILCS 5/15-100 et seq.].

Law enforcement is exempt from the requirements of commercial weighing established in NIST handbook 44.

Within 18 months after the effective date of this amendatory Act of the 91st General Assembly [P.A. 91-129], all municipal and county officers, technicians, and employees who set up and operate portable scales for wheel load or axle load or both and issue citations based on the use of portable scales for wheel load or axle load or both and who have not successfully completed initial classroom and field training regarding the set up and operation of portable scales, shall attend and successfully complete initial classroom and field training administered by the Illinois Law Enforcement Training Standards Board.

(b) Whenever an officer, upon weighing a vehicle and the load, determines that the weight is unlawful, such officer shall require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the weight of the vehicle to the limit permitted under this Chapter, or to the limit permitted under the terms of a permit issued pursuant to Sections 15-301 through 15-318 [625 ILCS 5/15-301 through 625 ILCS 5/15-318] and shall forthwith arrest the driver or owner. All material so unloaded shall be cared for by the owner or operator of the vehicle at the risk of such owner or operator; however, whenever a 3 or 4 axle vehicle with a tandem axle dimension greater than 72 inches, but less than 96 inches and registered as a Special Hauling Vehicle is transporting asphalt or concrete in the plastic state that exceeds axle weight or gross weight limits by less than 4,000 pounds, the owner or operator of the vehicle shall accept the arrest ticket or tickets for the alleged violations under this Section and proceed without shifting or reducing the load being transported or may shift or reduce the load under the provisions of subsection (d) or (e) of this Section, when applicable. Any fine imposed following an overweight violation by a vehicle registered as a Special Hauling Vehicle transporting asphalt or concrete in the plastic state shall be paid as provided in subsection 4 of paragraph (a) of Section 16-105 of this Code [625 ILCS 5/16-105].

(c) The Department of Transportation may, at the request of the Illinois State Police, erect appropriate regulatory signs on any State highway directing second division vehicles to a scale. The Department of Transportation may also, at the direction of any State Police officer, erect portable regulating signs on any highway directing second division vehicles to a portable scale. Every such vehicle, pursuant to such sign, shall stop and be weighed.

(d) Whenever any axle load of a vehicle exceeds the axle or tandem axle weight limits permitted by paragraph (a) of Section 15-111 by 2000 pounds or less, the owner or operator of the vehicle must shift or remove the excess so as to comply with paragraph (a) of Section 15-111 [625 ILCS 5/15-111]. No overweight arrest ticket shall be issued to the owner or operator of the vehicle by any officer if the excess weight is shifted or removed as required by this paragraph.

(e) Whenever the gross weight of a vehicle with a registered gross weight of 77,000 pounds or less exceeds the weight limits of paragraph (a) of Section 15-111 of this Chapter by 2000 pounds or less, the owner or operator of the vehicle must remove the excess. Whenever the gross weight of a vehicle with a registered gross weight over 77,000 pounds or more exceeds the weight limits of paragraph (a) of Section 15-111 by 1,000 pounds or less or 2,000 pounds or less if weighed on wheel load weighers, the owner or operator of the vehicle must remove the excess. In either case no arrest ticket for any overweight violation of this Code shall be issued to the owner or operator of the vehicle by any officer if the excess weight is removed as required by this paragraph. A person who has been granted a special permit under Section 15-301 [625 ILCS 5/15-301] of this Code shall not be granted a tolerance on wheel load weighers.

(e-5) Auxiliary power or idle reduction unit (APU) weight.

(1) A vehicle with a fully functional APU shall be allowed an additional 550 pounds or the certified unit weight, whichever is less. The additional pounds may be allowed in gross, axles, or bridge formula weight limits above the legal weight limits except when overweight on an axle or axles of the towed unit or units in combination. This tolerance shall be given in addition to the limits in subsection (d) of this Section.

(2) An operator of a vehicle equipped with an APU shall carry written certification showing the weight of the APU, which shall be displayed upon the request of any law enforcement officer.

(3) The operator may be required to demonstrate or certify that the APU is fully functional at all times.

(4) This allowance may not be granted above the weight limits specified on any loads permitted under Section 15-301 of this Code.

(f) Whenever an axle load of a vehicle exceeds axle weight limits allowed by the provisions of a permit an arrest ticket shall be issued, but the owner or operator of the vehicle may shift the load so as to comply with the provisions of the permit. Where such shifting of a load to comply with the permit is accomplished, the owner or operator of the vehicle may then proceed.

(g) Any driver of a vehicle who refuses to stop and submit his vehicle and load to weighing after being directed to do so by an officer or removes or causes the removal of the load or part of it prior to weighing is guilty of a business offense and shall be fined not less than $500 nor more than $2,000.

HISTORY:

P.A. 86-849; 88-403, § 5; 88-476, § 2; 88-535, § 25; 91-129, § 10; 92-417, § 5; 96-34, § 955; 97-201, § 5; 99-717, § 5; 2021 P.A. 102-538, § 935, effective August 20, 2021.

625 ILCS 5/15-113 Violations; Penalties.

(a) Whenever any vehicle is operated in violation of the provisions of Section 15-111 [625 ILCS 5/15-111] or subsection (d) of Section 3-401 [625 ILCS 5/3-401], the owner or driver of such vehicle shall be deemed guilty of such violation and either the owner or the driver of such vehicle may be prosecuted for such violation. Any person charged with a violation of any of these provisions who pleads not guilty shall be present in court for the trial on the charge. Any person, firm, or corporation convicted of any violation of Section 15-111 including, but not limited to, a maximum axle or gross limit specified on a regulatory sign posted in accordance with paragraph (e) or (f) of Section 15-111, shall be fined according to the following schedule:

Up to and including 2000 pounds overweight, the fine is $100

From 2001 through 2500 pounds overweight, the fine is $270

From 2501 through 3000 pounds overweight, the fine is $330

From 3001 through 3500 pounds overweight, the fine is $520

From 3501 through 4000 pounds overweight, the fine is $600

From 4001 through 4500 pounds overweight, the fine is $850

From 4501 through 5000 pounds overweight, the fine is $950

From 5001 or more pounds overweight, the fine shall be computed by assessing $1500 for the first 5000 pounds overweight and $150 for each additional increment of 500 pounds overweight or fraction thereof.

In addition, any person, firm, or corporation convicted of 4 or more violations of Section 15-111 within any 12 month period shall be fined an additional amount of $5,000 for the fourth and each subsequent conviction within the 12 month period. Provided, however, that with regard to a firm or corporation, a fourth or subsequent conviction shall mean a fourth or subsequent conviction attributable to any one employee-driver.

(b) Whenever any vehicle is operated in violation of the provisions of Sections 15-102, 15-103 or 15-107 [625 ILCS 5/15-102, 625 ILCS 5/15-103 or 625 ILCS 5/15-107], the owner or driver of such vehicle shall be deemed guilty of such violation and either may be prosecuted for such violation. Any person, firm, or corporation convicted of any violation of Sections 15-102, 15-103 or 15-107 shall be fined for the first or second conviction an amount equal to not less than $50 nor more than $500, and for the third and subsequent convictions by the same person, firm, or corporation within a period of one year after the date of the first offense, not less than $500 nor more than $1,000.

(c) All proceeds equal to 50% of the fines recovered under subsection (a) of this Section shall be remitted to the State Treasurer and deposited into the Capital Projects Fund.

HISTORY:

P.A. 86-664; 88-476, § 2; 89-117, § 10; 89-245, § 5; 96-34, § 955; 96-1000, § 575; 97-201, § 5; 2018 P.A. 100-1161, § 5, effective July 1, 2019; 2018 P.A. 100-987, § 905-45, effective July 1, 2019.

625 ILCS 5/15-113.1 Violations-Sentence of permit moves.

Whenever any vehicle is operated in violation of the provisions of a permit issued under the provisions of Sections 15-301 through 15-318 of this Chapter [625 ILCS 5/15-301 through 625 ILCS 5/15-318] by operating under a fraudulent permit or under a permit not specifically covering the move, the owner or driver of such vehicle shall be deemed guilty of a business offense and either the owner or the driver of such vehicle may be prosecuted for such violation. When any person, firm or corporation is convicted of such violation, the permit shall be null and void and such person, firm or corporation shall be fined in an amount not less than 10 cents per pound for each pound the gross weight of the vehicle exceeds the gross weight of such vehicles allowable under Section 15-111 of this Chapter [625 ILCS 5/15-111].

Penalties for violations of this section shall be in addition to any penalties imposed for violation of Section 15-301 (j) of this Chapter [625 ILCS 5/15-301].

HISTORY:

P.A. 77-2830; 2018 P.A. 100-728, § 5, effective January 1, 2019.

625 ILCS 5/15-113.2 Violations — Sentence of permit moves exceeding axle weights.

Whenever any vehicle is operated in violation of the provisions of a permit issued under the provisions of Sections 15-301 through 15-318 of this Chapter [625 ILCS 5/15-301 through 625 ILCS 5/15-318] by operating with axle weights in excess of those authorized in such permit, the owner or driver of such vehicle shall be deemed guilty of a business offense and either the owner or the driver of such vehicle may be prosecuted for such violation. Any person, firm or corporation convicted of such violation shall be fined in an amount not less than 2 cents nor more than 5 cents per pound for each pound of excess weight on such axle or tandem axle in excess of the weight authorized in the permit when the excess is 1,000 pounds or less; not less than 5 cents nor more than 10 cents per pound for each pound of excess weight when the excess exceeds 1,000 pounds and is 2,000 pounds or less; not less than 10 cents nor more than 15 cents per pound for each pound of excess weight when the excess exceeds 2,000 pounds and is 3,000 pounds or less; and not less than 15 cents nor more than 20 cents per pound for each pound of excess weight when the excess exceeds 3,000 pounds.

Penalties for violations of this section shall be in addition to any penalties imposed for violation of Section 15-301 (j) of this Chapter [625 ILCS 5/15-301].

HISTORY:
P.A. 81-199; 2018 P.A. 100-728, § 5, effective January 1, 2019.

625 ILCS 5/15-113.3 Violations-Sentence of permit moves exceeding gross weight.

Whenever any vehicle is operated in violation of the provisions of a permit issued under the provisions of Sections 15-301 through 15-318 of this Chapter [625 ILCS 5/15-301 through 625 ILCS 5/15-318] by operating with the gross weight in excess of that authorized in such permit, the owner or driver of such vehicle shall be deemed guilty of a business offense and either the owner or the driver of such vehicle may be prosecuted for such violation. Any person, firm or corporation convicted of such violation shall be fined in an amount not less than 2 cents nor more than 5 cents per pound for each pound of excess weight in excess of the gross weight authorized in the permit when the excess is 1,000 pounds or less; not less than 4 cents nor more than 7 cents per pound for each pound of excess weight when the excess exceeds 1,000 pounds and is 2,000 pounds or less; not less than 7 cents nor more than 10 cents per pound for each pound of excess weight when the excess exceeds 2,000 pounds and is 3,000 pounds or less; not less than 10 cents nor more than 15 cents per pound for each pound of excess weight when the excess exceeds 3,000 pounds and is 4,000 pounds or less; not less than 15 cents nor more than 20 cents per pound for each pound of excess weight when the excess exceeds 4,000 pounds and is 5,000 pounds or less; and not less than 17 cents nor more than 25 cents per pound for each pound of excess weight when the excess exceeds 5,000 pounds.

Penalties for violations of this section shall be in addition to any penalties imposed for violation of Section 15-301 (j) of this Chapter [625 ILCS 5/15-301].

HISTORY:
P.A. 77-2830; 2018 P.A. 100-728, § 5, effective January 1, 2019.

625 ILCS 5/15-114 Pushing of disabled vehicles.

It is unlawful under any circumstances for any vehicle to push any other vehicle on or along any highway outside an urban area in this State, except in an extreme emergency and then the vehicle shall not be pushed farther than is reasonably necessary to remove it from the roadway or from the immediate hazard that exists.

HISTORY:
P.A. 78-486.

625 ILCS 5/15-115 [Public highway damage, cost, and fuel consumption report] [Repealed]

HISTORY:
P.A. 83-12; repealed by P.A. 98-44, § 90, effective June 28, 2013.

625 ILCS 5/15-116 Highway designations.

(a) The Department of Transportation shall maintain and provide a listing of all Class I and Class II designated streets and highways as defined in Chapter 1 of this Code [625 ILCS 5/1-100 et seq.].

(b) The Department shall also maintain and provide a listing of all local streets or highways that have been designated Class II by local agencies.

(c) Local agencies shall be responsible for reporting to the Department all streets and highways under their jurisdiction designated Class II. Local agencies shall also provide to the Department reference contact names and telephone numbers.

(d) The Department shall also maintain and provide an official map of the Designated State Truck Route System that includes State and local streets and highways that have been designated Class I or Class II.

(e) If a unit of local government has no Class II designated truck routes, the unit of local government shall affirm to the Department that it has no such truck routes.

(f) Each unit of local government may report to the Department, and the Department shall post on its official website, any limitations prohibiting the operation of vehicles imposed by ordinance or resolution in the unit of local government's non-designated highway system.

HISTORY:
P.A. 94-763, § 5; 2019 P.A. 101-328, § 5, effective January 1, 2020.

625 ILCS 5/15-117 Global Positioning System Technology and the Designated Truck Route System Task Force.

(a) A Global Positioning System Technology and the Designated Truck Route System Task Force shall be appointed to study and make recommendations for statutory change.

(b) The Task Force shall study advances in and utilization of Global Positioning System (GPS) technology relating to routing information for commercial vehicles. The Task Force shall also study the implementation and compliance with the Designated Truck Route System under Section 15-116 of this Code [625 ILCS 5/15-116].

(c) The Task Force shall be composed of the following members, who shall serve without pay:

(1) one member of the Senate appointed by the President of the Senate;

(2) one member of the Senate appointed by the Minority Leader of the Senate;

(3) one member of the House of Representatives appointed by the Speaker of the House of Representatives;

(4) one member of the House of Representatives appointed by the Minority Leader of the House of Representatives;

(5) the Secretary of the Illinois Department of Transportation or his or her designee;

(6) one member representing the global positioning system technology industry appointed by the President of the Senate;

(7) one member representing the commercial trucking industry appointed by the Minority Leader of the Senate;

(8) one member representing a unit of county government appointed by the Speaker of the House of Representatives;

(9) one member representing a unit of municipal government appointed by the Minority Leader of the House of Representatives; and

(10) one member representing the county engineers appointed by the Minority Leader of the House of Representatives.

The members shall select a chairperson from among themselves.

(d) The Task Force shall meet within 60 days of the effective date of this amendatory Act of the 96th General Assembly [P.A. 96-1370] and meet at least 2 additional times before December 31, 2010. Staff support services may be provided to the Task Force by the Illinois Department of Transportation.

(e) The Task Force shall submit to the Governor and General Assembly a report of its findings and recommendations for legislative action necessary to accomplish one or more of the following goals: (1) improving public traffic safety, (2) preserving roadway infrastructure, (3) addressing advances in GPS technology relating to truck routing, and (4) producing an accurate statewide designated truck route system through effective enforcement of Section 15-116 of this Code. The Task Force report must be submitted no later than January 1, 2011. The activities of the Task Force shall conclude no later than January 31, 2011.

HISTORY:
P.A. 96-1370, § 5.

ARTICLE III.

PERMITS

625 ILCS 5/15-301 Permits for excess size and weight. [Effective until July 1, 2023]

(a) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may, in their discretion, upon application and good cause being shown therefor, issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Code or otherwise not in conformity with this Code upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which the party is responsible. Applications and permits other than those in written or printed form may only be accepted from and issued to the company or individual making the movement. Except for an application to move directly across a highway, it shall be the duty of the applicant to establish in the application that the load to be moved by such vehicle or combination cannot reasonably be dismantled or disassembled, the reasonableness of which shall be determined by the Secretary of the Department. For the purpose of over length movements, more than one object may be carried side by side as long as the height, width, and weight laws are not exceeded and the cause for the over length is not due to multiple objects. For the purpose of over height movements, more than one object may be carried as long as the cause for the over height is not due to multiple objects and the length, width, and weight laws are not exceeded. For the purpose of an over width movement, more than one object may be carried as long as the cause for the over width is not due to multiple objects and length, height, and weight laws are not exceeded. Except for transporting fluid milk products, no State or local agency shall authorize the issuance of excess size or weight permits for vehicles and loads that are divisible and that can be carried, when divided, within the existing size or weight maximums specified in this Chapter. Any excess size or weight permit issued in violation of the provisions of this Section shall be void at issue and any movement made thereunder shall not be authorized under the terms of the void permit. In any prosecution for a violation of this Chapter when the authorization of an excess size or weight permit is at issue, it is the burden of the defendant to establish that the permit was valid because the load to be moved could not reasonably be dismantled or disassembled, or was otherwise nondivisible.

(a-1) As used in this Section, "extreme heavy duty tow and recovery vehicle" means a tow truck manufactured as a unit having a lifting capacity of not less than 50 tons, and having either 4 axles and an unladen weight of not more than 80,000 pounds or 5 axles and an unladen weight not more than 90,000 pounds. Notwithstanding otherwise applicable gross and axle weight limits, an extreme heavy duty tow and recovery vehicle may lawfully travel to and from the scene of a disablement and clear a disabled vehicle if the towing service has obtained an extreme heavy duty tow and recovery permit for the vehicle. The form and content of the permit shall be determined by the Department with respect to highways under its jurisdiction and by local authorities with respect to highways under their jurisdiction.

(b) The application for any such permit shall: (1) state whether such permit is requested for a single trip or for limited continuous operation; (2) (blank); (3) specifically describe and identify the vehicle or vehicles and load to be operated or moved; (4) state

the routing requested, including the points of origin and destination, and may identify and include a request for routing to the nearest certified scale in accordance with the Department's rules and regulations, provided the applicant has approval to travel on local roads; and (5) (blank).

(c) The Department or local authority when not inconsistent with traffic safety is authorized to issue or withhold such permit at its discretion; or, if such permit is issued at its discretion to prescribe the route or routes to be traveled, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operations of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure. The Department shall maintain a daily record of each permit issued along with the fee and the stipulated dimensions, weights, conditions, and restrictions authorized and this record shall be presumed correct in any case of questions or dispute. The Department shall install an automatic device for recording telephone conversations involving permit applications. The Department and applicant waive all objections to the recording of the conversation.

(d) The Department shall, upon application in writing from any local authority, issue an annual permit authorizing the local authority to move oversize highway construction, transportation, utility, and maintenance equipment over roads under the jurisdiction of the Department. The permit shall be applicable only to equipment and vehicles owned by or registered in the name of the local authority, and no fee shall be charged for the issuance of such permits.

(e) As an exception to subsection (a) of this Section, the Department and local authorities, with respect to highways under their respective jurisdictions, in their discretion and upon application in writing, may issue a special permit for limited continuous operation, authorizing the applicant to move loads of agricultural commodities on a 2-axle single vehicle registered by the Secretary of State with axle loads not to exceed 35%, on a 3-axle or 4-axle vehicle registered by the Secretary of State with axle loads not to exceed 20%, and on a 5-axle vehicle registered by the Secretary of State not to exceed 10% above those provided in Section 15-111 [625 ILCS 5/15-111]. The total gross weight of the vehicle, however, may not exceed the maximum gross weight of the registration class of the vehicle allowed under Section 3-815 or 3-818 of this Code [625 ILCS 5/3-815 or 625 ILCS 5/3-818].

As used in this Section, "agricultural commodities" means:

(1) cultivated plants or agricultural produce grown, including, but not limited to, corn, soybeans, wheat, oats, grain sorghum, canola, and rice;

(2) livestock, including, but not limited to, hogs, equine, sheep, and poultry;

(3) ensilage; and

(4) fruits and vegetables.

Permits may be issued for a period not to exceed 40 days and moves may be made of a distance not to exceed 50 miles from a field, an on-farm grain storage facility, a warehouse as defined in the Grain Code [240 ILCS 40/1-1 et seq.], or a livestock management facility as defined in the Livestock Management Facilities Act [510 ILCS 77/1 et seq.] over any highway except the National System of Interstate and Defense Highways. The operator of the vehicle, however, must abide by posted bridge and posted highway weight limits. All implements of husbandry operating under this Section between sunset and sunrise shall be equipped as prescribed in Section 12-205.1 [625 ILCS 5/12-205.1].

(e-1) A special permit shall be issued by the Department under this Section and shall be required from September 1 through December 31 for a vehicle that exceeds the maximum axle weight and gross weight limits under Section 15-111 of this Code or exceeds the vehicle's registered gross weight, provided that the vehicle's axle weight and gross weight do not exceed 10% above the maximum limits under Section 15-111 of this Code and does not exceed the vehicle's registered gross weight by 10%. All other restrictions that apply to permits issued under this Section shall apply during the declared time period and no fee shall be charged for the issuance of those permits. Permits issued by the Department under this subsection (e-1) are only valid on federal and State highways under the jurisdiction of the Department, except interstate highways. With respect to highways under the jurisdiction of local authorities, the local authorities may, at their discretion, waive special permit requirements and set a divisible load weight limit not to exceed 10% above a vehicle's registered gross weight, provided that the vehicle's axle weight and gross weight do not exceed 10% above the maximum limits specified in Section 15-111. Permits issued under this subsection (e-1) shall apply to all registered vehicles eligible to obtain permits under this Section, including vehicles used in private or for-hire movement of divisible load agricultural commodities during the declared time period.

(f) The form and content of the permit shall be determined by the Department with respect to highways under its jurisdiction and by local authorities with respect to highways under their jurisdiction. Every permit shall be in written form and carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit and no person shall violate any of the terms or conditions of such special permit. Violation of the terms and conditions of the permit shall not be

deemed a revocation of the permit; however, any vehicle and load found to be off the route prescribed in the permit shall be held to be operating without a permit. Any off-route vehicle and load shall be required to obtain a new permit or permits, as necessary, to authorize the movement back onto the original permit routing. No rule or regulation, nor anything herein, shall be construed to authorize any police officer, court, or authorized agent of any authority granting the permit to remove the permit from the possession of the permittee unless the permittee is charged with a fraudulent permit violation as provided in subsection (i). However, upon arrest for an offense of violation of permit, operating without a permit when the vehicle is off route, or any size or weight offense under this Chapter when the permittee plans to raise the issuance of the permit as a defense, the permittee, or his agent, must produce the permit at any court hearing concerning the alleged offense.

If the permit designates and includes a routing to a certified scale, the permittee, while en route to the designated scale, shall be deemed in compliance with the weight provisions of the permit provided the axle or gross weights do not exceed any of the permitted limits by more than the following amounts:

Single axle	2000 pounds
Tandem axle	3000 pounds
Gross	5000 pounds

(g) The Department is authorized to adopt, amend, and make available to interested persons a policy concerning reasonable rules, limitations and conditions or provisions of operation upon highways under its jurisdiction in addition to those contained in this Section for the movement by special permit of vehicles, combinations, or loads which cannot reasonably be dismantled or disassembled, including manufactured and modular home sections and portions thereof. All rules, limitations and conditions or provisions adopted in the policy shall have due regard for the safety of the traveling public and the protection of the highway system and shall have been promulgated in conformity with the provisions of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.]. The requirements of the policy for flagmen and escort vehicles shall be the same for all moves of comparable size and weight. When escort vehicles are required, they shall meet the following requirements:

(1) All operators shall be 18 years of age or over and properly licensed to operate the vehicle.

(2) Vehicles escorting oversized loads more than 12 feet wide must be equipped with a rotating or flashing amber light mounted on top as specified under Section 12-215.

The Department shall establish reasonable rules and regulations regarding liability insurance or self insurance for vehicles with oversized loads promulgated under the Illinois Administrative Procedure Act. Police vehicles may be required for escort under circumstances as required by rules and regulations of the Department.

(h) Violation of any rule, limitation or condition or provision of any permit issued in accordance with the provisions of this Section shall not render the entire permit null and void but the violator shall be deemed guilty of violation of permit and guilty of exceeding any size, weight, or load limitations in excess of those authorized by the permit. The prescribed route or routes on the permit are not mere rules, limitations, conditions, or provisions of the permit, but are also the sole extent of the authorization granted by the permit. If a vehicle and load are found to be off the route or routes prescribed by any permit authorizing movement, the vehicle and load are operating without a permit. Any off-route movement shall be subject to the size and weight maximums, under the applicable provisions of this Chapter, as determined by the type or class highway upon which the vehicle and load are being operated.

(i) Whenever any vehicle is operated or movement made under a fraudulent permit, the permit shall be void, and the person, firm, or corporation to whom such permit was granted, the driver of such vehicle in addition to the person who issued such permit and any accessory, shall be guilty of fraud and either one or all persons may be prosecuted for such violation. Any person, firm, or corporation committing such violation shall be guilty of a Class 4 felony and the Department shall not issue permits to the person, firm, or corporation convicted of such violation for a period of one year after the date of conviction. Penalties for violations of this Section shall be in addition to any penalties imposed for violation of other Sections of this Code.

(j) Whenever any vehicle is operated or movement made in violation of a permit issued in accordance with this Section, the person to whom such permit was granted, or the driver of such vehicle, is guilty of such violation and either, but not both, persons may be prosecuted for such violation as stated in this subsection (j). Any person, firm, or corporation convicted of such violation shall be guilty of a petty offense and shall be fined, for the first offense, not less than $50 nor more than $200 and, for the second offense by the same person, firm, or corporation within a period of one year, not less than $200 nor more than $300 and, for the third offense by the same person, firm, or corporation within a period of one year after the date of the first offense, not less than $300 nor more than $500 and the Department may, in its discretion, not issue permits to the person, firm, or corporation convicted of a third offense during a period of one year after the date of conviction or supervision for such third offense. If any violation is the cause or contributing cause in a motor vehicle accident causing damage to property, injury, or death to a person, the Department may, in its discretion, not issue a permit to the person, firm, or corporation for a period of one year after the date of conviction or supervision for the offense.

(k) Whenever any vehicle is operated on local roads under permits for excess width or length issued by local authorities, such vehicle may be moved upon a State highway for a distance not to exceed one-half mile without a permit for the purpose of crossing the State highway.

(*l*) Notwithstanding any other provision of this Section, the Department, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, may at their discretion authorize the movement of a vehicle in violation of any size or weight requirement, or both, that would not ordinarily be eligible for a permit, when there is a showing of extreme necessity that the vehicle and load should be moved without unnecessary delay.

For the purpose of this subsection, showing of extreme necessity shall be limited to the following: shipments of livestock, hazardous materials, liquid concrete being hauled in a mobile cement mixer, or hot asphalt.

(m) Penalties for violations of this Section shall be in addition to any penalties imposed for violating any other Section of this Code.

(n) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction, in their discretion and upon application in writing, may issue a special permit for continuous limited operation, authorizing the applicant to operate a tow truck that exceeds the weight limits provided for in subsection (a) of Section 15-111, provided:

(1) no rear single axle of the tow truck exceeds 26,000 pounds;

(2) no rear tandem axle of the tow truck exceeds 50,000 pounds;

(2.1) no triple rear axle on a manufactured recovery unit exceeds 60,000 pounds;

(3) neither the disabled vehicle nor the disabled combination of vehicles exceed the weight restrictions imposed by this Chapter 15, or the weight limits imposed under a permit issued by the Department prior to hookup;

(4) the tow truck prior to hookup does not exceed the weight restrictions imposed by this Chapter 15;

(5) during the tow operation the tow truck does not violate any weight restriction sign;

(6) the tow truck is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions;

(7) the tow truck is specifically designed and licensed as a tow truck;

(8) the tow truck has a gross vehicle weight rating of sufficient capacity to safely handle the load;

(9) the tow truck is equipped with air brakes;

(10) the tow truck is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles;

(11) the tow commences at the initial point of wreck or disablement and terminates at a point where the repairs are actually to occur;

(12) the permit issued to the tow truck is carried in the tow truck and exhibited on demand by a police officer; and

(13) the movement shall be valid only on State routes approved by the Department.

(o) (Blank).

(p) In determining whether a load may be reasonably dismantled or disassembled for the purpose of subsection (a), the Department shall consider whether there is a significant negative impact on the condition of the pavement and structures along the proposed route, whether the load or vehicle as proposed causes a safety hazard to the traveling public, whether dismantling or disassembling the load promotes or stifles economic development, and whether the proposed route travels less than 5 miles. A load is not required to be dismantled or disassembled for the purposes of subsection (a) if the Secretary of the Department determines there will be no significant negative impact to pavement or structures along the proposed route, the proposed load or vehicle causes no safety hazard to the traveling public, dismantling or disassembling the load does not promote economic development, and the proposed route travels less than 5 miles. The Department may promulgate rules for the purpose of establishing the divisibility of a load pursuant to subsection (a). Any load determined by the Secretary to be nondivisible shall otherwise comply with the existing size or weight maximums specified in this Chapter.

HISTORY:

P.A. 86-1232; 88-291, § 5; 88-476, § 2; 88-670, § 2-59; 90-89, § 15; 90-228, § 5; 90-655, § 153; 90-676, § 5; 91-569, § 5; 93-718, § 5; 93-971, § 5; 93-1023 § 5; 95-331, § 1005; 95-666, § 5; 97-201, § 5; 97-479, § 5; 97-813, § 605; 99-717, § 5; 2017 P.A. 100-70, § 5, effective August 11, 2017; 2018 P.A. 100-728, § 5, effective January 1, 2019; 2018 P.A. 100-830, § 10, effective January 1, 2019; 2018 P.A. 100-863, § 545, effective August 14, 2018; 2018 P.A. 100-1090, § 5, effective January 1, 2019; 2019 P.A. 101-81, § 670, effective July 12, 2019; 2019 P.A. 101-547, § 5, effective January 1, 2020; 2021 P.A. 102-124, § 5, effective July 23, 2021.

625 ILCS 5/15-301 Permits for excess size and weight. [Effective July 1, 2023]

(a) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may, in their discretion, upon application and good cause being shown therefor, issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Code or otherwise not in conformity with this Code upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which the party is responsible. Applications and permits other than those in written or printed form may only be accepted from and issued to the company or individual making the movement. Except for an application to move directly across a highway, it shall be the duty of the applicant to establish in the application that the load to be moved by such vehicle or combi-

nation cannot reasonably be dismantled or disassembled, the reasonableness of which shall be determined by the Secretary of the Department. For the purpose of over length movements, more than one object may be carried side by side as long as the height, width, and weight laws are not exceeded and the cause for the over length is not due to multiple objects. For the purpose of over height movements, more than one object may be carried as long as the cause for the over height is not due to multiple objects and the length, width, and weight laws are not exceeded. For the purpose of an over width movement, more than one object may be carried as long as the cause for the over width is not due to multiple objects and length, height, and weight laws are not exceeded. Except for transporting fluid milk products, no State or local agency shall authorize the issuance of excess size or weight permits for vehicles and loads that are divisible and that can be carried, when divided, within the existing size or weight maximums specified in this Chapter. Any excess size or weight permit issued in violation of the provisions of this Section shall be void at issue and any movement made thereunder shall not be authorized under the terms of the void permit. In any prosecution for a violation of this Chapter when the authorization of an excess size or weight permit is at issue, it is the burden of the defendant to establish that the permit was valid because the load to be moved could not reasonably be dismantled or disassembled, or was otherwise nondivisible.

(a-1) As used in this Section, "extreme heavy duty tow and recovery vehicle" means a tow truck manufactured as a unit having a lifting capacity of not less than 50 tons, and having either 4 axles and an unladen weight of not more than 80,000 pounds or 5 axles and an unladen weight not more than 90,000 pounds. Notwithstanding otherwise applicable gross and axle weight limits, an extreme heavy duty tow and recovery vehicle may lawfully travel to and from the scene of a disablement and clear a disabled vehicle if the towing service has obtained an extreme heavy duty tow and recovery permit for the vehicle. The form and content of the permit shall be determined by the Department with respect to highways under its jurisdiction and by local authorities with respect to highways under their jurisdiction.

(b) The application for any such permit shall: (1) state whether such permit is requested for a single trip or for limited continuous operation; (2) (blank); (3) specifically describe and identify the vehicle or vehicles and load to be operated or moved; (4) state the routing requested, including the points of origin and destination, and may identify and include a request for routing to the nearest certified scale in accordance with the Department's rules and regulations, provided the applicant has approval to travel on local roads; and (5) (blank).

(c) The Department or local authority when not inconsistent with traffic safety is authorized to issue or withhold such permit at its discretion; or, if such permit is issued at its discretion to prescribe the route or routes to be traveled, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operations of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure. The Department shall maintain a daily record of each permit issued along with the fee and the stipulated dimensions, weights, conditions, and restrictions authorized and this record shall be presumed correct in any case of questions or dispute. The Department shall install an automatic device for recording telephone conversations involving permit applications. The Department and applicant waive all objections to the recording of the conversation.

(d) The Department shall, upon application in writing from any local authority, issue an annual permit authorizing the local authority to move oversize highway construction, transportation, utility, and maintenance equipment over roads under the jurisdiction of the Department. The permit shall be applicable only to equipment and vehicles owned by or registered in the name of the local authority, and no fee shall be charged for the issuance of such permits.

(e) As an exception to subsection (a) of this Section, the Department and local authorities, with respect to highways under their respective jurisdictions, in their discretion and upon application in writing, may issue a special permit for limited continuous operation, authorizing the applicant to move loads of agricultural commodities on a 2-axle single vehicle registered by the Secretary of State with axle loads not to exceed 35%, on a 3-axle or 4-axle vehicle registered by the Secretary of State with axle loads not to exceed 20%, and on a 5-axle vehicle registered by the Secretary of State not to exceed 10% above those provided in Section 15-111. The total gross weight of the vehicle, however, may not exceed the maximum gross weight of the registration class of the vehicle allowed under Section 3-815 or 3-818 of this Code.

As used in this Section, "agricultural commodities" means:

(1) cultivated plants or agricultural produce grown, including, but not limited to, corn, soybeans, wheat, oats, grain sorghum, canola, and rice;

(2) livestock, including, but not limited to, hogs, equine, sheep, and poultry;

(3) ensilage; and

(4) fruits and vegetables.

Permits may be issued for a period not to exceed 40 days and moves may be made of a distance not to exceed 50 miles from a field, an on-farm grain storage facility, a warehouse as defined in the Grain Code, or

a livestock management facility as defined in the Livestock Management Facilities Act over any highway except the National System of Interstate and Defense Highways. The operator of the vehicle, however, must abide by posted bridge and posted highway weight limits. All implements of husbandry operating under this Section between sunset and sunrise shall be equipped as prescribed in Section 12-205.1.

(e-1) A special permit shall be issued by the Department under this Section and shall be required from September 1 through December 31 for a vehicle that exceeds the maximum axle weight and gross weight limits under Section 15-111 of this Code or exceeds the vehicle's registered gross weight, provided that the vehicle's axle weight and gross weight do not exceed 10% above the maximum limits under Section 15-111 of this Code and does not exceed the vehicle's registered gross weight by 10%. All other restrictions that apply to permits issued under this Section shall apply during the declared time period and no fee shall be charged for the issuance of those permits. Permits issued by the Department under this subsection (e-1) are only valid on federal and State highways under the jurisdiction of the Department, except interstate highways. With respect to highways under the jurisdiction of local authorities, the local authorities may, at their discretion, waive special permit requirements and set a divisible load weight limit not to exceed 10% above a vehicle's registered gross weight, provided that the vehicle's axle weight and gross weight do not exceed 10% above the maximum limits specified in Section 15-111. Permits issued under this subsection (e-1) shall apply to all registered vehicles eligible to obtain permits under this Section, including vehicles used in private or for-hire movement of divisible load agricultural commodities during the declared time period.

(f) The form and content of the permit shall be determined by the Department with respect to highways under its jurisdiction and by local authorities with respect to highways under their jurisdiction. Every permit shall be in written form and carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit and no person shall violate any of the terms or conditions of such special permit. Violation of the terms and conditions of the permit shall not be deemed a revocation of the permit; however, any vehicle and load found to be off the route prescribed in the permit shall be held to be operating without a permit. Any off-route vehicle and load shall be required to obtain a new permit or permits, as necessary, to authorize the movement back onto the original permit routing. No rule or regulation, nor anything herein, shall be construed to authorize any police officer, court, or authorized agent of any authority granting the permit to remove the permit from the possession of the permittee unless the permittee is charged with a fraudulent permit violation as provided in subsection (i). However, upon arrest for an offense of violation of permit, operating without a permit when the vehicle is off route, or any size or weight offense under this Chapter when the permittee plans to raise the issuance of the permit as a defense, the permittee, or his agent, must produce the permit at any court hearing concerning the alleged offense.

If the permit designates and includes a routing to a certified scale, the permittee, while en route to the designated scale, shall be deemed in compliance with the weight provisions of the permit provided the axle or gross weights do not exceed any of the permitted limits by more than the following amounts:

Single axle	2000 pounds
Tandem axle	3000 pounds
Gross	5000 pounds

(g) The Department is authorized to adopt, amend, and make available to interested persons a policy concerning reasonable rules, limitations and conditions or provisions of operation upon highways under its jurisdiction in addition to those contained in this Section for the movement by special permit of vehicles, combinations, or loads which cannot reasonably be dismantled or disassembled, including manufactured and modular home sections and portions thereof. All rules, limitations and conditions or provisions adopted in the policy shall have due regard for the safety of the traveling public and the protection of the highway system and shall have been promulgated in conformity with the provisions of the Illinois Administrative Procedure Act. The requirements of the policy for flagmen and escort vehicles shall be the same for all moves of comparable size and weight. When escort vehicles are required, they shall meet the following requirements:

(1) All operators shall be 18 years of age or over and properly licensed to operate the vehicle.

(2) Vehicles escorting oversized loads more than 12 feet wide must be equipped with a rotating or flashing amber light mounted on top as specified under Section 12-215.

The Department shall establish reasonable rules and regulations regarding liability insurance or self insurance for vehicles with oversized loads promulgated under the Illinois Administrative Procedure Act. Police vehicles may be required for escort under circumstances as required by rules and regulations of the Department.

(h) Violation of any rule, limitation or condition or provision of any permit issued in accordance with the provisions of this Section shall not render the entire permit null and void but the violator shall be deemed guilty of violation of permit and guilty of exceeding any size, weight, or load limitations in excess of those authorized by the permit. The prescribed route or routes on the permit are not mere rules, limitations, conditions, or provisions of the permit, but are also the sole extent of the authorization granted by the

permit. If a vehicle and load are found to be off the route or routes prescribed by any permit authorizing movement, the vehicle and load are operating without a permit. Any off-route movement shall be subject to the size and weight maximums, under the applicable provisions of this Chapter, as determined by the type or class highway upon which the vehicle and load are being operated.

(i) Whenever any vehicle is operated or movement made under a fraudulent permit, the permit shall be void, and the person, firm, or corporation to whom such permit was granted, the driver of such vehicle in addition to the person who issued such permit and any accessory, shall be guilty of fraud and either one or all persons may be prosecuted for such violation. Any person, firm, or corporation committing such violation shall be guilty of a Class 4 felony and the Department shall not issue permits to the person, firm, or corporation convicted of such violation for a period of one year after the date of conviction. Penalties for violations of this Section shall be in addition to any penalties imposed for violation of other Sections of this Code.

(j) Whenever any vehicle is operated or movement made in violation of a permit issued in accordance with this Section, the person to whom such permit was granted, or the driver of such vehicle, is guilty of such violation and either, but not both, persons may be prosecuted for such violation as stated in this subsection (j). Any person, firm, or corporation convicted of such violation shall be guilty of a petty offense and shall be fined, for the first offense, not less than $50 nor more than $200 and, for the second offense by the same person, firm, or corporation within a period of one year, not less than $200 nor more than $300 and, for the third offense by the same person, firm, or corporation within a period of one year after the date of the first offense, not less than $300 nor more than $500 and the Department may, in its discretion, not issue permits to the person, firm, or corporation convicted of a third offense during a period of one year after the date of conviction or supervision for such third offense. If any violation is the cause or contributing cause in a motor vehicle crash causing damage to property, injury, or death to a person, the Department may, in its discretion, not issue a permit to the person, firm, or corporation for a period of one year after the date of conviction or supervision for the offense.

(k) Whenever any vehicle is operated on local roads under permits for excess width or length issued by local authorities, such vehicle may be moved upon a State highway for a distance not to exceed one-half mile without a permit for the purpose of crossing the State highway.

(*l*) Notwithstanding any other provision of this Section, the Department, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, may at their discretion authorize the movement of a vehicle in violation of any size or weight requirement, or both, that would not ordinarily be eligible for a permit, when there is a showing of extreme necessity that the vehicle and load should be moved without unnecessary delay.

For the purpose of this subsection, showing of extreme necessity shall be limited to the following: shipments of livestock, hazardous materials, liquid concrete being hauled in a mobile cement mixer, or hot asphalt.

(m) Penalties for violations of this Section shall be in addition to any penalties imposed for violating any other Section of this Code.

(n) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction, in their discretion and upon application in writing, may issue a special permit for continuous limited operation, authorizing the applicant to operate a tow truck that exceeds the weight limits provided for in subsection (a) of Section 15-111, provided:

(1) no rear single axle of the tow truck exceeds 26,000 pounds;

(2) no rear tandem axle of the tow truck exceeds 50,000 pounds;

(2.1) no triple rear axle on a manufactured recovery unit exceeds 60,000 pounds;

(3) neither the disabled vehicle nor the disabled combination of vehicles exceed the weight restrictions imposed by this Chapter 15, or the weight limits imposed under a permit issued by the Department prior to hookup;

(4) the tow truck prior to hookup does not exceed the weight restrictions imposed by this Chapter 15;

(5) during the tow operation the tow truck does not violate any weight restriction sign;

(6) the tow truck is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions;

(7) the tow truck is specifically designed and licensed as a tow truck;

(8) the tow truck has a gross vehicle weight rating of sufficient capacity to safely handle the load;

(9) the tow truck is equipped with air brakes;

(10) the tow truck is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles;

(11) the tow commences at the initial point of wreck or disablement and terminates at a point where the repairs are actually to occur;

(12) the permit issued to the tow truck is carried in the tow truck and exhibited on demand by a police officer; and

(13) the movement shall be valid only on State routes approved by the Department.

(o) (Blank).

(p) In determining whether a load may be reasonably dismantled or disassembled for the purpose of subsection (a), the Department shall consider whether there is a significant negative impact on the condition of the pavement and structures along the

proposed route, whether the load or vehicle as proposed causes a safety hazard to the traveling public, whether dismantling or disassembling the load promotes or stifles economic development, and whether the proposed route travels less than 5 miles. A load is not required to be dismantled or disassembled for the purposes of subsection (a) if the Secretary of the Department determines there will be no significant negative impact to pavement or structures along the proposed route, the proposed load or vehicle causes no safety hazard to the traveling public, dismantling or disassembling the load does not promote economic development, and the proposed route travels less than 5 miles. The Department may promulgate rules for the purpose of establishing the divisibility of a load pursuant to subsection (a). Any load determined by the Secretary to be nondivisible shall otherwise comply with the existing size or weight maximums specified in this Chapter.

HISTORY:

P.A. 86-1232; 88-291, § 5; 88-476, § 2; 88-670, § 2-59; 90-89, § 15; 90-228, § 5; 90-655, § 153; 90-676, § 5; 91-569, § 5; 93-718, § 5; 93-971, § 5; 93-1023 § 5; 95-331, § 1005; 95-666, § 5; 97-201, § 5; 97-479, § 5; 97-813, § 605; 99-717, § 5; 2017 P.A. 100-70, § 5, effective August 11, 2017; 2018 P.A. 100-728, § 5, effective January 1, 2019; 2018 P.A. 100-830, § 10, effective January 1, 2019; 2018 P.A. 100-863, § 545, effective August 14, 2018; 2018 P.A. 100-1090, § 5, effective January 1, 2019; 2019 P.A. 101-81, § 670, effective July 12, 2019; 2019 P.A. 101-547, § 5, effective January 1, 2020; 2021 P.A. 102-124, § 5, effective July 23, 2021; 2022 P.A. 102-982, § 105, effective July 1, 2023.

625 ILCS 5/15-307 Fees for overweight-gross loads.

Fees for special permits to move vehicles, combinations of vehicles and loads with overweight-gross loads shall be paid at the flat rate fees established in this Section for weights in excess of legal gross weights, by the applicant to the Department.

(a) With respect to fees for overweight-gross loads listed in this Section and for overweight-axle loads listed in Section 15-306 [625 ILCS 5/15-306], one fee only shall be charged, whichever is the greater, but not for both.

(b) In lieu of the fees stated in this Section and Section 15-306, with respect to combinations of vehicles consisting of a 3-axle truck tractor with a tandem axle composed of 2 consecutive axles drawing a semitrailer, or other vehicle approved by the Department, equipped with a tandem axle composed of 3 consecutive axles, weighing over 80,000 pounds but not more than 88,000 pounds gross weight, the fees shall be at the following rates:

Distance	Rate
For the first 45 miles	$10
From 45 miles to 90 miles	12.50
From 90 miles to 135 miles	15.00
From 135 miles to 180 miles	17.50
From 180 miles to 225 miles	20.00
For each additional 45 miles or part thereof in excess of the rate for 225 miles, an additional	2.50

For such combinations weighing over 88,000 pounds but not more than 100,000 pounds gross weight, the fees shall be at the following rates:

Distance	Rate
For the first 45 miles	15
From 45 miles to 90 miles	25
From 90 miles to 135 miles	35
From 135 miles to 180 miles	45
From 180 miles to 225 miles	55
For each additional 45 miles or part thereof in excess of the rate for 225 miles, an additional	10

For such combination weighing over 100,000 pounds but not more than 110,000 pounds gross weight, the fees shall be at the following rates:

Distance	Rate
For the first 45 miles	$20
From 45 miles to 90 miles	32.50
From 90 miles to 135 miles	45
From 135 miles to 180 miles	57.50
From 180 miles to 225 miles	70
For each additional 45 miles or part thereof in excess of the rate for 225 miles an additional	12.50

For such combinations weighing over 110,000 pounds but not more than 120,000 pounds gross weight, the fees shall be at the following rates:

Distance	Rate
For the first 45 miles	$30
From 46 miles to 90 miles	55
From 90 miles to 135 miles	80
From 135 miles to 180 miles	105
From 180 miles to 225 miles	130
For each additional 45 miles or part thereof in excess of the rate for 225 miles an additional	25

Payment of overweight fees for the above combinations also shall include fees for overwidth dimensions of 4 feet or less, overheight and overlength. Any overwidth in excess of 4 feet shall be charged an additional fee of $15.

(c) In lieu of the fees stated in this Section and Section 15-306 of this Chapter, with respect to combinations of vehicles consisting of a 3-axle truck tractor with a tandem axle composed of 2 consecutive axles drawing a semitrailer, or other vehicle approved by the Department, equipped with a tandem axle composed of 2 consecutive axles, weighing over 80,000 pounds but not more than 88,000 pounds gross weight, the fees shall be at the following rates:

Distance	Rate
For the first 45 miles	$20
From 45 miles to 90 miles	32.50
From 90 miles to 135 miles	45
From 135 miles to 180 miles	57.50
From 180 miles to 225 miles	70
For each additional 45 miles or part thereof in excess of the rate for 225 miles an additional	12.50

For such combination weighing over 88,000 pounds but not more than 100,000 pounds gross weight, the fees shall be at the following rates:

Distance	Rate
For the first 45 miles	$30
From 46 miles to 90 miles	55
From 90 miles to 135 miles	80
From 135 miles to 180 miles	105
From 180 miles to 225 miles	130
For each additional 45 miles or part thereof in excess of the rate for 225 miles an additional	25

Payment of overweight fees for the above combinations also shall include fees for overwidth dimension of 4 feet or less, overheight and overlength. Any overwidth in excess of 4 feet shall be charged an additional overwidth fee of $15.

(d) In lieu of the fees stated in this Section and in Section 15-306 of this Chapter, with respect to a 3 (or more) axle mobile crane or water well-drilling vehicle consisting of a single axle and a tandem axle or 2 tandem axle groups composed of 2 consecutive axles each, with a distance of extreme axles not less than 18 feet, weighing not more than 60,000 pounds gross with no single axle weighing more than 21,000 pounds, or any tandem axle group to exceed 40,000 pounds, the fees shall be at the following rates:

Distance	Rate
For the first 45 miles	$12.50
For each additional 45 miles or portion thereof	9.00

For such vehicles weighing over 60,000 pounds but not more than 68,000 pounds with no single axle weighing more than 21,000 pounds and no tandem axle group exceeding 48,000 pounds, the fees shall be at the following rates:

Distance	Rate
For the first 45 miles	$20
For each additional 45 miles or portion thereof	12.50

Payment of overweight fees for the above vehicle shall include overwidth dimension of 4 feet or less, overheight and overlength. Any overwidth in excess of 4 feet shall be charged an additional overwidth fee of $15.

(e) In lieu of the fees stated in this Section and in Section 15-306 of this Chapter, with respect to a 4 (or more) axle mobile crane or water well drilling vehicle consisting of 2 sets of tandem axles composed of 2 or more consecutive axles each with a distance between extreme axles of not less than 23 feet weighing not more than 72,000 pounds with axle weights on one set of tandem axles not more than 34,000 pounds, and weight in the other set of tandem axles not to exceed 40,000 pounds, the fees shall be at the following rates:

Distance	Rate
For the first 45 miles	$15
For each additional 45 miles or portion thereof	10

For such vehicles weighing over 72,000 pounds but not more than 76,000 pounds with axle weights on either set of tandem axles not more than 44,000 pounds, the fees shall be at the following rates:

Distance	Rate
For the first 45 miles	$20
For each additional 45 miles or portion thereof	12.50

Payment of overweight fees for the above vehicle shall include overwidth dimension of 4 feet or less, overheight and overlength. Any overwidth in excess of 4 feet shall be charged an additional fee of $15.

(f) In lieu of fees stated in this Section and in Section 15-306 of this Chapter, with respect to a two axle mobile crane or water well-drilling vehicle consisting of 2 single axles weighing not more than 48,000 pounds with no single axle weighing more than 25,000 pounds, the fees shall be at the following rates:

Distance	Rate
For the first 45 miles	$15
For each additional 45 miles or portion thereof	10

For such vehicles weighing over 48,000 pounds but not more than 54,000 pounds with no single axle weighing more than 28,000 pounds, the fees shall be at the following rates:

Distance	Rate
For the first 45 miles	$20
For each additional 45 miles or portion thereof	12.50

Payment of overweight fees for the above vehicle shall include overwidth dimension of 4 feet or less, overheight and overlength. Any overwidth in excess of 4 feet shall be charged an additional overwidth fee of $15.

(g) Fees for special permits to move vehicles, combinations of vehicles, and loads with overweight gross loads not included in the fee categories shall be paid by the applicant to the Department at the rate of

$50 plus 3.5 cents per ton-mile in excess of legal weight.

With respect to fees for overweight gross loads not included in the schedules specified in paragraphs (a) through (e) of Section 15-307 and for overweight axle loads listed in Section 15-306, one fee only shall be charged, whichever is the greater, but not both. An additional fee in accordance with the schedule set forth in Section 15-305 [625 ILCS 5/15-305] shall be charged for each overdimension.

(h) Fees for special permits for continuous limited operation authorizing the applicant to operate vehicles that exceed the weight limits provided for in subsection (a) of Section 15-111 [625 ILCS 5/15-111].

All single axles excluding the steer axle and axles within a tandem are limited to 24,000 pounds or less unless otherwise noted in this subsection (h). Loads up to 12 feet wide and 110 feet in length shall be included within this permit. Fees shall be $250 for a quarterly and $1,000 for an annual permit. Front tag axle and double tandem trailers are not eligible.

The following configurations qualify for the quarterly and annual permits:

(1) 3 or more axles, total gross weight of 68,000 pounds or less, front tandem or axle 21,000 pounds or less, rear tandem 48,000 pounds or less on 2 or 3 axles, 25,000 pounds or less on single axle;

(2) 4 or more axles, total gross weight of 76,000 pounds or less, front tandem 44,000 pounds or less on 2 axles, front axle 20,000 pounds or less, rear tandem 44,000 pounds or less on 2 axles and 23,000 pounds or less on single axle or 48,000 pounds or less on 3 axles, 25,000 pounds or less on single axle;

(3) 5 or more axles, total gross weight of 100,000 pounds or less, front tandem 48,000 pounds or less on 2 axles, front axle 20,000 pounds or less, 25,000 pounds or less on single axle, rear tandem 48,000 pounds or less on 2 axles, 25,000 pounds or less on single axle;

(4) 6 or more axles, total gross weight of 120,000 pounds or less, front tandem 48,000 pounds or less on 2 axles, front axle 20,000 pounds or less, single axle 25,000 pounds or less, or rear tandem 60,000 pounds or less on 3 axles, 21,000 pounds or less on single axles within a tandem.

HISTORY:

P.A. 84-566; 90-228, § 5; 90-676, § 5; 94-49, § 5; 96-34, § 955; 97-201, § 5; 2021 P.A. 102-124, § 5, effective July 23, 2021.

625 ILCS 5/15-316 When the Department or local authority may restrict right to use highways.

(a) Except as provided in subsection (g), local authorities with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed 90 days, measured in either consecutive or nonconsecutive days at the discretion of local authorities, in any one calendar year, whenever any said highway by reason of deterioration, rain, snow, or other climate conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(b) The local authority enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provision of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective unless and until such signs are erected and maintained. To be effective, an ordinance or resolution passed to designate a Class II roadway need not require that signs be erected, but the designation shall be reported to the Department.

(c) Local authorities with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(c-1) (Blank).

(c-5) Highway commissioners, with respect to roads under their authority, may not permanently post a road or portion thereof at a reduced weight limit unless the decision to do so is made in accordance with Section 6-201.22 of the Illinois Highway Code [605 ILCS 5/6-201.22].

(d) The Department shall likewise have authority as hereinbefore granted to local authorities to determine by resolution and to impose restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of said department, and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such resolution.

(d-1) (Blank).

(d-2) (Blank).

(e) When any vehicle is operated in violation of this Section, the owner or driver of the vehicle shall be deemed guilty of a violation and either the owner or the driver of the vehicle may be prosecuted for the violation. Any person, firm, or corporation convicted of violating this Section shall be fined $50 for any weight exceeding the posted limit up to the axle or gross weight limit allowed a vehicle as provided for in subsections (a) or (b) of Section 15-111 [625 ILCS 5/15-111] and $75 per every 500 pounds or fraction thereof for any weight exceeding that which is provided for in subsections (a) or (b) of Section 15-111.

(f) A municipality is authorized to enforce a county weight limit ordinance applying to county highways within its corporate limits and is entitled to the proceeds of any fines collected from the enforcement.

(g) An ordinance or resolution enacted by a county or township pursuant to subsection (a) of this Section shall not apply to cargo tank vehicles with two or

three permanent axles when delivering propane for emergency heating purposes if the cargo tank is loaded at no more than 50 percent capacity, the gross vehicle weight of the vehicle does not exceed 32,000 pounds, and the driver of the cargo tank vehicle notifies the appropriate agency or agencies with jurisdiction over the highway before driving the vehicle on the highway pursuant to this subsection. The cargo tank vehicle must have an operating gauge on the cargo tank which indicates the amount of propane as a percent of capacity of the cargo tank. The cargo tank must have the capacity displayed on the cargo tank, or documentation of the capacity of the cargo tank must be available in the vehicle. For the purposes of this subsection, propane weighs 4.2 pounds per gallon. This subsection does not apply to municipalities. Nothing in this subsection shall allow cargo tank vehicles to cross bridges with posted weight restrictions if the vehicle exceeds the posted weight limit.

HISTORY:
P.A. 86-447; 87-1203, § 1; 88-384, § 5; 89-117, § 10; 89-687, § 5; 90-211, § 5; 92-417, § 5; 93-177, § 10; 96-1337, § 5; 99-168, § 5; 99-237, § 10; 99-642, § 525; 2019 P.A. 101-328, § 5, effective January 1, 2020.

625 ILCS 5/15-317 Special weight limitation on elevated structures.

(a) No person shall operate a vehicle or combination of vehicles over a bridge or other elevated structure constituting a part of a highway with a gross weight which is greater than the maximum weight permitted by the Department, when such structure is sign posted as provided in this Section.

(b) The Department upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that such structure cannot with safety to itself withstand the weight of vehicles otherwise permissible under this Chapter the Department shall determine and declare the maximum weight of vehicles which such structure can withstand, and shall cause or permit suitable signs stating maximum weight to be erected and maintained before each end of such structure.

(c) Upon the trial of any person charged with a violation of this Section proof of the determination of the maximum allowable weight by the Department and the existence of the signs, constitutes conclusive evidence of the maximum weight which can be maintained with safety to such bridge or structure.

HISTORY:
P.A. 76-1586.

625 ILCS 5/15-318 Liability if highway or structure damaged.

(a) Any person driving any vehicle, object or contrivance upon any highway or highway structure is liable for all damage which the highway or structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object or contrivance, or as a result of operating, driving, or moving any vehicle, object, or contrivance exceeding the maximum dimensions or weighing in excess of the maximum weight specified in this Chapter but authorized by a special permit issued as provided in this Chapter. The measure of liability is the cost of repairing a facility partially damaged or the depreciated replacement cost of a facility damaged beyond repair together with all other expenses incurred by the authorities in control of the highway or highway structure in providing a temporary detour, including a temporary structure, to serve the needs of traffic during the period of repair or replacement of the damaged highway or highway structure.

(b) Whenever such driver is not the owner of such vehicle, object, or contrivance, but is so operating, driving, or moving the same with the express or implied permission of such owner, then the owner and driver are jointly and severally liable to the extent provided in paragraph (a) of this Section.

(c) Recovery may be had in a civil action brought by the authorities in control of such highway or highway structure.

HISTORY:
P.A. 81-199.

625 ILCS 5/15-319 Special registration of vehicles by department. [Repealed]

HISTORY:
P.A. 83-831; repealed by 2018 P.A. 100-728, § 10, effective January 1, 2019.

CHAPTER 18C.

ILLINOIS COMMERCIAL TRANSPORTATION LAW

7Rail Carriers

SUB-CHAPTER 7.

RAIL CARRIERS

Article IV. Safety Requirements for Rail Carriers

Section

ARTICLE IV.

SAFETY REQUIREMENTS FOR RAIL CARRIERS

625 ILCS 5/18c-7401 Safety Requirements for Track, Facilities, and Equipment.

(1) General Requirements. Each rail carrier shall,

consistent with rules, orders, and regulations of the Federal Railroad Administration, construct, maintain, and operate all of its equipment, track, and other property in this State in such a manner as to pose no undue risk to its employees or the person or property of any member of the public.

(2) Adoption of Federal Standards. The track safety standards and accident/incident standards promulgated by the Federal Railroad Administration shall be safety standards of the Commission. The Commission may, in addition, adopt by reference in its regulations other federal railroad safety standards, whether contained in federal statutes or in regulations adopted pursuant to such statutes.

(3) Railroad Crossings. No public road, highway, or street shall hereafter be constructed across the track of any rail carrier at grade, nor shall the track of any rail carrier be constructed across a public road, highway or street at grade, without having first secured the permission of the Commission; provided, that this Section shall not apply to the replacement of lawfully existing roads, highways, and tracks. No public pedestrian bridge or subway shall be constructed across the track of any rail carrier without having first secured the permission of the Commission. The Commission shall have the right to refuse its permission or to grant it upon such terms and conditions as it may prescribe. The Commission shall have power to determine and prescribe the manner, including the particular point of crossing, and the terms of installation, operation, maintenance, use, and protection of each such crossing.

The Commission shall also have power, after a hearing, to require major alteration of or to abolish any crossing, heretofore or hereafter established, when in its opinion, the public safety requires such alteration or abolition, and, except in cities, villages, and incorporated towns of 1,000,000 or more inhabitants, to vacate and close that part of the highway on such crossing altered or abolished and cause barricades to be erected across such highway in such manner as to prevent the use of such crossing as a highway, when, in the opinion of the Commission, the public convenience served by the crossing in question is not such as to justify the further retention thereof; or to require a separation of grades, at railroad-highway grade crossings; or to require a separation of grades at any proposed crossing where a proposed public highway may cross the tracks of any rail carrier or carriers; and to prescribe, after a hearing of the parties, the terms upon which such separations shall be made and the proportion in which the expense of the alteration or abolition of such crossings or the separation of such grades, having regard to the benefits, if any, accruing to the rail carrier or any party in interest, shall be divided between the rail carrier or carriers affected, or between such carrier or carriers and the State, county, municipality or other public authority in interest. However, a public hearing by the Commission to abolish a crossing shall not be required when the public highway authority in interest vacates the highway. In such instance the rail carrier, following notification to the Commission and the highway authority, shall remove any grade crossing warning devices and the grade crossing surface.

The Commission shall also have power by its order to require the reconstruction, minor alteration, minor relocation, or improvement of any crossing (including the necessary highway approaches thereto) of any railroad across any highway or public road, pedestrian bridge, or pedestrian subway, whether such crossing be at grade or by overhead structure or by subway, whenever the Commission finds after a hearing or without a hearing as otherwise provided in this paragraph that such reconstruction, alteration, relocation, or improvement is necessary to preserve or promote the safety or convenience of the public or of the employees or passengers of such rail carrier or carriers. By its original order or supplemental orders in such case, the Commission may direct such reconstruction, alteration, relocation, or improvement to be made in such manner and upon such terms and conditions as may be reasonable and necessary and may apportion the cost of such reconstruction, alteration, relocation, or improvement and the subsequent maintenance thereof, having regard to the benefits, if any, accruing to the railroad or any party in interest, between the rail carrier or carriers and public utilities affected, or between such carrier or carriers and public utilities and the State, county, municipality or other public authority in interest. The cost to be so apportioned shall include the cost of changes or alterations in the equipment of public utilities affected as well as the cost of the relocation, diversion or establishment of any public highway, made necessary by such reconstruction, alteration, relocation, or improvement of said crossing. A hearing shall not be required in those instances when the Commission enters an order confirming a written stipulation in which the Commission, the public highway authority or other public authority in interest, the rail carrier or carriers affected, and in instances involving the use of the Grade Crossing Protection Fund, the Illinois Department of Transportation, agree on the reconstruction, alteration, relocation, or improvement and the subsequent maintenance thereof and the division of costs of such changes of any grade crossing (including the necessary highway approaches thereto) of any railroad across any highway, pedestrian bridge, or pedestrian subway.

The Commission shall also have power to enter into stipulated agreements with a rail carrier or rail carriers or public authorities to fund, provide, install, and maintain safety treatments to deter trespassing on railroad property in accordance with paragraph (1) of Section 18c-7503 [625 ILCS 5/18c-7503] at locations approved by such rail carrier or rail carriers following a diagnostic evaluation between the Commission and the rail carrier or rail carriers, including any public authority in interest or the Federal Rail-

road Administration, and to order the allocation of the cost of those treatments and their installation and maintenance from the Grade Crossing Protection Fund. Safety treatments approved under this paragraph by the Commission shall be deemed adequate and appropriate.

Every rail carrier operating in the State of Illinois shall construct and maintain every highway crossing over its tracks within the State so that the roadway at the intersection shall be as flush with the rails as superelevated curves will allow, and, unless otherwise ordered by the Commission, shall construct and maintain the approaches thereto at a grade of not more than 5% within the right of way for a distance of not less the 6 feet on each side of the centerline of such tracks; provided, that the grades at the approaches may be maintained in excess of 5% only when authorized by the Commission.

Every rail carrier operating within this State shall remove from its right of way at all railroad-highway grade crossings within the State, such brush, shrubbery, and trees as is reasonably practical for a distance of not less than 500 feet in either direction from each grade crossing. The Commission shall have power, upon its own motion, or upon complaint, and after having made proper investigation, to require the installation of adequate and appropriate luminous reflective warning signs, luminous flashing signals, crossing gates illuminated at night, or other protective devices in order to promote and safeguard the health and safety of the public. Luminous flashing signal or crossing gate devices installed at grade crossings, which have been approved by the Commission, shall be deemed adequate and appropriate. The Commission shall have authority to determine the number, type, and location of such signs, signals, gates, or other protective devices which, however, shall conform as near as may be with generally recognized national standards, and the Commission shall have authority to prescribe the division of the cost of the installation and subsequent maintenance of such signs, signals, gates, or other protective devices between the rail carrier or carriers, the public highway authority or other public authority in interest, and in instances involving the use of the Grade Crossing Protection Fund, the Illinois Department of Transportation. Except where train crews provide flagging of the crossing to road users, yield signs shall be installed at all highway intersections with every grade crossing in this State that is not equipped with automatic warning devices, such as luminous flashing signals or crossing gate devices. A stop sign may be used in lieu of the yield sign when an engineering study conducted in cooperation with the highway authority and the Illinois Department of Transportation has determined that a stop sign is warranted. If the Commission has ordered the installation of luminous flashing signal or crossing gate devices at a grade crossing not equipped with active warning devices, the Commission shall order the installation of temporary stop signs at the highway intersection with the grade crossing unless an engineering study has determined that a stop sign is not appropriate. If a stop sign is not appropriate, the Commission may order the installation of other appropriate supplemental signing as determined by an engineering study. The temporary signs shall remain in place until the luminous flashing signal or crossing gate devices have been installed. The rail carrier is responsible for the installation and subsequent maintenance of any required signs. The permanent signs shall be in place by July 1, 2011.

No railroad may change or modify the warning device system at a railroad-highway grade crossing, including warning systems interconnected with highway traffic control signals, without having first received the approval of the Commission. The Commission shall have the further power, upon application, upon its own motion, or upon complaint and after having made proper investigation, to require the interconnection of grade crossing warning devices with traffic control signals at highway intersections located at or near railroad crossings within the distances described by the State Manual on Uniform Traffic Control Devices adopted pursuant to Section 11-301 of this Code [625 ILCS 5/11-301]. In addition, State and local authorities may not install, remove, modernize, or otherwise modify traffic control signals at a highway intersection that is interconnected or proposed to be interconnected with grade crossing warning devices when the change affects the number, type, or location of traffic control devices on the track approach leg or legs of the intersection or the timing of the railroad preemption sequence of operation until the Commission has approved the installation, removal, modernization, or modification. Commission approval shall be limited to consideration of issues directly affecting the public safety at the railroad-highway grade crossing. The electrical circuit devices, alternate warning devices, and preemption sequences shall conform as nearly as possible, considering the particular characteristics of the crossing and intersection area, to the State manual adopted by the Illinois Department of Transportation pursuant to Section 11-301 of this Code and such federal standards as are made applicable by subsection (2) of this Section. In order to carry out this authority, the Commission shall have the authority to determine the number, type, and location of traffic control devices on the track approach leg or legs of the intersection and the timing of the railroad preemption sequence of operation. The Commission shall prescribe the division of costs for installation and maintenance of all devices required by this paragraph between the railroad or railroads and the highway authority in interest and in instances involving the use of the Grade Crossing Protection Fund or a State highway, the Illinois Department of Transportation.

Any person who unlawfully or maliciously removes, throws down, damages or defaces any sign, signal, gate, or other protective device, located at or

near any public grade crossing, shall be guilty of a petty offense and fined not less than $50 nor more than $200 for each offense. In addition to fines levied under the provisions of this Section a person adjudged guilty hereunder may also be directed to make restitution for the costs of repair or replacement, or both, necessitated by his misconduct.

It is the public policy of the State of Illinois to enhance public safety by establishing safe grade crossings. In order to implement this policy, the Illinois Commerce Commission is directed to conduct public hearings and to adopt specific criteria by July 1, 1994, that shall be adhered to by the Illinois Commerce Commission in determining if a grade crossing should be opened or abolished. The following factors shall be considered by the Illinois Commerce Commission in developing the specific criteria for opening and abolishing grade crossings:

(a) timetable speed of passenger trains;

(b) distance to an alternate crossing;

(c) accident history for the last 5 years;

(d) number of vehicular traffic and posted speed limits;

(e) number of freight trains and their timetable speeds;

(f) the type of warning device present at the grade crossing;

(g) alignments of the roadway and railroad, and the angle of intersection of those alignments;

(h) use of the grade crossing by trucks carrying hazardous materials, vehicles carrying passengers for hire, and school buses; and

(i) use of the grade crossing by emergency vehicles.

The Illinois Commerce Commission, upon petition to open or abolish a grade crossing, shall enter an order opening or abolishing the crossing if it meets the specific criteria adopted by the Commission.

Except as otherwise provided in this subsection (3), in no instance shall a grade crossing be permanently closed without public hearing first being held and notice of such hearing being published in an area newspaper of local general circulation.

(4) Freight Trains; Radio Communications. The Commission shall after hearing and order require that every main line railroad freight train operating on main tracks outside of yard limits within this State shall be equipped with a radio communication system. The Commission after notice and hearing may grant exemptions from the requirements of this Section as to secondary and branch lines.

(5) Railroad Bridges and Trestles; Walkway and Handrail. In cases in which the Commission finds the same to be practical and necessary for safety of railroad employees, bridges and trestles, over and upon which railroad trains are operated, shall include as a part thereof, a safe and suitable walkway and handrail on one side only of such bridge or trestle, and such handrail shall be located at the outer edge of the walkway and shall provide a clearance of not less than 8 feet, 6 inches, from the center line of the nearest track, measured at right angles thereto.

(6) Packages Containing Articles for First Aid to Injured on Trains.

(a) All rail carriers shall provide a first aid kit that contains, at a minimum, those articles prescribed by the Commission, on each train or engine, for first aid to persons who may be injured in the course of the operation of such trains.

(b) A vehicle, excluding a taxi cab used in an emergency situation, operated by a contract carrier transporting railroad employees in the course of their employment shall be equipped with a readily available first aid kit that contains, as a minimum, the same articles that are required on each train or engine.

(7) Abandoned Bridges, Crossings, and Other Rail Plant. The Commission shall have authority, after notice and hearing, to order:

(a) the removal of any abandoned railroad tracks from roads, streets or other thoroughfares in this State; and

(b) the removal of abandoned overhead railroad structures crossing highways, waterways, or railroads.

The Commission may equitably apportion the cost of such actions between the rail carrier or carriers, public utilities, and the State, county, municipality, township, road district, or other public authority in interest.

(8) Railroad-Highway Bridge Clearance. A vertical clearance of not less than 23 feet above the top of rail shall be provided for all new or reconstructed highway bridges constructed over a railroad track. The Commission may permit a lesser clearance if it determines that the 23-foot clearance standard cannot be justified based on engineering, operational, and economic conditions.

(9) Right of Access To Railroad Property.

(a) A community antenna television company franchised by a municipality or county pursuant to the Illinois Municipal Code [65 ILCS 5/1-1-1 et seq.] or the Counties Code [55 ILCS 5/1-1001 et seq.], respectively, shall not enter upon any real estate or rights-of-way in the possession or control of a railroad subject to the jurisdiction of the Illinois Commerce Commission unless the community antenna television company first complies with the applicable provisions of subparagraph (f) of Section 11-42-11.1 of the Illinois Municipal Code [65 ILCS 5/11-42-11.1] or subparagraph (f) of Section 5-1096 of the Counties Code [55 ILCS 5/5-1096].

(b) Notwithstanding any provision of law to the contrary, this subsection (9) applies to all entries of railroad rights-of-way involving a railroad subject to the jurisdiction of the Illinois Commerce Commission by a community antenna television company and shall govern in the event of any conflict with any other provision of law.

(c) This subsection (9) applies to any entry upon any real estate or right-of-way in the possession or

control of a railroad subject to the jurisdiction of the Illinois Commerce Commission for the purpose of or in connection with the construction, or installation of a community antenna television company's system or facilities commenced or renewed on or after August 22, 2017 (the effective date of Public Act 100-251).

(d) Nothing in Public Act 100-251 shall be construed to prevent a railroad from negotiating other terms and conditions or the resolution of any dispute in relation to an entry upon or right of access as set forth in this subsection (9).

(e) For purposes of this subsection (9):

"Broadband service", "cable operator", and "holder" have the meanings given to those terms under Section 21-201 of the Public Utilities Act [220 ILCS 5/21-201].

"Community antenna television company" includes, in the case of real estate or rights-of-way in possession of or in control of a railroad, a holder, cable operator, or broadband service provider.

(f) Beginning on August 22, 2017 (the effective date of Public Act 100-251), the Transportation Division of the Illinois Commerce Commission shall include in its annual Crossing Safety Improvement Program report a brief description of the number of cases decided by the Illinois Commerce Commission and the number of cases that remain pending before the Illinois Commerce Commission under this subsection (9) for the period covered by the report.

HISTORY:

P.A. 84-796; 88-296, § 5; 89-699, § 15; 90-691, § 10; 91-725, § 10; 93-604, § 5; 96-470, § 5; 97-374, § 5; 2017 P.A. 100-251, § 20, effective August 22, 2017; 2019 P.A. 101-81, § 670, effective July 12, 2019; 2021 P.A. 102-16, § 5-10, effective June 17, 2021.

625 ILCS 5/18c-7402 Safety requirements for railroad operations. [Effective until July 1, 2023]

(1) Obstruction of crossings.

(a) Obstruction of emergency vehicles. Every railroad shall be operated in such a manner as to minimize obstruction of emergency vehicles at crossings. Where such obstruction occurs and the train crew is aware of the obstruction, the train crew shall immediately take any action, consistent with safe operating procedure, necessary to remove the obstruction. In the Chicago and St. Louis switching districts, every railroad dispatcher or other person responsible for the movement of railroad equipment in a specific area who receives notification that railroad equipment is obstructing the movement of an emergency vehicle at any crossing within such area shall immediately notify the train crew through use of existing communication facilities. Upon notification, the train crew shall take immediate action in accordance with this paragraph.

(b) Obstruction of highway at grade crossing prohibited. It is unlawful for a rail carrier to permit any train, railroad car or engine to obstruct public travel at a railroad-highway grade crossing for a period in excess of 10 minutes, except where such train or railroad car is continuously moving or cannot be moved by reason of circumstances over which the rail carrier has no reasonable control.

In a county with a population of greater than 1,000,000, as determined by the most recent federal census, during the hours of 7:00 a.m. through 9:00 a.m. and 4:00 p.m. through 6:00 p.m. it is unlawful for a rail carrier to permit any single train or railroad car to obstruct public travel at a railroad-highway grade crossing in excess of a total of 10 minutes during a 30 minute period, except where the train or railroad car cannot be moved by reason or circumstances over which the rail carrier has no reasonable control. Under no circumstances will a moving train be stopped for the purposes of issuing a citation related to this Section.

However, no employee acting under the rules or orders of the rail carrier or its supervisory personnel may be prosecuted for a violation of this subsection (b).

(c) Punishment for obstruction of grade crossing. Any rail carrier violating paragraph (b) of this subsection shall be guilty of a petty offense and fined not less than $200 nor more than $500 if the duration of the obstruction is in excess of 10 minutes but no longer than 15 minutes. If the duration of the obstruction exceeds 15 minutes the violation shall be a business offense and the following fines shall be imposed: if the duration of the obstruction is in excess of 15 minutes but no longer than 20 minutes, the fine shall be $500; if the duration of the obstruction is in excess of 20 minutes but no longer than 25 minutes, the fine shall be $700; if the duration of the obstruction is in excess of 25 minutes, but no longer than 30 minutes, the fine shall be $900; if the duration of the obstruction is in excess of 30 minutes but no longer than 35 minutes, the fine shall be $1,000; if the duration of the obstruction is in excess of 35 minutes, the fine shall be $1,000 plus an additional $500 for each 5 minutes of obstruction in excess of 25 minutes of obstruction.

(2) Other operational requirements.

(a) Bell and whistle-crossings. Every rail carrier shall cause a bell, and a whistle or horn to be placed and kept on each locomotive, and shall cause the same to be rung or sounded by the engineer or fireman, at the distance of at least 1,320 feet, from the place where the railroad crosses or intersects any public highway, and shall be kept ringing or sounding until the highway is reached; provided that at crossings where the Commission shall by order direct, only after a hearing has been held to determine the public is reasonably and sufficiently protected, the rail carrier may be excused from giving warning provided by this paragraph.

(a-5) The requirements of paragraph (a) of this subsection (2) regarding ringing a bell and sound-

ing a whistle or horn do not apply at a railroad crossing that has a permanently installed automated audible warning device authorized by the Commission under Section 18c-7402.1 [625 ILCS 5/18c-7402.1] that sounds automatically when an approaching train is at least 1,320 feet from the crossing and that keeps sounding until the lead locomotive has crossed the highway. The engineer or fireman may ring the bell or sound the whistle or horn at a railroad crossing that has a permanently installed audible warning device.

(b) Speed limits. Each rail carrier shall operate its trains in compliance with speed limits set by the Commission. The Commission may set train speed limits only where such limits are necessitated by extraordinary circumstances affecting the public safety, and shall maintain such train speed limits in effect only for such time as the extraordinary circumstances prevail.

The Commission and the Department of Transportation shall conduct a study of the relation between train speeds and railroad-highway grade crossing safety. The Commission shall report the findings of the study to the General Assembly no later than January 5, 1997.

(c) Special speed limit; pilot project. The Commission and the Board of the Commuter Rail Division of the Regional Transportation Authority shall conduct a pilot project in the Village of Fox River Grove, the site of the fatal school bus accident at a railroad crossing on October 25, 1995, in order to improve railroad crossing safety. For this project, the Commission is directed to set the maximum train speed limit for Regional Transportation Authority trains at 50 miles per hour at intersections on that portion of the intrastate rail line located in the Village of Fox River Grove. If the Regional Transportation Authority deliberately fails to comply with this maximum speed limit, then any entity, governmental or otherwise, that provides capital or operational funds to the Regional Transportation Authority shall appropriately reduce or eliminate that funding. The Commission shall report to the Governor and the General Assembly on the results of this pilot project in January 1999, January 2000, and January 2001. The Commission shall also submit a final report on the pilot project to the Governor and the General Assembly in January 2001. The provisions of this subsection (c), other than this sentence, are inoperative after February 1, 2001.

(d) Freight train crew size. No rail carrier shall operate or cause to operate a train or light engine used in connection with the movement of freight unless it has an operating crew consisting of at least 2 individuals. The minimum freight train crew size indicated in this subsection (d) shall remain in effect until a federal law or rule encompassing the subject matter has been adopted. The Commission, with respect to freight train crew member size under this subsection (d), has the power to conduct evidentiary hearings, make findings, and issue and enforce orders, including sanctions under Section 18c-1704 [625 ILCS 5/18c-1704] of this Chapter. As used in this subsection (d), "train or light engine" does not include trains operated by a hostler service or utility employees.

(3) Report and investigation of rail accidents.

(a) Reports. Every rail carrier shall report to the Commission, by the speediest means possible, whether telephone, telegraph, or otherwise, every accident involving its equipment, track, or other property which resulted in loss of life to any person. In addition, such carriers shall file a written report with the Commission. Reports submitted under this paragraph shall be strictly confidential, shall be specifically prohibited from disclosure, and shall not be admissible in any administrative or judicial proceeding relating to the accidents reported.

(b) Investigations. The Commission may investigate all railroad accidents reported to it or of which it acquires knowledge independent of reports made by rail carriers, and shall have the power, consistent with standards and procedures established under the Federal Railroad Safety Act [45 U.S.C. § 431 et seq.], as amended, to enter such temporary orders as will minimize the risk of future accidents pending notice, hearing, and final action by the Commission.

HISTORY:

P.A. 85-1144; 89-699, § 15; 90-187, § 5; 91-675, § 5; 92-284, § 5; 2017 P.A. 100-201, § 650, effective August 18, 2017; 2019 P.A. 101-294, § 5, effective January 1, 2020.

625 ILCS 5/18c-7402 Safety requirements for railroad operations. [Effective July 1, 2023]

(1) Obstruction of crossings.

(a) Obstruction of emergency vehicles. Every railroad shall be operated in such a manner as to minimize obstruction of emergency vehicles at crossings. Where such obstruction occurs and the train crew is aware of the obstruction, the train crew shall immediately take any action, consistent with safe operating procedure, necessary to remove the obstruction. In the Chicago and St. Louis switching districts, every railroad dispatcher or other person responsible for the movement of railroad equipment in a specific area who receives notification that railroad equipment is obstructing the movement of an emergency vehicle at any crossing within such area shall immediately notify the train crew through use of existing communication facilities. Upon notification, the train crew shall take immediate action in accordance with this paragraph.

(b) Obstruction of highway at grade crossing prohibited. It is unlawful for a rail carrier to permit any train, railroad car or engine to obstruct public travel at a railroad-highway grade crossing

for a period in excess of 10 minutes, except where such train or railroad car is continuously moving or cannot be moved by reason of circumstances over which the rail carrier has no reasonable control.

In a county with a population of greater than 1,000,000, as determined by the most recent federal census, during the hours of 7:00 a.m. through 9:00 a.m. and 4:00 p.m. through 6:00 p.m. it is unlawful for a rail carrier to permit any single train or railroad car to obstruct public travel at a railroad-highway grade crossing in excess of a total of 10 minutes during a 30 minute period, except where the train or railroad car cannot be moved by reason or circumstances over which the rail carrier has no reasonable control. Under no circumstances will a moving train be stopped for the purposes of issuing a citation related to this Section.

However, no employee acting under the rules or orders of the rail carrier or its supervisory personnel may be prosecuted for a violation of this subsection (b).

(c) Punishment for obstruction of grade crossing. Any rail carrier violating paragraph (b) of this subsection shall be guilty of a petty offense and fined not less than $200 nor more than $500 if the duration of the obstruction is in excess of 10 minutes but no longer than 15 minutes. If the duration of the obstruction exceeds 15 minutes the violation shall be a business offense and the following fines shall be imposed: if the duration of the obstruction is in excess of 15 minutes but no longer than 20 minutes, the fine shall be $500; if the duration of the obstruction is in excess of 20 minutes but no longer than 25 minutes, the fine shall be $700; if the duration of the obstruction is in excess of 25 minutes, but no longer than 30 minutes, the fine shall be $900; if the duration of the obstruction is in excess of 30 minutes but no longer than 35 minutes, the fine shall be $1,000; if the duration of the obstruction is in excess of 35 minutes, the fine shall be $1,000 plus an additional $500 for each 5 minutes of obstruction in excess of 25 minutes of obstruction.

(2) Other operational requirements.

(a) Bell and whistle-crossings. Every rail carrier shall cause a bell, and a whistle or horn to be placed and kept on each locomotive, and shall cause the same to be rung or sounded by the engineer or fireman, at the distance of at least 1,320 feet, from the place where the railroad crosses or intersects any public highway, and shall be kept ringing or sounding until the highway is reached; provided that at crossings where the Commission shall by order direct, only after a hearing has been held to determine the public is reasonably and sufficiently protected, the rail carrier may be excused from giving warning provided by this paragraph.

(a-5) The requirements of paragraph (a) of this subsection (2) regarding ringing a bell and sounding a whistle or horn do not apply at a railroad crossing that has a permanently installed automated audible warning device authorized by the Commission under Section 18c-7402.1 [625 ILCS 5/18c-7402.1] that sounds automatically when an approaching train is at least 1,320 feet from the crossing and that keeps sounding until the lead locomotive has crossed the highway. The engineer or fireman may ring the bell or sound the whistle or horn at a railroad crossing that has a permanently installed audible warning device.

(b) Speed limits. Each rail carrier shall operate its trains in compliance with speed limits set by the Commission. The Commission may set train speed limits only where such limits are necessitated by extraordinary circumstances affecting the public safety, and shall maintain such train speed limits in effect only for such time as the extraordinary circumstances prevail.

The Commission and the Department of Transportation shall conduct a study of the relation between train speeds and railroad-highway grade crossing safety. The Commission shall report the findings of the study to the General Assembly no later than January 5, 1997.

(c) Special speed limit; pilot project. The Commission and the Board of the Commuter Rail Division of the Regional Transportation Authority shall conduct a pilot project in the Village of Fox River Grove, the site of the fatal school bus crash at a railroad crossing on October 25, 1995, in order to improve railroad crossing safety. For this project, the Commission is directed to set the maximum train speed limit for Regional Transportation Authority trains at 50 miles per hour at intersections on that portion of the intrastate rail line located in the Village of Fox River Grove. If the Regional Transportation Authority deliberately fails to comply with this maximum speed limit, then any entity, governmental or otherwise, that provides capital or operational funds to the Regional Transportation Authority shall appropriately reduce or eliminate that funding. The Commission shall report to the Governor and the General Assembly on the results of this pilot project in January 1999, January 2000, and January 2001. The Commission shall also submit a final report on the pilot project to the Governor and the General Assembly in January 2001. The provisions of this subsection (c), other than this sentence, are inoperative after February 1, 2001.

(d) Freight train crew size. No rail carrier shall operate or cause to operate a train or light engine used in connection with the movement of freight unless it has an operating crew consisting of at least 2 individuals. The minimum freight train crew size indicated in this subsection (d) shall remain in effect until a federal law or rule encompassing the subject matter has been adopted. The Commission, with respect to freight train crew member size under this subsection (d), has the power to conduct evidentiary hearings, make find-

ings, and issue and enforce orders, including sanctions under Section 18c-1704 [625 ILCS 5/18c-1704 of this Chapter. As used in this subsection (d), "train or light engine" does not include trains operated by a hostler service or utility employees.
(3) Report and investigation of rail accidents.

(a) Reports. Every rail carrier shall report to the Commission, by the speediest means possible, whether telephone, telegraph, or otherwise, every accident involving its equipment, track, or other property which resulted in loss of life to any person. In addition, such carriers shall file a written report with the Commission. Reports submitted under this paragraph shall be strictly confidential, shall be specifically prohibited from disclosure, and shall not be admissible in any administrative or judicial proceeding relating to the accidents reported.

(b) Investigations. The Commission may investigate all railroad accidents reported to it or of which it acquires knowledge independent of reports made by rail carriers, and shall have the power, consistent with standards and procedures established under the Federal Railroad Safety Act [45 U.S.C. § 431 et seq.], as amended, to enter such temporary orders as will minimize the risk of future accidents pending notice, hearing, and final action by the Commission.

HISTORY:
P.A. 85-1144; 89-699, § 15; 90-187, § 5; 91-675, § 5; 92-284, § 5; 2017 P.A. 100-201, § 650, effective August 18, 2017; 2019 P.A. 101-294, § 5, effective January 1, 2020; 2022 P.A. 102-982, § 105, effective July 1, 2023.

SNOWMOBILE REGISTRATION AND SAFETY ACT

Article V. CONTROL PROVISIONS

ARTICLE V.

CONTROL PROVISIONS

625 ILCS 40/5-2 Operation on Highways.

It is unlawful for any person to drive or operate any snowmobile on a highway in this State except as follows:

A. On highways other than tollways, interstate highways and fully or limited access-controlled highways snowmobiles may make a direct crossing provided:

(1) the crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

(2) the snowmobile is brought to a complete stop before crossing a roadway; and

(3) the operator yields the right of way to all oncoming traffic which constitutes a hazard.

B. On highways other than tollways, interstate highways and fully or limited access-controlled highways snowmobiles may be operated not less than 10 feet from the roadway and in the same direction as traffic. On such highways, other than State highways, the corporate authorities of a city, village or incorporated town may adopt ordinances providing for variance from the 10-foot separation requirement of this subsection, including ordinances permitting the operation of snowmobiles upon the roadways of such highways, other than State highways, within city, village or town limits. In addition, the corporate authorities of any unit of local government with jurisdiction over such highways may adopt ordinances authorizing the operation of snowmobiles within 10 feet of the roadway to avoid obstructions or hazardous terrain. Other than for State highways, corporate authorities of a city, village or incorporated town may adopt ordinances providing for trails, including the designation of the roadways of highways referred to in this paragraph as snowmobile trails, and regulating snowmobile operation within city, village or town limits.

C. On highways other than tollways, interstate highways and fully or limited access-controlled highways snowmobiles may be operated on roadways when it is necessary to cross a bridge or culvert or when it is impracticable to gain immediate access to an area adjacent to a highway where a snowmobile is to be operated.

D. Corporate authorities of a city, village or incorporated town may by ordinance designate 1 or more specific public highways or streets within their jurisdiction as egress and ingress routes for the use of snowmobiles. In the event that such public highways or streets are under the jurisdiction of the State of Illinois, express written consent of the Illinois Department of Transportation shall be required. Corporate authorities acting under the authority of this paragraph D shall erect and maintain signs giving proper notice thereof.

E. Snowmobiles may be lawfully driven or operated upon those highways where posted with signs giving proper notice and erected and maintained by the township road commissioner. A township or township road commissioner shall not be liable for any personal injuries caused as a result of the operation of a snowmobile on such highways. For purposes of this paragraph E, "highways" are defined as township roads pursuant to Section 2-205 of the Illinois Highway Code [605 ILCS 5/2-205].

HISTORY:
P.A. 84-151; 84-973; 91-357, § 233.

DUI PREVENTION AND EDUCATION

HISTORY:
2019 P.A. 101-196, § 1, effective January 1, 2020.

625 ILCS 70/1 Short title.

This Act may be cited as the DUI Prevention and Education Commission Act.

HISTORY:
2019 P.A. 101-196, § 1, effective January 1, 2020.

625 ILCS 70/5 The DUI Prevention and Education Commission.

(a) The DUI Prevention and Education Commission is created, consisting of the following members:

(1) one member from the Office of the Secretary of State, appointed by the Secretary of State;

(2) one member representing law enforcement, appointed by the Department of State Police;

(3) one member from the Division of Substance Use Prevention and Recovery of the Department of Human Services, appointed by the Secretary of the Department of Human Services;

(4) one member from the Bureau of Safety Programs and Engineering of the Department of Transportation, appointed by the Secretary of the Department of Transportation; and

(5) the Director of the Office of the State's Attorneys Appellate Prosecutor, or his or her designee.

(b) The members of the Commission shall be appointed within 60 days after the effective date of this Act.

(c) The members of the Commission shall receive no compensation for serving as members of the Commission.

(d) The Department of Transportation shall provide administrative support to the Commission.

HISTORY:
2019 P.A. 101-196, § 5, effective January 1, 2020.

625 ILCS 70/10 Meetings.

(a) Each member of the Commission shall have voting rights and all actions and recommendations shall be approved by a simple majority vote of the members. A quorum shall consist of 3 members.

(b) The initial meeting of the Commission shall take place within 90 days after the effective date of this Act. At the initial meeting, the Commission shall elect one member as a Chairperson by a simple majority vote. The Chairperson shall call any subsequent meetings.

HISTORY:
2019 P.A. 101-196, § 10, effective January 1, 2020.

625 ILCS 70/15 Powers.

The Commission shall:

(1) create rules and guidelines to consider in accepting, reviewing, and determining grant applications;

(2) as necessary, meet to determine recipients of grants from the DUI Prevention and Education Fund; and

(3) provide a list of eligible grant recipients to the Department of Transportation.

HISTORY:
2019 P.A. 101-196, § 15, effective January 1, 2020.

625 ILCS 70/20 DUI Prevention and Education Fund; transfer of funds.

(a) The DUI Prevention and Education Fund is created as a special fund in the State treasury. Subject to appropriation, all moneys in the DUI Prevention and Education Fund shall be distributed by the Department of Transportation with guidance from the DUI Prevention and Education Commission as grants for crash victim programs and materials, impaired driving prevention programs, law enforcement support, and other DUI-related programs.

(b) As soon as practical after the effective date of this Act, the State Comptroller shall direct and the State Treasurer shall transfer any remaining balance in excess of $30,000 from the Roadside Memorial Fund to the DUI Prevention and Education Fund. Starting in 2021 and continuing every year after, the cash balance in the Roadside Memorial Fund on June 30 shall be transferred to the DUI Prevention and Education Fund as soon as practical.

HISTORY:
2019 P.A. 101-196, § 20, effective January 1, 2020; 2021 P.A. 102-60, § 10, effective July 9, 2021.

CHAPTER 720

CRIMINAL OFFENSES

CRIMINAL CODE

Criminal Code of 2012

CRIMINAL CODE OF 2012

Title
III. Specific Offenses
V. Added Articles

TITLE III.

SPECIFIC OFFENSES

Part
C. Offenses Directed Against Property
F. Certain Aggravated Offenses

PART C.

OFFENSES DIRECTED AGAINST PROPERTY

Article
21. Damage and Trespass to Property

ARTICLE 21.

DAMAGE AND TRESPASS TO PROPERTY

Subdivision 5. Trespass

Section
720 ILCS 5/21-3 Criminal trespass to real property
720 ILCS 5/21-5 Criminal trespass to state supported land

SUBDIVISION 5.TRESPASS

720 ILCS 5/21-3 Criminal trespass to real property

(a) A person commits criminal trespass to real property when he or she:

(1) knowingly and without lawful authority enters or remains within or on a building;

(2) enters upon the land of another, after receiving, prior to the entry, notice from the owner or occupant that the entry is forbidden;

(3) remains upon the land of another, after receiving notice from the owner or occupant to depart;

(3.5) presents false documents or falsely represents his or her identity orally to the owner or occupant of a building or land in order to obtain permission from the owner or occupant to enter or remain in the building or on the land;

(3.7) intentionally removes a notice posted on residential real estate as required by subsection (l) of Section 15-1505.8 of Article XV of the Code of Civil Procedure [735 ILCS 5/15-1505.8] before the date and time set forth in the notice; or

(4) enters a field used or capable of being used for growing crops, an enclosed area containing livestock, an agricultural building containing livestock, or an orchard in or on a motor vehicle (including an off-road vehicle, motorcycle, moped, or any other powered two-wheel vehicle) after receiving, prior to the entry, notice from the owner or occupant that the entry is forbidden or remains upon or in the area after receiving notice from the owner or occupant to depart.

For purposes of item (1) of this subsection, this Section shall not apply to being in a building which is open to the public while the building is open to the public during its normal hours of operation; nor shall this Section apply to a person who enters a public building under the reasonable belief that the building is still open to the public.

(b) A person has received notice from the owner or occupant within the meaning of Subsection (a) if he or she has been notified personally, either orally or in writing including a valid court order as defined by subsection (7) of Section 112A-3 of the Code of Criminal Procedure of 1963 [725 ILCS 5/112A-3] granting remedy (2) of subsection (b) of Section 112A-14 of that Code [725 ILCS 5/112A-14], or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to the land or the forbidden part thereof.

(b-5) Subject to the provisions of subsection (b-10), as an alternative to the posting of real property as set forth in subsection (b), the owner or lessee of any real property may post the property by placing identifying purple marks on trees or posts around the area to be posted. Each purple mark shall be:

(1) A vertical line of at least 8 inches in length and the bottom of the mark shall be no less than 3 feet nor more than 5 feet high. Such marks shall be placed no more than 100 feet apart and shall be readily visible to any person approaching the property; or

(2) A post capped or otherwise marked on at least its top 2 inches. The bottom of the cap or

mark shall be not less than 3 feet but not more than 5 feet 6 inches high. Posts so marked shall be placed not more than 36 feet apart and shall be readily visible to any person approaching the property. Prior to applying a cap or mark which is visible from both sides of a fence shared by different property owners or lessees, all such owners or lessees shall concur in the decision to post their own property.

Nothing in this subsection (b-5) shall be construed to authorize the owner or lessee of any real property to place any purple marks on any tree or post or to install any post or fence if doing so would violate any applicable law, rule, ordinance, order, covenant, bylaw, declaration, regulation, restriction, contract, or instrument.

(b-10) Any owner or lessee who marks his or her real property using the method described in subsection (b-5) must also provide notice as described in subsection (b) of this Section. The public of this State shall be informed of the provisions of subsection (b-5) of this Section by the Illinois Department of Agriculture and the Illinois Department of Natural Resources. These Departments shall conduct an information campaign for the general public concerning the interpretation and implementation of subsection (b-5). The information shall inform the public about the marking requirements and the applicability of subsection (b-5) including information regarding the size requirements of the markings as well as the manner in which the markings shall be displayed. The Departments shall also include information regarding the requirement that, until the date this subsection becomes inoperative, any owner or lessee who chooses to mark his or her property using paint, must also comply with one of the notice requirements listed in subsection (b). The Departments may prepare a brochure or may disseminate the information through agency websites. Non-governmental organizations including, but not limited to, the Illinois Forestry Association, Illinois Tree Farm and the Walnut Council may help to disseminate the information regarding the requirements and applicability of subsection (b-5) based on materials provided by the Departments. This subsection (b-10) is inoperative on and after January 1, 2013.

(b-15) Subsections (b-5) and (b-10) do not apply to real property located in a municipality of over 2,000,000 inhabitants.

(c) This Section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his or her agent having apparent authority to hire workers on this land and assign them living quarters or a place of accommodations for living thereon, nor to anyone living on the land at the request of, or by occupancy, leasing or other agreement or arrangement with the owner or his or her agent, nor to anyone invited by the migrant worker or other person so living on the land to visit him or her at the place he is so living upon the land.

(d) A person shall be exempt from prosecution under this Section if he or she beautifies unoccupied and abandoned residential and industrial properties located within any municipality. For the purpose of this subsection, "unoccupied and abandoned residential and industrial property" means any real estate (1) in which the taxes have not been paid for a period of at least 2 years; and (2) which has been left unoccupied and abandoned for a period of at least one year; and "beautifies" means to landscape, clean up litter, or to repair dilapidated conditions on or to board up windows and doors.

(e) No person shall be liable in any civil action for money damages to the owner of unoccupied and abandoned residential and industrial property which that person beautifies pursuant to subsection (d) of this Section.

(e-5) Mortgagee or agent of the mortgagee exceptions.

(1) A mortgagee or agent of the mortgagee shall be exempt from prosecution for criminal trespass for entering, securing, or maintaining an abandoned residential property.

(2) No mortgagee or agent of the mortgagee shall be liable to the mortgagor or other owner of an abandoned residential property in any civil action for negligence or civil trespass in connection with entering, securing, or maintaining the abandoned residential property.

(3) For the purpose of this subsection (e-5) only, "abandoned residential property" means mortgaged real estate that the mortgagee or agent of the mortgagee determines in good faith meets the definition of abandoned residential property set forth in Section 15-1200.5 of Article XV of the Code of Civil Procedure [735 ILCS 5/15-1200.5].

(f) This Section does not prohibit a person from entering a building or upon the land of another for emergency purposes. For purposes of this subsection (f), "emergency" means a condition or circumstance in which an individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.

(g) Paragraph (3.5) of subsection (a) does not apply to a peace officer or other official of a unit of government who enters a building or land in the performance of his or her official duties.

(h) Sentence. A violation of subdivision (a)(1), (a)(2), (a)(3), or (a)(3.5) is a Class B misdemeanor. A violation of subdivision (a)(4) is a Class A misdemeanor.

(i) Civil liability. A person may be liable in any civil action for money damages to the owner of the land he or she entered upon with a motor vehicle as prohibited under paragraph (4) of subsection (a) of this Section. A person may also be liable to the owner for court costs and reasonable attorney's fees. The measure of damages shall be: (i) the actual damages, but not less than $250, if the vehicle is operated in a

nature preserve or registered area as defined in Sections 3.11 and 3.14 of the Illinois Natural Areas Preservation Act [525 ILCS 30/3.11 and 525 ILCS 30/3.14]; (ii) twice the actual damages if the owner has previously notified the person to cease trespassing; or (iii) in any other case, the actual damages, but not less than $50. If the person operating the vehicle is under the age of 16, the owner of the vehicle and the parent or legal guardian of the minor are jointly and severally liable. For the purposes of this subsection (i):

"Land" includes, but is not limited to, land used for crop land, fallow land, orchard, pasture, feed lot, timber land, prairie land, mine spoil nature preserves and registered areas. "Land" does not include driveways or private roadways upon which the owner allows the public to drive.

"Owner" means the person who has the right to possession of the land, including the owner, operator or tenant.

"Vehicle" has the same meaning as provided under Section 1-217 of the Illinois Vehicle Code [625 ILCS 5/1-217].

(j) This Section does not apply to the following persons while serving process:

(1) a person authorized to serve process under Section 2-202 of the Code of Civil Procedure [735 ILCS 5/2-202]; or

(2) a special process server appointed by the circuit court.

HISTORY:

P.A. 86-1300; 89-346, § 5; 89-373, § 5; 89-626, § 2-71; 90-419, § 5; 94-263, § 5; 94-509, § 5; 94-512, § 5; 95-331, § 1030; 97-184, § 5; 97-477, § 5; 97-813, § 620; 97-1108, § 10-5; 97-1164, § 10.

720 ILCS 5/21-5 Criminal trespass to state supported land

(a) A person commits criminal trespass to State supported land when he or she enters upon land supported in whole or in part with State funds, or federal funds administered or granted through State agencies or any building on the land, after receiving, prior to the entry, notice from the State or its representative that the entry is forbidden, or remains upon the land or in the building after receiving notice from the State or its representative to depart, and who thereby interferes with another person's lawful use or enjoyment of the building or land.

A person has received notice from the State within the meaning of this subsection if he or she has been notified personally, either orally or in writing, or if a printed or written notice forbidding entry to him or her or a group of which he or she is a part, has been conspicuously posted or exhibited at the main entrance to the land or the forbidden part thereof.

(a-5) A person commits criminal trespass to State supported land when he or she enters upon a right of way, including facilities and improvements thereon, owned, leased, or otherwise used by a public body or district organized under the Metropolitan Transit Authority Act, the Local Mass Transit District Act, or the Regional Transportation Authority Act [70 ILCS 3605/1 et seq., 70 ILCS 3610/1 et seq., or 70 ILCS 3615/1.01 et seq.], after receiving, prior to the entry, notice from the public body or district, or its representative, that the entry is forbidden, or the person remains upon the right of way after receiving notice from the public body or district, or its representative, to depart, and in either of these instances intends to compromise public safety by causing a delay in transit service lasting more than 15 minutes or destroying property.

A person has received notice from the public body or district within the meaning of this subsection if he or she has been notified personally, either orally or in writing, or if a printed or written notice forbidding entry to him or her has been conspicuously posted or exhibited at any point of entrance to the right of way or the forbidden part of the right of way.

As used in this subsection (a-5), "right of way" has the meaning ascribed to it in Section 18c-7502 of the Illinois Vehicle Code [625 ILCS 5/18c-7502].

(b) A person commits criminal trespass to State supported land when he or she enters upon land supported in whole or in part with State funds, or federal funds administered or granted through State agencies or any building on the land by presenting false documents or falsely representing his or her identity orally to the State or its representative in order to obtain permission from the State or its representative to enter the building or land; or remains upon the land or in the building by presenting false documents or falsely representing his or her identity orally to the State or its representative in order to remain upon the land or in the building, and who thereby interferes with another person's lawful use or enjoyment of the building or land.

This subsection does not apply to a peace officer or other official of a unit of government who enters upon land supported in whole or in part with State funds, or federal funds administered or granted through State agencies or any building on the land in the performance of his or her official duties.

(c) Sentence. Criminal trespass to State supported land is a Class A misdemeanor, except a violation of subsection (a-5) of this Section is a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation.

HISTORY:

P.A. 84-1041; 94-263, § 5; 97-1108, § 10-5; 98-748, § 5.

PART F.

CERTAIN AGGRAVATED OFFENSES

Article 33E. Public Contracts

Section

ARTICLE 33E.

PUBLIC CONTRACTS

720 ILCS 5/33E-1 Interference with public contracting

It is the finding of the General Assembly that the cost to the public is increased and the quality of goods, services and construction paid for by public monies is decreased when contracts for such goods, services or construction are obtained by any means other than through independent noncollusive submission of bids or offers by individual contractors or suppliers, and the evaluation of those bids or offers by the governmental unit pursuant only to criteria publicly announced in advance.

HISTORY:
P.A. 85-1295.

720 ILCS 5/33E-2 Definitions.

In this Act:

(a) "Public contract" means any contract for goods, services or construction let to any person with or without bid by any unit of State or local government.

(b) "Unit of State or local government" means the State, any unit of state government or agency thereof, any county or municipal government or committee or agency thereof, or any other entity which is funded by or expends tax dollars or the proceeds of publicly guaranteed bonds.

(c) "Change order" means a change in a contract term other than as specifically provided for in the contract which authorizes or necessitates any increase or decrease in the cost of the contract or the time to completion.

(d) "Person" means any individual, firm, partnership, corporation, joint venture or other entity, but does not include a unit of State or local government.

(e) "Person employed by any unit of State or local government" means any employee of a unit of State or local government and any person defined in subsection (d) who is authorized by such unit of State or local government to act on its behalf in relation to any public contract.

(f) "Sheltered market" has the meaning ascribed to it in Section 8b of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act; except that, with respect to State contracts set aside for award to service-disabled veteran-owned small businesses and veteran-owned small businesses pursuant to Section 45-57 of the Illinois Procurement Code [30 ILCS 500/45-57], "sheltered market" means procurements pursuant to that Section.

(g) "Kickback" means any money, fee, commission, credit, gift, gratuity, thing of value, or compensation of any kind which is provided, directly or indirectly, to any prime contractor, prime contractor employee, subcontractor, or subcontractor employee for the purpose of improperly obtaining or rewarding favorable treatment in connection with a prime contract or in connection with a subcontract relating to a prime contract.

(h) "Prime contractor" means any person who has entered into a public contract.

(i) "Prime contractor employee" means any officer, partner, employee, or agent of a prime contractor.

(i-5) "Stringing" means knowingly structuring a contract or job order to avoid the contract or job order being subject to competitive bidding requirements.

(j) "Subcontract" means a contract or contractual action entered into by a prime contractor or subcontractor for the purpose of obtaining goods or services of any kind under a prime contract.

(k) "Subcontractor" (1) means any person, other than the prime contractor, who offers to furnish or furnishes any goods or services of any kind under a prime contract or a subcontract entered into in connection with such prime contract; and (2) includes any person who offers to furnish or furnishes goods or services to the prime contractor or a higher tier subcontractor.

(*l*) "Subcontractor employee" means any officer, partner, employee, or agent of a subcontractor.

HISTORY:
P.A. 86-150; 90-800, § 5; 92-16, § 88; 97-260, § 10; 2017 P.A. 100-391, § 175, effective August 25, 2017.

720 ILCS 5/33E-3 Bid-rigging

A person commits the offense of bid-rigging when he knowingly agrees with any person who is, or but for such agreement would be, a competitor of such person concerning any bid submitted or not submitted by such person or another to a unit of State or local government when with the intent that the bid submitted or not submitted will result in the award of a contract to such person or another and he either (1) provides such person or receives from another

information concerning the price or other material term or terms of the bid which would otherwise not be disclosed to a competitor in an independent non-collusive submission of bids or (2) submits a bid that is of such a price or other material term or terms that he does not intend the bid to be accepted.

Bid-rigging is a Class 3 felony. Any person convicted of this offense or any similar offense of any state or the United States which contains the same elements as this offense shall be barred for 5 years from the date of conviction from contracting with any unit of State or local government. No corporation shall be barred from contracting with any unit of State or local government as a result of a conviction under this Section of any employee or agent of such corporation if the employee so convicted is no longer employed by the corporation and: (1) it has been finally adjudicated not guilty or (2) if it demonstrates to the governmental entity with which it seeks to contract and that entity finds that the commission of the offense was neither authorized, requested, commanded, nor performed by a director, officer or a high managerial agent in behalf of the corporation as provided in paragraph (2) of subsection (a) of Section 5-4 of this Code [720 ILCS 5/4].

HISTORY:
P.A. 86-150.

720 ILCS 5/33E-4 Bid rotating

A person commits the offense of bid rotating when, pursuant to any collusive scheme or agreement with another, he engages in a pattern over time (which, for the purposes of this Section, shall include at least 3 contract bids within a period of 10 years, the most recent of which occurs after the effective date of this amendatory Act of 1988) of submitting sealed bids to units of State or local government with the intent that the award of such bids rotates, or is distributed among, persons or business entities which submit bids on a substantial number of the same contracts. Bid rotating is a Class 2 felony. Any person convicted of this offense or any similar offense of any state or the United States which contains the same elements as this offense shall be permanently barred from contracting with any unit of State or local government. No corporation shall be barred from contracting with any unit of State or local government as a result of a conviction under this Section of any employee or agent of such corporation if the employee so convicted is no longer employed by the corporation and: (1) it has been finally adjudicated not guilty or (2) if it demonstrates to the governmental entity with which it seeks to contract and that entity finds that the commission of the offense was neither authorized, requested, commanded, nor performed by a director, officer or a high managerial agent in behalf of the corporation as provided in paragraph (2) of subsection (a) of Section 5-4 of this Code [720 ILCS 5-4].

HISTORY:
P.A. 86-150.

720 ILCS 5/33E-5 Acquisition or disclosure of bidding information by public official

(a) Any person who is an official of or employed by any unit of State or local government who knowingly opens a sealed bid at a time or place other than as specified in the invitation to bid or as otherwise designated by the State or unit of local government, or outside the presence of witnesses required by the applicable statute or ordinance, commits a Class 4 felony.

(b) Any person who is an official of or employed by any unit of State or local government who knowingly discloses to any interested person any information related to the terms of a sealed bid whether that information is acquired through a violation of subsection (a) or by any other means except as provided by law or necessary to the performance of such official's or employee's responsibilities relating to the bid, commits a Class 3 felony.

(c) It shall not constitute a violation of subsection (b) of this Section for any person who is an official of or employed by any unit of State or local government to make any disclosure to any interested person where such disclosure is also made generally available to the public.

(d) This Section only applies to contracts let by sealed bid.

HISTORY:
P.A. 86-150.

720 ILCS 5/33E-6 Interference with contract submission and award by public official

(a) Any person who is an official of or employed by any unit of State or local government who knowingly conveys, either directly or indirectly, outside of the publicly available official invitation to bid, pre-bid conference, solicitation for contracts procedure or such procedure used in any sheltered market procurement adopted pursuant to law or ordinance by that unit of government, to any person any information concerning the specifications for such contract or the identity of any particular potential subcontractors, when inclusion of such information concerning the specifications or contractors in the bid or offer would influence the likelihood of acceptance of such bid or offer, commits a Class 4 felony. It shall not constitute a violation of this subsection to convey information intended to clarify plans or specifications regarding a public contract where such disclosure of information is also made generally available to the public.

(b) Any person who is an official of or employed by any unit of State or local government who, either directly or indirectly, knowingly informs a bidder or offeror that the bid or offer will be accepted or

executed only if specified individuals are included as subcontractors commits a Class 3 felony.

(c) It shall not constitute a violation of subsection (a) of this Section where any person who is an official of or employed by any unit of State or local government follows procedures established (i) by federal, State or local minority or female owned business enterprise programs or (ii) pursuant to Section 45-57 of the Illinois Procurement Code [30 ILCS 500/45-57].

(d) Any bidder or offeror who is the recipient of communications from the unit of government which he reasonably believes to be proscribed by subsections (a) or (b), and fails to inform either the Attorney General or the State's Attorney for the county in which the unit of government is located, commits a Class A misdemeanor.

(e) Any public official who knowingly awards a contract based on criteria which were not publicly disseminated via the invitation to bid, when such invitation to bid is required by law or ordinance, the pre-bid conference, or any solicitation for contracts procedure or such procedure used in any sheltered market procurement procedure adopted pursuant to statute or ordinance, commits a Class 3 felony.

(f) It shall not constitute a violation of subsection (a) for any person who is an official of or employed by any unit of State or local government to provide to any person a copy of the transcript or other summary of any pre-bid conference where such transcript or summary is also made generally available to the public.

HISTORY:
P.A. 86-150; 97-260, § 10.

720 ILCS 5/33E-7 Kickbacks

(a) A person violates this Section when he knowingly either:

(1) provides, attempts to provide or offers to provide any kickback;

(2) solicits, accepts or attempts to accept any kickback; or

(3) includes, directly or indirectly, the amount of any kickback prohibited by paragraphs (1) or (2) of this subsection (a) in the contract price charged by a subcontractor to a prime contractor or a higher tier subcontractor or in the contract price charged by a prime contractor to any unit of State or local government for a public contract.

(b) Any person violates this Section when he has received an offer of a kickback, or has been solicited to make a kickback, and fails to report it to law enforcement officials, including but not limited to the Attorney General or the State's Attorney for the county in which the contract is to be performed.

(c) A violation of subsection (a) is a Class 3 felony. A violation of subsection (b) is a Class 4 felony.

(d) Any unit of State or local government may, in a civil action, recover a civil penalty from any person who knowingly engages in conduct which violates paragraph (3) of subsection (a) of this Section in twice the amount of each kickback involved in the violation. This subsection (d) shall in no way limit the ability of any unit of State or local government to recover monies or damages regarding public contracts under any other law or ordinance. A civil action shall be barred unless the action is commenced within 6 years after the later of (1) the date on which the conduct establishing the cause of action occurred or (2) the date on which the unit of State or local government knew or should have known that the conduct establishing the cause of action occurred.

HISTORY:
P.A. 85-1295.

720 ILCS 5/33E-8 Bribery of inspector employed by contractor

(a) A person commits bribery of an inspector when he offers to any person employed by a contractor or subcontractor on any public project contracted for by any unit of State or local government any property or other thing of value with the intent that such offer is for the purpose of obtaining wrongful certification or approval of the quality or completion of any goods or services supplied or performed in the course of work on such project. Violation of this subsection is a Class 4 felony.

(b) Any person employed by a contractor or subcontractor on any public project contracted for by any unit of State or local government who accepts any property or other thing of value knowing that such was intentionally offered for the purpose of influencing the certification or approval of the quality or completion of any goods or services supplied or performed under subcontract to that contractor, and either before or afterwards issues such wrongful certification, commits a Class 3 felony. Failure to report such offer to law enforcement officials, including but not limited to the Attorney General or the State's Attorney for the county in which the contract is performed, constitutes a Class 4 felony.

HISTORY:
P.A. 85-1295.

720 ILCS 5/33E-9 Change orders

Any change order authorized under this Section shall be made in writing. Any person employed by and authorized by any unit of State or local government to approve a change order to any public contract who knowingly grants that approval without first obtaining from the unit of State or local government on whose behalf the contract was signed, or from a designee authorized by that unit of State or local government, a determination in writing that (1) the circumstances said to necessitate the change in performance were not reasonably foreseeable at the time the contract was signed, or (2) the change is germane to the original contract as signed, or (3) the change order is in the best interest of the unit of

State or local government and authorized by law, commits a Class 4 felony. The written determination and the written change order resulting from that determination shall be preserved in the contract's file which shall be open to the public for inspection. This Section shall only apply to a change order or series of change orders which authorize or necessitate an increase or decrease in either the cost of a public contract by a total of $10,000 or more or the time of completion by a total of 30 days or more.

HISTORY:
P.A. 86-150; 87-618.

720 ILCS 5/33E-10 Rules of evidence

(a) The certified bid is prima facie evidence of the bid.

(b) It shall be presumed that in the absence of practices proscribed by this Article 33E [720 ILCS 5/33E-1 et seq.], all persons who submit bids in response to an invitation to bid by any unit of State or local government submit their bids independent of all other bidders, without information obtained from the governmental entity outside the invitation to bid, and in a good faith effort to obtain the contract.

HISTORY:
P.A. 85-1295.

720 ILCS 5/33E-11 [Certification of eligibility to bid]

(a) Every bid submitted to and public contract executed pursuant to such bid by the State or a unit of local government shall contain a certification by the prime contractor that the prime contractor is not barred from contracting with any unit of State or local government as a result of a violation of either Section 33E-3 or 33E-4 of this Article [720 ILCS 5/33E-3 or 720 ILCS 5/33E-4]. The State and units of local government shall provide the appropriate forms for such certification.

(b) A contractor who knowingly makes a false statement, material to the certification, commits a Class 3 felony.

HISTORY:
P.A. 86-150; 97-1108, § 10-5.

720 ILCS 5/33E-12 [Actions permitted under Article]

It shall not constitute a violation of any provisions of this Article for any person who is an official of or employed by a unit of State or local government to (1) disclose the name of any person who has submitted a bid in response to or requested plans or specifications regarding an invitation to bid or who has been awarded a public contract to any person or, (2) to convey information concerning acceptable alternatives or substitute to plans or specifications if such information is also made generally available to the public and mailed to any person who has submitted a bid in response to or requested plans or specifications regarding an invitation to bid on a public contract or, (3) to negotiate with the lowest responsible bidder a reduction in only the price term of the bid.

HISTORY:
P.A. 86-150.

720 ILCS 5/33E-13 [Contract negotiations]

Contract negotiations under the Local Government Professional Services Selection Act [50 ILCS 510/0.01 et seq.] shall not be subject to the provisions of this Article.

HISTORY:
P.A. 87-855.

720 ILCS 5/33E-14 False statements on vendor applications

(a) A person commits false statements on vendor applications when he or she knowingly makes any false statement or report with the intent to influence in any way the action of any unit of local government or school district in considering a vendor application.

(b) Sentence. False statements on vendor applications is a Class 3 felony.

HISTORY:
P.A. 90-800, § 5; 97-1108, § 10-5; 99-78, § 485.

720 ILCS 5/33E-15 False entries

(a) An officer, agent, or employee of, or anyone who is affiliated in any capacity with any unit of local government or school district commits false entries when he or she makes a false entry in any book, report, or statement of any unit of local government or school district with the intent to defraud the unit of local government or school district.

(b) Sentence. False entries is a Class 3 felony.

HISTORY:
P.A. 90-800, § 5; 97-1108, § 10-5.

720 ILCS 5/33E-16 Misapplication of funds

(a) An officer, director, agent, or employee of, or affiliated in any capacity with any unit of local government or school district commits misapplication of funds when he or she knowingly misapplies any of the moneys, funds, or credits of the unit of local government or school district.

(b) Sentence. Misapplication of funds is a Class 3 felony.

HISTORY:
P.A. 90-800, § 5; 97-1108, § 10-5.

720 ILCS 5/33E-17 Unlawful participation

Whoever, being an officer, director, agent, or employee of, or affiliated in any capacity with any unit of local government or school district participates,

shares in, or receiving directly or indirectly any money, profit, property, or benefit through any contract with the unit of local government or school district, with the intent to defraud the unit of local government or school district is guilty of a Class 3 felony.

HISTORY:
P.A. 90-800, § 5.

720 ILCS 5/33E-18 Unlawful stringing of bids

(a) A person commits unlawful stringing of bids when he or she, with the intent to evade the bidding requirements of any unit of local government or school district, knowingly strings or assists in stringing or attempts to string any contract or job order with the unit of local government or school district.

(b) Sentence. Unlawful stringing of bids is a Class 4 felony.

HISTORY:
P.A. 90-800, § 5; 97-1108, § 10-5; 98-756, § 695.

TITLE V.
ADDED ARTICLES

Article 47. Nuisance

ARTICLE 47.
NUISANCE

720 ILCS 5/47-5 Public nuisance

It is a public nuisance:

(1) To cause or allow the carcass of an animal or offal, filth, or a noisome substance to be collected, deposited, or to remain in any place to the prejudice of others.

(2) To throw or deposit offal or other offensive matter or the carcass of a dead animal in a water course, lake, pond, spring, well, or common sewer, street, or public highway.

(3) To corrupt or render unwholesome or impure the water of a spring, river, stream, pond, or lake to the injury or prejudice of others.

(4) To obstruct or impede, without legal authority, the passage of a navigable river or waters.

(5) To obstruct or encroach upon public highways, private ways, streets, alleys, commons, landing places, and ways to burying places.

(6) To carry on the business of manufacturing gunpowder, nitroglycerine, or other highly explosive substances, or mixing or grinding the materials for those substances, in a building within 20 rods of a valuable building erected at the time the business is commenced.

(7) To establish powder magazines near incorporated towns, at a point different from that appointed according to law by the corporate authorities of the town, or within 50 rods of an occupied dwelling house.

(8) To erect, continue, or use a building or other place for the exercise of a trade, employment, or manufacture that, by occasioning noxious exhalations, offensive smells, or otherwise, is offensive or dangerous to the health of individuals or of the public.

(9) To advertise wares or occupation by painting notices of the wares or occupation on or affixing them to fences or other private property, or on rocks or other natural objects, without the consent of the owner, or if in the highway or other public place, without permission of the proper authorities.

(10) To permit a well drilled for oil, gas, salt water disposal, or any other purpose in connection with the production of oil and gas to remain unplugged after the well is no longer used for the purpose for which it was drilled.

(11) To construct or operate a salt water pit or oil field refuse pit, commonly called a "burn out pit", so that salt water, brine, or oil field refuse or other waste liquids may escape from the pit in a manner except by the evaporation of the salt water or brine or by the burning of the oil field waste or refuse.

(12) To permit concrete bases, discarded machinery, and materials to remain around an oil or gas well, or to fail to fill holes, cellars, slush pits, and other excavations made in connection with the well or to restore the surface of the lands surrounding the well to its condition before the drilling of the well, upon abandonment of the oil or gas well.

(13) To permit salt water, oil, gas, or other wastes from a well drilled for oil, gas, or exploratory purposes to escape to the surface, or into a mine or coal seam, or into an underground fresh water supply, or from one underground stratum to another.

(14) To harass, intimidate, or threaten a person who is about to sell or lease or has sold or leased a residence or other real property or is about to buy or lease or has bought or leased a residence or other real property, when the harassment, intimidation, or threat relates to a person's attempt to sell, buy, or lease a residence, or other real property, or refers to a person's sale, purchase, or lease of a residence or other real property.

(15) To store, dump, or permit the accumulation of debris, refuse, garbage, trash, tires, buckets, cans, wheelbarrows, garbage cans, or other containers in a manner that may harbor mosquitoes, flies, insects, rodents, nuisance birds, or other animal pests that are offensive, injurious, or dangerous to the health of individuals or the public.

(16) To create a condition, through the improper maintenance of a swimming pool or wading pool, or by causing an action that alters the condition of a natural body of water, so that it harbors mosquitoes, flies, or other animal pests that are offensive, injuri-

ous, or dangerous to the health of individuals or the public.

(17) To operate a tanning facility without a valid permit under the Tanning Facility Permit Act [210 ILCS 145/1 et seq.].

Nothing in this Section shall be construed to prevent the corporate authorities of a city, village, or incorporated town, or the county board of a county, from declaring what are nuisances and abating them within their limits. Counties have that authority only outside the corporate limits of a city, village, or incorporated town.

HISTORY:
P.A. 86-452; 87-636; 89-234, § 5-15.

720 ILCS 5/47-25 Penalties

Whoever causes, erects, or continues a nuisance described in this Article, for the first offense, is guilty of a petty offense and shall be fined not exceeding $100, and for a subsequent offense is guilty of a Class B misdemeanor. Every nuisance described in this Article, when a conviction for that nuisance is had, may, by order of the court before which the conviction is had, be abated by the sheriff or other proper officer, at the expense of the defendant. It is not a defense to a proceeding under this Section that the nuisance is erected or continued by virtue or permission of a law of this State.

HISTORY:
P.A. 77-2547; 89-234, § 5-15.

CHAPTER 730

CORRECTIONS

Unified Code of Corrections

UNIFIED CODE OF CORRECTIONS

Chapter
III. Department of Corrections

CHAPTER III.

DEPARTMENT OF CORRECTIONS

Article 2. Organization of Department

Section
730 ILCS 5/3-2-2 Powers and duties of the Department.

ARTICLE 2.

ORGANIZATION OF DEPARTMENT

730 ILCS 5/3-2-2 Powers and duties of the Department.

(1) In addition to the powers, duties, and responsibilities which are otherwise provided by law, the Department shall have the following powers:

(a) To accept persons committed to it by the courts of this State for care, custody, treatment, and rehabilitation, and to accept federal prisoners and noncitizens over whom the Office of the Federal Detention Trustee is authorized to exercise the federal detention function for limited purposes and periods of time.

(b) To develop and maintain reception and evaluation units for purposes of analyzing the custody and rehabilitation needs of persons committed to it and to assign such persons to institutions and programs under its control or transfer them to other appropriate agencies. In consultation with the Department of Alcoholism and Substance Abuse (now the Department of Human Services), the Department of Corrections shall develop a master plan for the screening and evaluation of persons committed to its custody who have alcohol or drug abuse problems, and for making appropriate treatment available to such persons; the Department shall report to the General Assembly on such plan not later than April 1, 1987. The maintenance and implementation of such plan shall be contingent upon the availability of funds.

(b-1) To create and implement, on January 1, 2002, a pilot program to establish the effectiveness of pupillometer technology (the measurement of the pupil's reaction to light) as an alternative to a urine test for purposes of screening and evaluating persons committed to its custody who have alcohol or drug problems. The pilot program shall require the pupillometer technology to be used in at least one Department of Corrections facility. The Director may expand the pilot program to include an additional facility or facilities as he or she deems appropriate. A minimum of 4,000 tests shall be included in the pilot program. The Department must report to the General Assembly on the effectiveness of the program by January 1, 2003.

(b-5) To develop, in consultation with the Illinois State Police, a program for tracking and evaluating each inmate from commitment through release for recording his or her gang affiliations, activities, or ranks.

(c) To maintain and administer all State correctional institutions and facilities under its control and to establish new ones as needed. Pursuant to its power to establish new institutions and facilities, the Department may, with the written approval of the Governor, authorize the Department of Central Management Services to enter into an agreement of the type described in subsection (d) of Section 405-300 of the Department of Central Management Services Law. The Department shall designate those institutions which shall constitute the State Penitentiary System. The Department of Juvenile Justice shall maintain and administer all State youth centers pursuant to subsection (d) of Section 3-2.5-20.

Pursuant to its power to establish new institutions and facilities, the Department may authorize the Department of Central Management Services to accept bids from counties and municipalities for the construction, remodeling, or conversion of a structure to be leased to the Department of Corrections for the purposes of its serving as a correctional institution or facility. Such construction, remodeling, or conversion may be financed with revenue bonds issued pursuant to the Industrial Building Revenue Bond Act by the municipality or county. The lease specified in a bid shall be for a term of not less than the time needed to retire any revenue bonds used to finance the project, but not to exceed 40 years. The lease may grant to the State the option to purchase the structure outright.

Upon receipt of the bids, the Department may certify one or more of the bids and shall submit any

such bids to the General Assembly for approval. Upon approval of a bid by a constitutional majority of both houses of the General Assembly, pursuant to joint resolution, the Department of Central Management Services may enter into an agreement with the county or municipality pursuant to such bid.

(c-5) To build and maintain regional juvenile detention centers and to charge a per diem to the counties as established by the Department to defray the costs of housing each minor in a center. In this subsection (c-5), "juvenile detention center" means a facility to house minors during pendency of trial who have been transferred from proceedings under the Juvenile Court Act of 1987 to prosecutions under the criminal laws of this State in accordance with Section 5-805 of the Juvenile Court Act of 1987, whether the transfer was by operation of law or permissive under that Section. The Department shall designate the counties to be served by each regional juvenile detention center.

(d) To develop and maintain programs of control, rehabilitation, and employment of committed persons within its institutions.

(d-5) To provide a pre-release job preparation program for inmates at Illinois adult correctional centers.

(d-10) To provide educational and visitation opportunities to committed persons within its institutions through temporary access to content-controlled tablets that may be provided as a privilege to committed persons to induce or reward compliance.

(e) To establish a system of supervision and guidance of committed persons in the community.

(f) To establish in cooperation with the Department of Transportation to supply a sufficient number of prisoners for use by the Department of Transportation to clean up the trash and garbage along State, county, township, or municipal highways as designated by the Department of Transportation. The Department of Corrections, at the request of the Department of Transportation, shall furnish such prisoners at least annually for a period to be agreed upon between the Director of Corrections and the Secretary of Transportation. The prisoners used on this program shall be selected by the Director of Corrections on whatever basis he deems proper in consideration of their term, behavior and earned eligibility to participate in such program - where they will be outside of the prison facility but still in the custody of the Department of Corrections. Prisoners convicted of first degree murder, or a Class X felony, or armed violence, or aggravated kidnapping, or criminal sexual assault, aggravated criminal sexual abuse or a subsequent conviction for criminal sexual abuse, or forcible detention, or arson, or a prisoner adjudged a Habitual Criminal shall not be eligible for selection to participate in such program. The prisoners shall remain as prisoners in the custody of the Department of Corrections and such Department shall furnish whatever security is necessary. The Department of Transportation shall furnish trucks and equipment for the highway cleanup program and personnel to supervise and direct the program. Neither the Department of Corrections nor the Department of Transportation shall replace any regular employee with a prisoner.

(g) To maintain records of persons committed to it and to establish programs of research, statistics, and planning.

(h) To investigate the grievances of any person committed to the Department and to inquire into any alleged misconduct by employees or committed persons; and for these purposes it may issue subpoenas and compel the attendance of witnesses and the production of writings and papers, and may examine under oath any witnesses who may appear before it; to also investigate alleged violations of a parolee's or releasee's conditions of parole or release; and for this purpose it may issue subpoenas and compel the attendance of witnesses and the production of documents only if there is reason to believe that such procedures would provide evidence that such violations have occurred.

If any person fails to obey a subpoena issued under this subsection, the Director may apply to any circuit court to secure compliance with the subpoena. The failure to comply with the order of the court issued in response thereto shall be punishable as contempt of court.

(i) To appoint and remove the chief administrative officers, and administer programs of training and development of personnel of the Department. Personnel assigned by the Department to be responsible for the custody and control of committed persons or to investigate the alleged misconduct of committed persons or employees or alleged violations of a parolee's or releasee's conditions of parole shall be conservators of the peace for those purposes, and shall have the full power of peace officers outside of the facilities of the Department in the protection, arrest, retaking, and reconfining of committed persons or where the exercise of such power is necessary to the investigation of such misconduct or violations. This subsection shall not apply to persons committed to the Department of Juvenile Justice under the Juvenile Court Act of 1987 on aftercare release.

(j) To cooperate with other departments and agencies and with local communities for the development of standards and programs for better correctional services in this State.

(k) To administer all moneys and properties of the Department.

(*l*) To report annually to the Governor on the committed persons, institutions, and programs of the Department.

(l-5) (Blank).

(m) To make all rules and regulations and exercise all powers and duties vested by law in the Department.

(n) To establish rules and regulations for administering a system of sentence credits, established in accordance with Section 3-6-3, subject to review by the Prisoner Review Board.

(o) To administer the distribution of funds from the State Treasury to reimburse counties where State penal institutions are located for the payment of assistant state's attorneys' salaries under Section 4-2001 of the Counties Code.

(p) To exchange information with the Department of Human Services and the Department of Healthcare and Family Services for the purpose of verifying living arrangements and for other purposes directly connected with the administration of this Code and the Illinois Public Aid Code.

(q) To establish a diversion program.

The program shall provide a structured environment for selected technical parole or mandatory supervised release violators and committed persons who have violated the rules governing their conduct while in work release. This program shall not apply to those persons who have committed a new offense while serving on parole or mandatory supervised release or while committed to work release.

Elements of the program shall include, but shall not be limited to, the following:

(1) The staff of a diversion facility shall provide supervision in accordance with required objectives set by the facility.

(2) Participants shall be required to maintain employment.

(3) Each participant shall pay for room and board at the facility on a sliding-scale basis according to the participant's income.

(4) Each participant shall:

(A) provide restitution to victims in accordance with any court order;

(B) provide financial support to his dependents; and

(C) make appropriate payments toward any other court-ordered obligations.

(5) Each participant shall complete community service in addition to employment.

(6) Participants shall take part in such counseling, educational, and other programs as the Department may deem appropriate.

(7) Participants shall submit to drug and alcohol screening.

(8) The Department shall promulgate rules governing the administration of the program.

(r) To enter into intergovernmental cooperation agreements under which persons in the custody of the Department may participate in a county impact incarceration program established under Section 3-6038 or 3-15003.5 of the Counties Code.

(r-5) (Blank).

(r-10) To systematically and routinely identify with respect to each streetgang active within the correctional system: (1) each active gang; (2) every existing inter-gang affiliation or alliance; and (3) the current leaders in each gang. The Department shall promptly segregate leaders from inmates who belong to their gangs and allied gangs. "Segregate" means no physical contact and, to the extent possible under the conditions and space available at the correctional facility, prohibition of visual and sound communication. For the purposes of this paragraph (r-10), "leaders" means persons who:

(i) are members of a criminal streetgang;

(ii) with respect to other individuals within the streetgang, occupy a position of organizer, supervisor, or other position of management or leadership; and

(iii) are actively and personally engaged in directing, ordering, authorizing, or requesting commission of criminal acts by others, which are punishable as a felony, in furtherance of streetgang related activity both within and outside of the Department of Corrections.

"Streetgang", "gang", and "streetgang related" have the meanings ascribed to them in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(s) To operate a super-maximum security institution, in order to manage and supervise inmates who are disruptive or dangerous and provide for the safety and security of the staff and the other inmates.

(t) To monitor any unprivileged conversation or any unprivileged communication, whether in person or by mail, telephone, or other means, between an inmate who, before commitment to the Department, was a member of an organized gang and any other person without the need to show cause or satisfy any other requirement of law before beginning the monitoring, except as constitutionally required. The monitoring may be by video, voice, or other method of recording or by any other means. As used in this subdivision (1)(t), "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

As used in this subdivision (1)(t), "unprivileged conversation" or "unprivileged communication" means a conversation or communication that is not protected by any privilege recognized by law or by decision, rule, or order of the Illinois Supreme Court.

(u) To establish a Women's and Children's Prerelease Community Supervision Program for the purpose of providing housing and services to eligible female inmates, as determined by the Department, and their newborn and young children.

(u-5) To issue an order, whenever a person committed to the Department absconds or absents himself or herself, without authority to do so, from any facility or program to which he or she is assigned. The order shall be certified by the Director, the Supervisor of the Apprehension Unit, or any person duly designated by the Director, with

the seal of the Department affixed. The order shall be directed to all sheriffs, coroners, and police officers, or to any particular person named in the order. Any order issued pursuant to this subdivision (1)(u-5) shall be sufficient warrant for the officer or person named in the order to arrest and deliver the committed person to the proper correctional officials and shall be executed the same as criminal process.

(u-6) To appoint a point of contact person who shall receive suggestions, complaints, or other requests to the Department from visitors to Department institutions or facilities and from other members of the public.

(v) To do all other acts necessary to carry out the provisions of this Chapter.

(2) The Department of Corrections shall by January 1, 1998, consider building and operating a correctional facility within 100 miles of a county of over 2,000,000 inhabitants, especially a facility designed to house juvenile participants in the impact incarceration program.

(3) When the Department lets bids for contracts for medical services to be provided to persons committed to Department facilities by a health maintenance organization, medical service corporation, or other health care provider, the bid may only be let to a health care provider that has obtained an irrevocable letter of credit or performance bond issued by a company whose bonds have an investment grade or higher rating by a bond rating organization.

(4) When the Department lets bids for contracts for food or commissary services to be provided to Department facilities, the bid may only be let to a food or commissary services provider that has obtained an irrevocable letter of credit or performance bond issued by a company whose bonds have an investment grade or higher rating by a bond rating organization.

(5) On and after the date 6 months after August 16, 2013 (the effective date of Public Act 98-488), as provided in the Executive Order 1 (2012) Implementation Act, all of the powers, duties, rights, and responsibilities related to State healthcare purchasing under this Code that were transferred from the Department of Corrections to the Department of Healthcare and Family Services by Executive Order 3 (2005) are transferred back to the Department of Corrections; however, powers, duties, rights, and responsibilities related to State healthcare purchasing under this Code that were exercised by the Department of Corrections before the effective date of Executive Order 3 (2005) but that pertain to individuals resident in facilities operated by the Department of Juvenile Justice are transferred to the Department of Juvenile Justice.

HISTORY:

P.A. 85-1209; 85-1433; 86-820; 86-1182; 86-1183; 86-1475; 88-311, § 15; 88-469, § 10; 88-670, § 2-66; 89-110, § 10; 89-302, § 15; 89-312, § 5; 89-390, § 5; 89-507, § 90C-36; 89-626, § 2-74; 89-688, § 5; 89-689, § 125; 90-14, § 2-250; 90-590, § 2001-40; 90-658, § 5; 91-239, § 5-545; 91-357, § 247; 92-444, § 5; 92-712, § 5; 93-839, § 10-170; 94-696, § 25; 94-1067, § 15; 96-1265, § 5; 97-697, § 5; 97-800, § 5; 97-802, § 5; 98-463, § 460; 98-488, § 935; 98-558, § 105; 98-756, § 720; 2017 P.A. 100-198, § 5, effective January 1, 2018; 2018 P.A. 100-863, § 585, effective August 14, 2018; 2019 P.A. 101-235, § 5, effective January 1, 2020; 2021 P.A. 102-350, § 15, effective August 13, 2021; 2021 P.A. 102-535, § 5, effective January 1, 2022; 2021 P.A. 102-538, § 1055, effective August 20, 2021; 2022 P.A. 102-813, § 655, effective May 13, 2022; 2022 P.A. 102-1030, § 110, effective May 27, 2022.

CHAPTER 735

CIVIL PROCEDURE

Eminent Domain Act

EMINENT DOMAIN ACT

Article
1. General Provisions
5. General Exercise
10. General Procedure
15. Express Eminent Domain Powers
20. Quick-take Procedure
25. Express Quick-take Powers

ARTICLE 1.
GENERAL PROVISIONS

Section
735 ILCS 30/1-1-1 Short title.
735 ILCS 30/1-1-5 Definitions

735 ILCS 30/1-1-1 Short title.

This Act may be cited as the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.].

HISTORY:
P.A. 94-1055, § 1-1-1.

735 ILCS 30/1-1-5 Definitions

As used in this Act, except with respect to the acquisition or damaging of property authorized under the O'Hare Modernization Act [620 ILCS 65/1 et seq.]:

"Acquisition of property", unless the context otherwise requires, includes the acquisition, damaging, or use of property or any right to or interest in property.

"Blighted area", "blight", and "blighted" have the same meanings as under the applicable statute authorizing the condemning authority to exercise the power of eminent domain or, if those terms have no defined meaning under the applicable statute, then the same meanings as under Section 11-74.4-3 of the Illinois Municipal Code [65 ILCS 5/11-74.4-3].

"Condemning authority" means the State or any unit of local government, school district, or other entity authorized to exercise the power of eminent domain.

HISTORY:
P.A. 94-1055, § 1-1-5.

ARTICLE 5.
GENERAL EXERCISE

Section
735 ILCS 30/5-5-5 Exercise of the power of eminent domain; public use; blight.

735 ILCS 30/5-5-5 Exercise of the power of eminent domain; public use; blight.

(a) In addition to all other limitations and requirements, a condemning authority may not take or damage property by the exercise of the power of eminent domain unless it is for a public use, as set forth in this Section.

(a-5) Subsections (b), (c), (d), (e), and (f) of this Section do not apply to the acquisition of property under the O'Hare Modernization Act [620 ILCS 65/1 et seq.]. A condemning authority may exercise the power of eminent domain for the acquisition or damaging of property under the O'Hare Modernization Act [620 ILCS 65/1 et seq.] as provided for by law in effect prior to the effective date of this Act.

(a-10) Subsections (b), (c), (d), (e), and (f) of this Section do not apply to the acquisition or damaging of property in furtherance of the goals and objectives of an existing tax increment allocation redevelopment plan. A condemning authority may exercise the power of eminent domain for the acquisition of property in furtherance of an existing tax increment allocation redevelopment plan as provided for by law in effect prior to the effective date of this Act.

As used in this subsection, "existing tax increment allocation redevelopment plan" means a redevelopment plan that was adopted under the Tax Increment Allocation Redevelopment Act [65 ILCS 5/11-74.4-1 et seq.] (Article 11, Division 74.4 of the Illinois Municipal Code [65 ILCS 5/11-74.4-1 et seq.]) prior to April 15, 2006 and for which property assembly costs were, before that date, included as a budget line item in the plan or described in the narrative portion of the plan as part of the redevelopment project, but does not include (i) any additional area added to the redevelopment project area on or after April 15, 2006, (ii) any subsequent extension of the completion date of a redevelopment plan beyond the estimated completion date established in that plan prior to April 15, 2006, (iii) any acquisition of property in a conservation area for which the condemnation complaint is filed more than 12 years after the effective date of this Act, or (iv) any acquisition of property in an industrial park conservation area.

As used in this subsection, "conservation area" and "industrial park conservation area" have the same meanings as under Section 11-74.4-3 of the Illinois Municipal Code [65 ILCS5/11-74.4-3].

(b) If the exercise of eminent domain authority is to acquire property for public ownership and control, then the condemning authority must prove that (i) the acquisition of the property is necessary for a public purpose and (ii) the acquired property will be

owned and controlled by the condemning authority or another governmental entity.

(c) Except when the acquisition is governed by subsection (b) or is primarily for one of the purposes specified in subsection (d), (e), or (f) and the condemning authority elects to proceed under one of those subsections, if the exercise of eminent domain authority is to acquire property for private ownership or control, or both, then the condemning authority must prove by clear and convincing evidence that the acquisition of the property for private ownership or control is (i) primarily for the benefit, use, or enjoyment of the public and (ii) necessary for a public purpose.

An acquisition of property primarily for the purpose of the elimination of blight is rebuttably presumed to be for a public purpose and primarily for the benefit, use, or enjoyment of the public under this subsection.

Any challenge to the existence of blighting factors alleged in a complaint to condemn under this subsection shall be raised within 6 months of the filing date of the complaint to condemn, and if not raised within that time the right to challenge the existence of those blighting factors shall be deemed waived.

Evidence that the Illinois Commerce Commission has granted a certificate or otherwise made a finding of public convenience and necessity for an acquisition of property (or any right or interest in property) for private ownership or control (including, without limitation, an acquisition for which the use of eminent domain is authorized under the Public Utilities Act [220 ILCS 5/1-101 et seq.], the Telephone Company Act [220 ILCS 65/0.01 to 220 ILCS 65/5], or the Electric Supplier Act [220 ILCS 30/1 et seq.]) to be used for utility purposes creates a rebuttable presumption that such acquisition of that property (or right or interest in property) is (i) primarily for the benefit, use, or enjoyment of the public and (ii) necessary for a public purpose.

In the case of an acquisition of property (or any right or interest in property) for private ownership or control to be used for utility, pipeline, or railroad purposes for which no certificate or finding of public convenience and necessity by the Illinois Commerce Commission is required, evidence that the acquisition is one for which the use of eminent domain is authorized under one of the following laws creates a rebuttable presumption that the acquisition of that property (or right or interest in property) is (i) primarily for the benefit, use, or enjoyment of the public and (ii) necessary for a public purpose:

(1) the Public Utilities Act [220 ILCS 5/1-101 et seq.],

(2) the Telephone Company Act [220 ILCS 65/0.01 et seq.],

(3) the Electric Supplier Act [220 ILCS 30/1 et seq.],

(4) the Railroad Terminal Authority Act [70 ILCS 1905/0.01 et seq.],

(5) the Grand Avenue Railroad Relocation Authority Act [70 ILCS 1915/1 to 70 ILCS 1915/999],

(6) the West Cook Railroad Relocation and Development Authority Act [70 ILCS 1920/1 to 1920/999],

(7) Section 4-505 of the Illinois Highway Code [605 ILCS 5/4-505],

(8) Section 17 or 18 of the Railroad Incorporation Act [610 ILCS 5/17 or 610 ILCS 5/18],

(9) Section 18c-7501 of the Illinois Vehicle Code [625 ILCS 5/18c-7501].

(d) If the exercise of eminent domain authority is to acquire property for private ownership or control and if the primary basis for the acquisition is the elimination of blight and the condemning authority elects to proceed under this subsection, then the condemning authority must: (i) prove by a preponderance of the evidence that acquisition of the property for private ownership or control is necessary for a public purpose; (ii) prove by a preponderance of the evidence that the property to be acquired is located in an area that is currently designated as a blighted area or conservation area under an applicable statute; (iii) if the existence of blight or blighting factors is challenged in an appropriate motion filed within 6 months after the date of filing of the complaint to condemn, prove by a preponderance of the evidence that the required blighting factors existed in the area so designated (but not necessarily in the particular property to be acquired) at the time of the designation under item (ii) or at any time thereafter; and (iv) prove by a preponderance of the evidence at least one of the following:

(A) that it has entered into an express written agreement in which a private person or entity agrees to undertake a development project within the blighted area that specifically details the reasons for which the property or rights in that property are necessary for the development project;

(B) that the exercise of eminent domain power and the proposed use of the property by the condemning authority are consistent with a regional plan that has been adopted within the past 5 years in accordance with Section 5-14001 of the Counties Code [55 ILCS 5/1-14001] or Section 11-12-6 of the Illinois Municipal Code [65 ILCS 5/11-12-6] or with a local land resource management plan adopted under Section 4 of the Local Land Resource Management Planning Act [50 ILCS 850/4]; or

(C) that (1) the acquired property will be used in the development of a project that is consistent with the land uses set forth in a comprehensive redevelopment plan prepared in accordance with the applicable statute authorizing the condemning authority to exercise the power of eminent domain and is consistent with the goals and purposes of that comprehensive redevelopment plan, and (2) an enforceable written agreement, deed restriction, or similar encumbrance has been or will be executed and recorded against the acquired property to assure that the project and the use of the property remain consistent with those land uses,

goals, and purposes for a period of at least 40 years, which execution and recording shall be included as a requirement in any final order entered in the condemnation proceeding.

The existence of an ordinance, resolution, or other official act designating an area as blighted is not prima facie evidence of the existence of blight. A finding by the court in a condemnation proceeding that a property or area has not been proven to be blighted does not apply to any other case or undermine the designation of a blighted area or conservation area or the determination of the existence of blight for any other purpose or under any other statute, including without limitation under the Tax Increment Allocation Redevelopment Act [65 ILCS 5/11-74.4-1 et seq.] (Article 11, Division 74.4 of the Illinois Municipal Code [65 ILCS 5/11-74.4]).

Any challenge to the existence of blighting factors alleged in a complaint to condemn under this subsection shall be raised within 6 months of the filing date of the complaint to condemn, and if not raised within that time the right to challenge the existence of those blighting factors shall be deemed waived.

(e) If the exercise of eminent domain authority is to acquire property for private ownership or control and if the primary purpose of the acquisition is one of the purposes specified in item (iii) of this subsection and the condemning authority elects to proceed under this subsection, then the condemning authority must prove by a preponderance of the evidence that: (i) the acquisition of the property is necessary for a public purpose; (ii) an enforceable written agreement, deed restriction, or similar encumbrance has been or will be executed and recorded against the acquired property to assure that the project and the use of the property remain consistent with the applicable purpose specified in item (iii) of this subsection for a period of at least 40 years, which execution and recording shall be included as a requirement in any final order entered in the condemnation proceeding; and (iii) the acquired property will be one of the following:

(1) included in the project site for a residential project, or a mixed-use project including residential units, where not less than 20% of the residential units in the project are made available, for at least 15 years, by deed restriction, long-term lease, regulatory agreement, extended use agreement, or a comparable recorded encumbrance, to low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act [310 ILCS 65/1 et seq.];

(2) used primarily for public airport, road, parking, or mass transportation purposes and sold or leased to a private party in a sale-leaseback, lease-leaseback, or similar structured financing;

(3) owned or used by a public utility or electric cooperative for utility purposes;

(4) owned or used by a railroad for passenger or freight transportation purposes;

(5) sold or leased to a private party that operates a water supply, waste water, recycling, waste disposal, waste-to-energy, or similar facility;

(6) sold or leased to a not-for-profit corporation whose purposes include the preservation of open space, the operation of park space, and similar public purposes;

(7) used as a library, museum, or related facility, or as infrastructure related to such a facility;

(8) used by a private party for the operation of a charter school open to the general public; or

(9) a historic resource, as defined in Section 3 of the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420/1 et seq.], a landmark designated as such under a local ordinance, or a contributing structure within a local landmark district listed on the National Register of Historic Places, that is being acquired for purposes of preservation or rehabilitation.

(f) If the exercise of eminent domain authority is to acquire property for public ownership and private control and if the primary purpose of the acquisition is one of the purposes specified in item (iii) of this subsection and the condemning authority elects to proceed under this subsection, then the condemning authority must prove by a preponderance of the evidence that: (i) the acquisition of the property is necessary for a public purpose; (ii) the acquired property will be owned by the condemning authority or another governmental entity; and (iii) the acquired property will be controlled by a private party that operates a business or facility related to the condemning authority's operation of a university, medical district, hospital, exposition or convention center, mass transportation facility, or airport, including, but not limited to, a medical clinic, research and development center, food or commercial concession facility, social service facility, maintenance or storage facility, cargo facility, rental car facility, bus facility, taxi facility, flight kitchen, fixed based operation, parking facility, refueling facility, water supply facility, and railroad tracks and stations.

(g) This Article is a limitation on the exercise of the power of eminent domain, but is not an independent grant of authority to exercise the power of eminent domain.

HISTORY:

P.A. 94-1055, § 5-5-5.

ARTICLE 10.

GENERAL PROCEDURE

Section

735 ILCS 30/10-5-5 Compensation; jury

(a) Private property shall not be taken or damaged for public use without just compensation and, in all cases in which compensation is not made by the condemning authority, compensation shall be ascertained by a jury, as provided in this Act. When compensation is so made by the condemning authority, any party, upon application, may have a trial by jury to ascertain the just compensation to be paid. A demand on the part of the condemning authority for a trial by jury shall be filed with the complaint for condemnation of the condemning authority. When the condemning authority is plaintiff, a defendant desirous of a trial by jury must file a demand for a trial by jury on or before the return date of the summons served on him or her or on or before the date fixed in the publication in case of defendants served by publication. If no party in the condemnation action demands a trial by jury, as provided for by this Section, then the trial shall be before the court without a jury.

(b) The right to just compensation, as provided in this Act, applies to the owner or owners of any lawfully erected off-premises outdoor advertising sign that is compelled to be altered or removed under this Act or any other statute, or under any ordinance or regulation of any municipality or other unit of local government, and also applies to the owner or owners of the property on which that sign is erected. The right to just compensation, as provided in this Act, applies to property subject to a conservation right under the Real Property Conservation Rights Act [765 ILCS 120/1 et seq.]. The amount of compensation for the taking of the property shall not be diminished or reduced by virtue of the existence of the conservation right. The holder of the conservation right shall be entitled to just compensation for the value of the conservation right.

HISTORY:
P.A. 82-280; 87-1205, § 1; 91-497, § 10-5.5; 94-1055, § 10-5-5.

735 ILCS 30/10-5-10 Parties.

(a) When the right (i) to take private property for public use, without the owner's consent, (ii) to construct or maintain any public road, railroad, plankroad, turnpike road, canal, or other public work or improvement, or (iii) to damage property not actually taken has been or is conferred by general law or special charter upon any corporate or municipal authority, public body, officer or agent, person, commissioner, or corporation and when (i) the compensation to be paid for or in respect of the property sought to be appropriated or damaged for the purposes mentioned cannot be agreed upon by the parties interested, (ii) the owner of the property is incapable of consenting, (iii) the owner's name or residence is unknown, or (iv) the owner is a nonresident of the State, then the party authorized to take or damage the property so required, or to construct, operate, and maintain any public road, railroad, plankroad, turnpike road, canal, or other public work or improvement, may apply to the circuit court of the county where the property or any part of the property is situated, by filing with the clerk a complaint. The complaint shall set forth, by reference, (i) the complainant's authority in the premises, (ii) the purpose for which the property is sought to be taken or damaged, (iii) a description of the property, and (iv) the names of all persons interested in the property as owners or otherwise, as appearing of record, if known, or if not known stating that fact; and shall pray the court to cause the compensation to be paid to the owner to be assessed.

(b) If it appears that any person not in being, upon coming into being, is, or may become or may claim to be, entitled to any interest in the property sought to be appropriated or damaged, the court shall appoint some competent and disinterested person as guardian ad litem to appear for and represent that interest in the proceeding and to defend the proceeding on behalf of the person not in being. Any judgment entered in the proceeding shall be as effectual for all purposes as though the person was in being and was a party to the proceeding.

(c) If the proceeding seeks to affect the property of persons under guardianship, the guardians shall be made parties defendant.

(d) Any interested persons whose names are unknown may be made parties defendant by the same descriptions and in the same manner as provided in other civil cases.

(e) When the property to be taken or damaged is a common element of property subject to a declaration of condominium ownership, pursuant to the Condominium Property Act [765 ILCS 605/1 et seq.], or of a common interest community, the complaint shall name the unit owners' association in lieu of naming the individual unit owners and lienholders on individual units. Unit owners, mortgagees, and other lienholders may intervene as parties defendant. For the purposes of this Section, "common interest community" has the same meaning as set forth in subsection (c) of Section 9-102 of the Code of Civil Procedure [735 ILCS 5/9-102]. "Unit owners' association" or "association" shall refer to both the definition

contained in Section 2 of the Condominium Property Act [765 ILCS 605/2] and subsection (c) of Section 9-102 of the Code of Civil Procedure.

(f) When the property is sought to be taken or damaged by the State for the purposes of establishing, operating, or maintaining any State house or State charitable or other institutions or improvements, the complaint shall be signed by the Governor, or the Governor's designee, or as otherwise provided by law.

(g) No property, except property described in Section 3 of the Sports Stadium Act [65 ILCS 100/3], property to be acquired in furtherance of actions under Article 11, Divisions 124, 126, 128, 130, 135, 136, and 139, of the Illinois Municipal Code [65 ILCS 5/11-139-1 et seq.], property to be acquired in furtherance of actions under Section 3.1 of the Intergovernmental Cooperation Act [5 ILCS 220/3.1], property to be acquired that is a water system or waterworks pursuant to the home rule powers of a unit of local government, and property described as Site B in Section 2 of the Metropolitan Pier and Exposition Authority Act [70 ILCS 210/2], and property that may be taken as provided in the Public-Private Agreements for the South Suburban Airport Act [620 ILCS 75/2-1 et seq.] belonging to a railroad or other public utility subject to the jurisdiction of the Illinois Commerce Commission may be taken or damaged, pursuant to the provisions of this Act, without the prior approval of the Illinois Commerce Commission.

HISTORY:
P.A. 86-110; 86-826; 86-1028; 87-733; 87-760; 87-895; 89-683, § 915; 90-6, § 4; 94-1007, § 15-5-10; 94-1055, § 10-5-10; 95-331, § 1090; 98-109, § 4-70.

735 ILCS 30/10-5-15 State agency proceedings; information

(a) This Section applies only to the State and its agencies, and only to matters arising after December 31, 1991.

(b) Before any State agency initiates any proceeding under this Act, the agency must designate and provide for an appropriate person to respond to requests arising from the notifications required under this Section. The designated person may be an employee of the agency itself or an employee of any other appropriate State agency. The designated person shall respond to property owners' questions about the authority and procedures of the State agency in acquiring property by condemnation and about the property owner's general rights under those procedures. However, the designated person shall not provide property owners with specific legal advice or specific legal referrals.

(c) At the time of first contact with a property owner, whether in person or by letter, the State agency shall advise the property owner, in writing, of the following:

(1) A description of the property that the agency seeks to acquire.

(2) The name, address, and telephone number of the State official designated under subsection (b) to answer the property owner's questions.

(3) The identity of the State agency attempting to acquire the property.

(4) The general purpose of the proposed acquisition.

(5) The type of facility to be constructed on the property, if any.

(d) At least 60 days before filing a petition with any court to initiate a proceeding under this Act, a State agency shall send a letter by certified mail, return receipt requested, to the owner of the property to be taken, giving the property owner the following information:

(1) The amount of compensation for the taking of the property proposed by the agency and the basis for computing it.

(2) A statement that the agency continues to seek a negotiated agreement with the property owner.

(3) A statement that, in the absence of a negotiated agreement, it is the intention of the agency to initiate a court proceeding under this Act.

The State agency shall maintain a record of the letters sent in compliance with this Section for at least one year.

(e) Any duty imposed on a State agency by this Section may be assumed by the Office of the Attorney General, the Capital Development Board, or any other agency of State government that is assisting or acting on behalf of the State agency in the matter.

HISTORY:
P.A. 87-785; 94-1055, § 10-5-15.

735 ILCS 30/10-5-20 Construction easement

If a taking is for a construction easement only, any structure that has been removed or taken shall be repaired, reestablished or relocated, at the option of the landowner, when the cost of the action does not exceed the just compensation otherwise payable to the landowner.

HISTORY:
P.A. 82-280; 94-1055, § 10-5-20.

735 ILCS 30/10-5-25 Service; notice

Service of summons and publication of notice shall be made as in other civil cases.

HISTORY:
P.A. 82-280; P.A. 94-1055; § 10-5-25.

735 ILCS 30/10-5-30 Hearing

Except as provided in Sections 20-5-10, 20-5-15, 20-5-20, and 20-5-45 of this Act [735 ILCS 30/20-5-10, 735 ILCS 30/20-5-15, 735 ILCS 30/20-5-20, and 735 ILCS 30/20-5-45], no cause shall be heard earlier than 20 days after service upon defendant or upon due publication against non-residents.

Any number of separate parcels of property, situated in the same county, may be included in one complaint, and the compensation for each shall be assessed separately by the same or different juries, as the court may direct.

Amendments to the complaint, or to any paper or record in the cause, may be permitted whenever necessary to a fair trial and final determination of the questions involved.

Should it become necessary at any stage of the proceedings to bring in a new party in the litigation, the court has the power to: (i) make any rule or order in relation thereto as may be deemed reasonable and proper; (ii) make all necessary rules and orders for notice to parties of the pendency of the proceedings; and (iii) issue all process necessary to the enforcement of orders and judgments.

HISTORY:
P.A. 83-707; 94-1055, § 10-5-30.

735 ILCS 30/10-5-35 Challenge of jurors

The plaintiff, and every party interested in the ascertaining of compensation, shall have the same right of challenge of jurors as in other civil cases in the circuit courts.

HISTORY:
P.A. 82-280; 94-1055, § 10-5-35.

735 ILCS 30/10-5-40 Oath of jury

When the jury is selected, the court shall cause the following oath to be administered to the jury:

You and each of you do solemnly swear that you will well and truly ascertain and report just compensation to the owner (and each owner) of the property which it is sought to take or damage in this case, and to each person therein interested, according to the facts in the case, as the same may appear by the evidence, and that you will truly report such compensation so ascertained: so help you God.

HISTORY:
P.A. 82-280; 94-1055, § 10-5-40.

735 ILCS 30/10-5-45 View of premises; jury's report

The jury shall, at the request of either party, go upon the land sought to be taken or damaged, in person, and examine the same. After hearing the proof offered, the jury shall make its report in writing. The report shall be subject to amendment by the jury, under the direction of the court, so as to clearly set forth and show the compensation ascertained to each person thereto entitled, and the verdict shall thereupon be recorded. However, no benefits or advantages which may accrue to lands or property affected shall be set off against or deducted from such compensation, in any case.

HISTORY:
P.A. 82-280; 94-1055, § 10-5-45.

735 ILCS 30/10-5-50 Admissibility of evidence.

Evidence is admissible as to: (1) any benefit to the landowner that will result from the public improvement for which the eminent domain proceedings were instituted; (2) any unsafe, unsanitary, substandard, or other illegal condition, use, or occupancy of the property, including any violation of any environmental law or regulation; (3) the effect of such condition on income from or the fair market value of the property; and (4) the reasonable cost of causing the property to be placed in a legal condition, use, or occupancy, including compliance with environmental laws and regulations. Such evidence is admissible notwithstanding the absence of any official action taken to require the correction or abatement of the illegal condition, use, or occupancy.

HISTORY:
P.A. 82-280; 90-393, § 10; 94-1055, § 10-5-50.

735 ILCS 30/10-5-55 Special benefits

In assessing damages or compensation for any taking or property acquisition under this Act, due consideration shall be given to any special benefit that will result to the property owner from any public improvement to be erected on the property. This Section is applicable to all private property taken or acquired for public use and applies whether damages or compensation are fixed by negotiation, by a court, or by a jury.

HISTORY:
P.A. 82-280; 94-1055, § 10-5-55.

735 ILCS 30/10-5-60 Value.

Except as to property designated as possessing a special use, the fair cash market value of property in a proceeding in eminent domain shall be the amount of money that a purchaser, willing, but not obligated, to buy the property, would pay to an owner willing, but not obliged, to sell in a voluntary sale.

For the acquisition or damaging of property under the O'Hare Modernization Act, the amount shall be determined as of the date of filing the complaint to condemn. For the acquisition of other property, the amount shall be determined and ascertained as of the date of filing the complaint to condemn, except that:

(i) in the case of property not being acquired under Article 20 (quick-take) [735 ILCS 30/20-5-5 et seq.], if the trial commences more than 2 years after the date of filing the complaint to condemn, the court may, in the interest of justice and equity, declare a valuation date no sooner than the date of filing the complaint to condemn and no later than the date of commencement of the trial; and

(ii) in the case of property that is being acquired under Article 20 (quick-take) [735 ILCS 30/20-5-5 et seq.], if the trial commences more than 2 years after the date of filing the complaint to condemn, the court may, in the interest of justice and equity, declare a valuation date no sooner than the date of filing the complaint to condemn and no later than the date on which the condemning authority took title to the property.

In the condemnation of property for a public improvement, there shall be excluded from the fair cash market value of the property any appreciation in value proximately caused by the improvement and any depreciation in value proximately caused by the improvement. However, such appreciation or depreciation shall not be excluded when property is condemned for a separate project conceived independently of and subsequent to the original project.

HISTORY:
P.A. 82-280; 94-1055, § 10-5-60.

735 ILCS 30/10-5-62 Relocation costs

Except when federal funds are available for the payment of direct financial assistance to persons displaced by the acquisition of their real property, in all condemnation proceedings for the taking or damaging of real property under the exercise of the power of eminent domain, the condemning authority shall pay to displaced persons reimbursement for their reasonable relocation costs, determined in the same manner as under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. § 4601 et seq.], as amended from time to time, and as implemented by regulations promulgated under that Act. This Section does not apply to the acquisition or damaging of property under the O'Hare Modernization Act [620 ILCS 65/1 et seq.].

HISTORY:
P.A. 94-1055, § 10-5-65.

735 ILCS 30/10-5-65 Reimbursement; inverse condemnation.

(a) Except as provided in subsection (b), when the condemning authority is required by a court to initiate condemnation proceedings for the actual physical taking of real property, the court rendering judgment for the property owner and awarding just compensation for the taking shall determine and award or allow to the property owner, as part of that judgment or award, further sums as will, in the opinion of the court, reimburse the property owner for the owner's reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees actually incurred by the property owner in those proceedings.

(b) When the condemning authority is required to initiate condemnation proceedings of property impacted directly or indirectly by the Chicago Transit Authority Red-Purple Modernization Project, the court rendering judgment for the property owner and awarding just compensation for the taking shall determine and award or allow to the property owner, as part of that judgment or award, further sums as will, in the opinion of the court, reimburse the property owner for the owner's reasonable costs, disbursements, diminution, and expenses, including reasonable attorney, appraisal, and engineering fees actually incurred by the property owner in those proceedings.

HISTORY:
P.A. 82-280; 94-1055, § 10-5-65; 99-792, § 10.

735 ILCS 30/10-5-70 Judgments.

(a) If the plaintiff is not in possession pursuant to an order entered under the provisions of Section 20-5-15 of this Act [735 ILCS 30/20-5-15], the court, upon the report of the jury under Section 10-5-45 [735 ILCS 30/10-5-45] or upon the court's ascertainment and finding of the just compensation when there was no jury, shall proceed to adjudge and make such order as to right and justice shall pertain, ordering that the plaintiff shall enter upon the property and the use of the property upon payment of full compensation as ascertained, within a reasonable time to be fixed by the court. That order, together with evidence of payment, shall constitute complete justification of the taking of the property. Thereupon, the court in the same eminent domain proceeding in which the orders have been made shall have exclusive authority to hear and determine all rights in and to just compensation and shall make findings as to the rights of the parties, which shall be paid by the county treasurer out of the respective awards deposited with him or her, as provided in Section 10-5-85 of this Act [735 ILCS 30-10-5-85], except when the parties claimant are engaged in litigation in a court having acquired jurisdiction of the parties with respect to their rights in the property condemned prior to the time of the filing of the complaint to condemn. Appeals may be taken from any findings by the court as to the rights of the parties in and to the compensation paid to the county treasurer as in other civil cases.

If the plaintiff dismisses the complaint before the entry of the order by the court first mentioned in this subsection (a) or fails to make payment of full compensation within the time named in that order or if the final judgment is that the plaintiff cannot acquire the property by condemnation, the court shall, upon the application of the defendants or any of them, enter an order in the action for the payment by the plaintiff of all costs, expenses, and reasonable attorney fees paid or incurred by the defendant or defendants in defense of the complaint, as upon the hearing of the application shall be right and just, and also for the payment of the taxable costs.

(b) If the plaintiff is in possession pursuant to an order entered under the provisions of Section 20-5-15

of this Act [735 ILCS 30-20-5-15] and if Section 20-5-45 of this Act [735 ILCS 30/20-5-45] is inapplicable, then the court, upon the jury's report under Section 10-5-45 of this Act [735 ILCS 30/10-5-45] or upon the court's determination of just compensation if there was no jury, shall enter an order setting forth the amount of just compensation so finally ascertained and ordering and directing the payment of any amount of just compensation that may remain due to any of the interested parties, directing the return of any excess in the deposit remaining with the clerk of the court, and directing the refund of any excess amount withdrawn from the deposit by any of the interested parties.

HISTORY:
P.A. 83-707; 94-1055, § 10-5-70.

735 ILCS 30/10-5-75 Intervening petition

Any person not made a party may become a party by filing an intervening petition setting forth that the petitioner is the owner or has an interest in property that will be taken or damaged by the proposed work. The rights of the petitioner shall thereupon be fully considered and determined.

HISTORY:
P.A. 82-280; 94-1055, § 10-5-75.

735 ILCS 30/10-5-80 Bond; use of premises

When compensation is ascertained, as provided in this Act, if the party in whose favor the compensation is ascertained appeals the order or judgment ascertaining just compensation, the plaintiff shall, notwithstanding, have the right to enter upon the use of the property upon entering into bond, with sufficient surety, payable to the party interested in the compensation, conditioned for the payment of compensation in the amount finally adjudged in the case and, in case of appeal by the plaintiff, the plaintiff shall enter into like bond with approved surety. The bonds shall be approved by the court in which the proceeding is had and executed and filed within the time fixed by the court. However, if the plaintiff is the State of Illinois, no bond shall be required.

HISTORY:
P.A. 82-280; 94-1055, § 10-5-80.

735 ILCS 30/10-5-85 Payment to county treasurer

Payment of the final compensation adjudged, including any balance remaining due because of the insufficiency of any deposit made under Section 20-5-15 of this Act [735 ILCS 30/20-5-15] to satisfy in full the amount finally adjudged to be just compensation, may be made in all cases to the county treasurer, who shall receive and disburse the final compensation, subject to an order of the court, as provided in subsection (a) of Section 10-5-70 of this Act [735 ILCS 30/10-5-70], or payment may be made to the party entitled or, his, her or their guardian.

HISTORY:
P.A. 83-707; 94-1055, § 10-5-85.

735 ILCS 30/10-5-90 Distribution of compensation.

The amount of just compensation shall be distributed among all persons having an interest in the property according to the fair value of their legal or equitable interests. If there is a contract for deed to the property, the contract shall be abrogated and the amount of just compensation distributed by allowing to the purchaser on the contract for deed: (1) an amount equal to the down payment on the contract; (2) an amount equal to the monthly payments made on the contract, less interest and an amount equal to the fair rental value of the property for the period the purchaser has enjoyed the use of the property under the contract; and (3) an amount equal to amounts expended on improvements to the extent the expenditures increased the fair market value of the property; and by allowing to the seller on the contract for deed the amount of just compensation after allowing for amounts distributed under (1), (2), and (3) of this Section. However, the contract purchaser may pay to the contract seller the amount to be paid on the contract and shall then be entitled to the amount of just compensation paid by the condemnor either through negotiation or awarded in judicial proceedings.

HISTORY:
P.A. 82-280; 94-1055, § 10-5-90.

735 ILCS 30/10-5-95 Verdict and judgment to be filed of record

The court shall cause the verdict of the jury and the judgment of the court to be filed of record.

HISTORY:
P.A. 82-280; 94-1055, § 10-5-95.

735 ILCS 30/10-5-100 Lands of State institutions not taken

No part of any land conveyed before, on, or after the effective date of this Act to the State of Illinois, for the use of any benevolent institutions of the State (or to any such institutions), shall be entered upon, appropriated, or used by any railroad or other company for railroad or other purposes, without the previous consent of the General Assembly. No court or other tribunal shall have or entertain jurisdiction of any proceeding instituted or to be instituted for the purpose of appropriating any such land for any of the purposes stated in this Section, without that previous consent.

HISTORY:
P.A. 83-707; 94-1055, § 10-5-100.

735 ILCS 30/10-5-105 Sale of certain property acquired by condemnation

(a) This Section applies only to property that (i) has been acquired after the effective date of this Act by condemnation or threat of condemnation, (ii) was acquired for public ownership and control by the condemning authority or another public entity, and (iii) has been under the ownership and control of the condemning authority or that other public entity for a total of less than 5 years.

As used in this Section, "threat of condemnation" means that the condemning authority has made an offer to purchase property and has the authority to exercise the power of eminent domain with respect to that property.

(b) Any governmental entity seeking to dispose of property to which this Section applies must dispose of that property in accordance with this Section, unless disposition of that property is otherwise specifically authorized or prohibited by law enacted by the General Assembly before, on, or after the effective date of this Act.

(c) The sale or public auction by the State of property to which this Section applies must be conducted in the manner provided in the State Property Control Act [30 ILCS 605/1 et seq.] for the disposition of surplus property.

(d) The sale or public auction by a municipality of property to which this Section applies must be conducted in accordance with Section 11-76-4.1 or 11-76-4.2 of the Illinois Municipal Code [65 ILCS 5/11-76-4.1 or 65 ILCS 5/11-76-4.2].

(e) The sale or public auction by any other unit of local government or school district of property to which this Section applies must be conducted in accordance with this subsection (e). The corporate authorities of unit of local government or school district, by resolution, may authorize the sale or public auction of the property as surplus public real estate. The value of the real estate shall be determined by a written MAI-certified appraisal or by a written certified appraisal of a State-certified or State-licensed real estate appraiser. The appraisal shall be available for public inspection. The resolution may direct the sale to be conducted by the staff of the unit of local government or school district; by listing with local licensed real estate agencies, in which case the terms of the agent's compensation shall be included in the resolution; or by public auction. The resolution shall be published at the first opportunity following its passage in a newspaper or newspapers published in the county or counties in which the unit of local government or school district is located. The resolution shall also contain pertinent information concerning the size, use, and zoning of the real estate and the terms of sale. The corporate authorities of the unit of local government or school district may accept any contract proposal determined by them to be in the best interest of the unit of local government or school district by a vote of two-thirds of the members of the corporate authority of the unit of local government or school district then holding office, but in no event at a price less than 80% of the appraised value.

(f) This Section does not apply to the acquisition or damaging of property under the O'Hare Modernization Act [620 ILCS 65/1 et seq.].

HISTORY:

P.A. 94-1055, § 10-5-105; 95-331, § 1090.

735 ILCS 30/10-5-110 Offers of settlement by defendant; attorney's fees and litigation expenses

(a) This Section applies only to proceedings for the acquisition of property for private ownership or control that are subject to subsection (c), (d), (e), or (f) of Section 5-5-5 [735 ILCS 30/5-5-5].

(b) At any time between (i) the close of discovery in accordance with Supreme Court Rule 218(c), as now or hereafter amended, or another date set by the court or agreed to by the parties, and (ii) 14 days before the commencement of trial to determine final just compensation, any defendant may serve upon the plaintiff a written offer setting forth the amount of compensation that the defendant will accept for the taking of that defendant's interest in the property. If the defendant does not make such an offer, the defendant shall not be entitled to the attorney's fees and other reimbursement provided under subsection (e) of this Section.

(c) If, within 10 days after service of the offer, the plaintiff serves written notice upon that defendant that the offer is accepted, then either of those parties may file a copy of the offer and a copy of the notice of acceptance together with proof of service of the notice. The court shall then enter judgment.

(d) An offer that is not accepted within the 10-day period is deemed to be withdrawn and evidence of the offer is not admissible at trial.

(e) If a plaintiff does not accept an offer as provided in subsection (c) and if the final just compensation for the defendant's interest is determined by the trier of fact to be equal to or in excess of the amount of the defendant's last written offer under subsection (b), then the court must order the plaintiff to pay to the defendant that defendant's attorney's fees as calculated under subsection (f) of this Section. The plaintiff shall also pay to the defendant that defendant's reasonable costs and litigation expenses, including, without limitation, expert witness and appraisal fees, incurred after the making of the defendant's last written offer under subsection (b).

(f) Any award of attorney's fees under this Section shall be based solely on the net benefit achieved for the property owner, except that the court may also consider any non-monetary benefits obtained for the property owner through the efforts of the attorney to the extent that the non-monetary benefits are specifically identified by the court and can be quantified by the court with a reasonable degree of certainty. "Net benefit" means the difference, exclusive of inter-

est, between the final judgment or settlement and the last written offer made by the condemning authority before the filing date of the condemnation complaint. The award shall be calculated as follows, subject to the Illinois Rules of Professional Conduct:

(1) 33% of the net benefit if the net benefit is $250,000 or less;

(2) 25% of the net benefit if the net benefit is more than $250,000 but less than $1 million; or

(3) 20% of the net benefit if the net benefit is $1 million or more.

(g) This Section does not apply to the acquisition of property under the O'Hare Modernization Act [620 ILCS 65/1 et seq.].

HISTORY:
P.A. 94-1055, § 10-5-110.

735 ILCS 30/10-5-115 Eligible costs

Any cost required to be paid by a condemning authority under this Act, including, but not limited to, relocation costs and attorney's fees, shall be deemed a redevelopment project cost or eligible cost under the statute pursuant to which the condemning authority exercised its power of eminent domain, even if those costs are not identified as such as of the effective date of this Act.

HISTORY:
P.A. 94-1055, § 10-5-115.

ARTICLE 15.

EXPRESS EMINENT DOMAIN POWERS

Part 1. General Provisions

Section

Part 5. List of Eminent Domain Powers

PART 1.

GENERAL PROVISIONS

735 ILCS 30/15-1-5 Grants of power in other statutes; this Act controls

The State of Illinois and its various subdivisions and agencies, and all units of local government, school districts, and other entities, have the powers of condemnation and eminent domain that are (i) expressly provided in this Act or (ii) expressly provided in any other provision of law. Those powers may be exercised, however, only in accordance with this Act. If any power of condemnation or eminent domain that arises under any other provision of law is in conflict with this Act, this Act controls. This Section does not apply to the acquisition or damaging of property under the O'Hare Modernization Act [620 ILCS 65/1 et seq.].

HISTORY:
P.A. 94-1055, § 15-1-5.

PART 5.

LIST OF EMINENT DOMAIN POWERS

735 ILCS 30/15-5-1 Form and content of list

The Sections of this Part 5 are intended to constitute a list of the Sections of the Illinois Compiled Statutes that include express grants of the power to acquire property by condemnation or eminent domain.

The list is intended to be comprehensive, but there may be accidental omissions and inclusions. Inclusion in the list does not create a grant of power, and it does not continue or revive a grant of power that has been amended or repealed or is no longer applicable. Omission from the list of a statute that includes an express grant of the power to acquire property by condemnation or eminent domain does not invalidate that grant of power.

The list does not include the grants of quick-take power that are set forth in Article 25 of this Act [735 ILCS 30/25-7-103.1 et seq.], nor any other grants of power that are expressly granted under the other provisions of this Act.

Items in the list are presented in the following form: ILCS citation; short title of the Act; condemning authority; brief statement of purpose for which the power is granted.

HISTORY:
P.A. 94-1055, § 15-5-1.

735 ILCS 30/15-5-5 Eminent domain powers in ILCS Chapters 5 through 40

The following provisions of law may include ex-

press grants of the power to acquire property by condemnation or eminent domain:

(5 ILCS 220/3.1); Intergovernmental Cooperation Act; cooperating entities; for Municipal Joint Action Water Agency purposes.

(5 ILCS 220/3.2); Intergovernmental Cooperation Act; cooperating entities; for Municipal Joint Action Agency purposes.

(5 ILCS 585/1); National Forest Land Act; United States of America; for national forests.

(15 ILCS 330/2); Secretary of State Buildings in Cook County Act; Secretary of State; for office facilities in Cook County.

(20 ILCS 5/5-675); Civil Administrative Code of Illinois; the Secretary of Transportation, the Director of Natural Resources, and the Director of Central Management Services; for lands, buildings, and grounds for which an appropriation is made by the General Assembly.

(20 ILCS 620/9); Economic Development Area Tax Increment Allocation Act; municipalities; to achieve the objectives of the economic development project.

(20 ILCS 685/1); Particle Accelerator Land Acquisition Act; Department of Commerce and Economic Opportunity; for a federal high energy BEV Particle Accelerator.

(20 ILCS 835/2); State Parks Act; Department of Natural Resources; for State parks.

(20 ILCS 1110/3); Illinois Coal and Energy Development Bond Act; Department of Commerce and Economic Opportunity; for coal projects.

(20 ILCS 1920/2.06); Abandoned Mined Lands and Water Reclamation Act; Department of Natural Resources; for reclamation purposes.

(20 ILCS 1920/2.08); Abandoned Mined Lands and Water Reclamation Act; Department of Natural Resources; for reclamation purposes and for the construction or rehabilitation of housing.

(20 ILCS 1920/2.11); Abandoned Mined Lands and Water Reclamation Act; Department of Natural Resources; for eliminating hazards.

(20 ILCS 3105/9.08a); Capital Development Board Act; Capital Development Board; for lands, buildings and grounds for which an appropriation is made by the General Assembly.

(20 ILCS 3110/5); Building Authority Act; Capital Development Board; for purposes declared by the General Assembly to be in the public interest.

(40 ILCS 5/15-167); Illinois Pension Code; State Universities Retirement System; for real estate acquired for the use of the System.

HISTORY:
P.A. 94-1055, § 15-5-5.

735 ILCS 30/15-5-10 Eminent domain powers in ILCS Chapters 45 through 65

The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

(45 ILCS 30/3); Quad Cities Interstate Metropolitan Authority Compact Act; Quad Cities Interstate Metropolitan Authority; for the purposes of the Authority.

(45 ILCS 35/40); Quad Cities Interstate Metropolitan Authority Act; Quad Cities Interstate Metropolitan Authority; for metropolitan facilities.

(45 ILCS 110/1); Bi-State Development Powers Act; Bi-State Development Agency; for the purposes of the Bi-State Development Agency.

(50 ILCS 20/14); Public Building Commission Act; public building commissions; for general purposes.

(50 ILCS 30/6.4); Exhibition Council Act; exhibition councils; for council purposes.

(50 ILCS 605/4); Local Government Property Transfer Act; State of Illinois; for the removal of any restriction on land transferred to the State by a municipality.

(55 ILCS 5/5-1095); Counties Code; counties; for easements for community antenna television systems.

(55 ILCS 5/5-1119); Counties Code; any county that is bordered by the Mississippi River and that has a population in excess of 62,000 but less than 80,000; for the operation of ferries.

(55 ILCS 5/5-11001); Counties Code; counties; for motor vehicle parking lots or garages.

(55 ILCS 5/5-15007); Counties Code; counties; for water supply, drainage, and flood control, including bridges, roads, and waste management.

(55 ILCS 5/5-15009); Counties Code; counties; for water supply, drainage, and flood control.

(55 ILCS 5/5-30021); Counties Code; county preservation commissions; for historic preservation purposes.

(55 ILCS 85/9); County Economic Development Project Area Property Tax Allocation Act; counties; for the objectives of the economic development plan.

(55 ILCS 90/60); County Economic Development Project Area Tax Increment Allocation Act of 1991; counties; for the objectives of the economic development project.

(60 ILCS 1/115-20, 1/115-30, 1/115-35, 1/115-40, 1/115-55, and 1/115-120); Township Code; townships with a population over 250,000; for an open space program.

(60 ILCS 1/120-10); Township Code; townships; for park purposes.

(60 ILCS 1/130-5); Township Code; townships; for cemeteries.

(60 ILCS 1/130-30); Township Code; any 2 or more cities, villages, or townships; for joint cemetery purposes.

(60 ILCS 1/135-5); Township Code; any 2 or more townships or road districts; for joint cemetery purposes.

(60 ILCS 1/205-40); Township Code; townships; for waterworks and sewerage systems.

(65 ILCS 5/Art. 9, Div. 2); Illinois Municipal Code; municipalities; for local improvements.

(65 ILCS 5/11-11-1); Illinois Municipal Code; municipalities; for the rehabilitation or redevelopment

of blighted areas and urban community conservation areas.

(65 ILCS 5/11-12-8); Illinois Municipal Code; municipalities; for acquiring land for public purposes as designated on proposed subdivision plats.

(65 ILCS 5/11-13-17); Illinois Municipal Code; municipalities; for nonconforming structures under a zoning ordinance and for areas blighted by substandard buildings.

(65 ILCS 5/11-19-10); Illinois Municipal Code; municipalities; for waste disposal purposes.

(65 ILCS 5/11-28-1); Illinois Municipal Code; municipalities; for municipal hospital purposes.

(65 ILCS 5/11-29.3-1); Illinois Municipal Code; municipalities; for senior citizen housing.

(65 ILCS 5/11-42-11); Illinois Municipal Code; municipalities; for easements for community antenna television systems.

(65 ILCS 5/11-45.1-2); Illinois Municipal Code; municipalities; for establishing cultural centers.

(65 ILCS 5/11-48.2-2); Illinois Municipal Code; municipalities; for historical preservation purposes.

(65 ILCS 5/11-52.1-1); Illinois Municipal Code; municipalities; for cemeteries.

(65 ILCS 5/11-52.1-3); Illinois Municipal Code; any 2 or more cities, villages, or townships; for joint cemetery purposes.

(65 ILCS 5/11-61-1); Illinois Municipal Code; municipalities; for municipal purposes or public welfare.

(65 ILCS 5/11-61-1a); Illinois Municipal Code; municipality with a population over 500,000; quick-take power for rapid transit lines (obsolete).

(65 ILCS 5/11-63-5); Illinois Municipal Code; municipalities; for community buildings.

(65 ILCS 5/11-65-3); Illinois Municipal Code; municipalities; for municipal convention hall purposes.

(65 ILCS 5/11-66-10); Illinois Municipal Code; municipalities; for a municipal coliseum.

(65 ILCS 5/11-68-4); Illinois Municipal Code; board of stadium and athletic field commissioners; for a stadium and athletic field.

(65 ILCS 5/11-69-1); Illinois Municipal Code; any 2 or more municipalities with the same or partly the same territory; for their joint municipal purposes.

(65 ILCS 5/11-71-1); Illinois Municipal Code; municipalities; for parking facilities.

(65 ILCS 5/11-71-10); Illinois Municipal Code; municipalities; for the removal of a lessee's interest in the leased space over a municipally-owned parking lot.

(65 ILCS 5/11-74.2-8); Illinois Municipal Code; municipalities; for carrying out a final commercial redevelopment plan.

(65 ILCS 5/11-74.2-9); Illinois Municipal Code; municipalities; for commercial renewal and redevelopment areas.

(65 ILCS 5/11-74.3-3); Illinois Municipal Code; municipalities; for business district development or redevelopment.

(65 ILCS 5/11-74.4-4); Illinois Municipal Code; municipalities; for redevelopment project areas.

(65 ILCS 5/11-74.6-15); Illinois Municipal Code; municipalities; for projects under the Industrial Jobs Recovery Law.

(65 ILCS 5/11-75-5); Illinois Municipal Code; municipalities; for the removal of a lessee's interest in a building erected on space leased by the municipality.

(65 ILCS 5/11-80-21); Illinois Municipal Code; municipalities; for construction of roads or sewers on or under the track, right-of-way, or land of a railroad company.

(65 ILCS 5/11-87-3); Illinois Municipal Code; municipalities; for non-navigable streams.

(65 ILCS 5/11-87-5); Illinois Municipal Code; municipalities; for improvements along re-channeled streams.

(65 ILCS 5/11-92-3); Illinois Municipal Code; municipalities; for harbors for recreational use.

(65 ILCS 5/11-93-1); Illinois Municipal Code; municipalities; for bathing beaches and recreation piers.

(65 ILCS 5/11-94-1); Illinois Municipal Code; municipalities with a population of less than 500,000; for recreational facilities.

(65 ILCS 5/11-97-2); Illinois Municipal Code; municipalities; for driveways to parks owned by the municipality outside its corporate limits.

(65 ILCS 5/11-101-1); Illinois Municipal Code; municipalities; for public airport purposes.

(65 ILCS 5/11-102-4); Illinois Municipal Code; municipalities with a population over 500,000; for public airport purposes.

(65 ILCS 5/11-103-2); Illinois Municipal Code; municipalities with a population under 500,000; for public airport purposes.

(65 ILCS 5/11-110-3); Illinois Municipal Code; municipalities; for drainage purposes.

(65 ILCS 5/11-112-6); Illinois Municipal Code; municipalities; for levees, protective embankments, and structures.

(65 ILCS 5/11-117-1, 5/11-117-4, 5/11-117-7, and 5/11-117-11); Illinois Municipal Code; municipalities; for public utility purposes.

(65 ILCS 5/11-119.1-5, 5/11-119.1-7, and 5/11-119.1-10); Illinois Municipal Code; municipal power agencies; for joint municipal electric power agency purposes.

(65 ILCS 5/11-119.2-5 and 5/11-119.2-7); Illinois Municipal Code; municipal natural gas agencies; for joint municipal natural gas agency purposes.

(65 ILCS 5/11-121-2); Illinois Municipal Code; municipalities; for constructing and operating subways.

(65 ILCS 5/11-122-3); Illinois Municipal Code; municipalities; for street railway purposes.

(65 ILCS 5/1-123-4 and 5/11-123-24); Illinois Municipal Code; municipalities; for harbor facilities.

(65 ILCS 5/11-125-2); Illinois Municipal Code; municipalities; for waterworks purposes.

(65 ILCS 5/11-126-3); Illinois Municipal Code; municipalities; for water supply purposes, including joint construction of waterworks.

(65 ILCS 5/11-130-9); Illinois Municipal Code; municipalities; for waterworks purposes.

(65 ILCS 5/11-135-6); Illinois Municipal Code; municipal water commission; for waterworks purposes, including quick-take power.

(65 ILCS 5/11-136-6); Illinois Municipal Code; municipal sewer or water commission; for waterworks and sewer purposes.

(65 ILCS 5/11-138-2); Illinois Municipal Code; water companies; for pipes and waterworks.

(65 ILCS 5/11-139-12); Illinois Municipal Code; municipalities; for waterworks and sewerage systems.

(65 ILCS 5/11-140-3 and 5/11-140-5); Illinois Municipal Code; municipalities; for outlet sewers and works.

(65 ILCS 5/11-141-10); Illinois Municipal Code; municipalities; for sewerage systems.

(65 ILCS 5/11-148-6); Illinois Municipal Code; municipalities; for sewage disposal plants.

(65 ILCS 20/21-19 and 20/21-21); Revised Cities and Villages Act of 1941; City of Chicago; for municipal purposes or public welfare.

(65 ILCS 100/3); Sports Stadium Act; municipality with a population over 2,000,000; for sports stadium purposes, including quick-take power (obsolete).

(65 ILCS 110/60); Economic Development Project Area Tax Increment Allocation Act of 1995; municipalities; for economic development projects.

HISTORY:
P.A. 94-1055, § 15-5-10.

735 ILCS 30/15-5-15 Eminent domain powers in ILCS Chapters 70 through 75.

The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

(70 ILCS 5/8.02 and 5/9); Airport Authorities Act; airport authorities; for public airport facilities.

(70 ILCS 5/8.05 and 5/9); Airport Authorities Act; airport authorities; for removal of airport hazards.

(70 ILCS 5/8.06 and 5/9); Airport Authorities Act; airport authorities; for reduction of the height of objects or structures.

(70 ILCS 10/4); Interstate Airport Authorities Act; interstate airport authorities; for general purposes.

(70 ILCS 15/3); Kankakee River Valley Area Airport Authority Act; Kankakee River Valley Area Airport Authority; for acquisition of land for airports.

(70 ILCS 200/2-20); Civic Center Code; civic center authorities; for grounds, centers, buildings, and parking.

(70 ILCS 200/5-35); Civic Center Code; Aledo Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/10-15); Civic Center Code; Aurora Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/15-40); Civic Center Code; Benton Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/20-15); Civic Center Code; Bloomington Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/35-35); Civic Center Code; Brownstown Park District Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/40-35); Civic Center Code; Carbondale Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/55-60); Civic Center Code; Chicago South Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/60-30); Civic Center Code; Collinsville Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/70-35); Civic Center Code; Crystal Lake Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/75-20); Civic Center Code; Decatur Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/80-15); Civic Center Code; DuPage County Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/85-35); Civic Center Code; Elgin Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/95-25); Civic Center Code; Herrin Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/110-35); Civic Center Code; Illinois Valley Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/115-35); Civic Center Code; Jasper County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/120-25); Civic Center Code; Jefferson County Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/125-15); Civic Center Code; Jo Daviess County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/130-30); Civic Center Code; Katherine Dunham Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/145-35); Civic Center Code; Marengo Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/150-35); Civic Center Code; Mason County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/155-15); Civic Center Code; Matteson Metropolitan Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/160-35); Civic Center Code; Maywood Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/165-35); Civic Center Code; Melrose Park Metropolitan Exposition Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/170-20); Civic Center Code; certain Metropolitan Exposition, Auditorium and Office Building Authorities; for general purposes.

(70 ILCS 200/180-35); Civic Center Code; Normal Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/185-15); Civic Center Code; Oak Park Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/195-35); Civic Center Code; Ottawa Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/200-15); Civic Center Code; Pekin Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/205-15); Civic Center Code; Peoria Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/210-35); Civic Center Code; Pontiac Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/215-15); Civic Center Code; Illinois Quad City Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/220-30); Civic Center Code; Quincy Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/225-35); Civic Center Code; Randolph County Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/230-35); Civic Center Code; River Forest Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/235-40); Civic Center Code; Riverside Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/245-35); Civic Center Code; Salem Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/255-20); Civic Center Code; Springfield Metropolitan Exposition and Auditorium Authority; for grounds, centers, and parking.

(70 ILCS 200/260-35); Civic Center Code; Sterling Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/265-20); Civic Center Code; Vermilion County Metropolitan Exposition, Auditorium and Office Building Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/270-35); Civic Center Code; Waukegan Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/275-35); Civic Center Code; West Frankfort Civic Center Authority; for grounds, centers, buildings, and parking.

(70 ILCS 200/280-20); Civic Center Code; Will County Metropolitan Exposition and Auditorium Authority; for grounds, centers, and parking.

(70 ILCS 210/5); Metropolitan Pier and Exposition Authority Act; Metropolitan Pier and Exposition Authority; for general purposes, including quick-take power.

(70 ILCS 405/22.04); Soil and Water Conservation Districts Act; soil and water conservation districts; for general purposes.

(70 ILCS 410/10 and 410/12); Conservation District Act; conservation districts; for open space, wildland, scenic roadway, pathway, outdoor recreation, or other conservation benefits.

(70 ILCS 503/25); Chanute-Rantoul National Aviation Center Redevelopment Commission Act; Chanute-Rantoul National Aviation Center Redevelopment Commission; for general purposes.

(70 ILCS 507/15); Fort Sheridan Redevelopment Commission Act; Fort Sheridan Redevelopment Commission; for general purposes or to carry out comprehensive or redevelopment plans.

(70 ILCS 520/8); Southwestern Illinois Development Authority Act; Southwestern Illinois Development Authority; for general purposes, including quick-take power.

(70 ILCS 605/4-17 and 605/5-7); Illinois Drainage Code; drainage districts; for general purposes.

(70 ILCS 615/5 and 615/6); Chicago Drainage District Act; corporate authorities; for construction and maintenance of works.

(70 ILCS 705/10); Fire Protection District Act; fire protection districts; for general purposes.

(70 ILCS 750/20); Flood Prevention District Act; flood prevention districts; for general purposes.

(70 ILCS 805/6); Downstate Forest Preserve District Act; certain forest preserve districts; for general purposes.

(70 ILCS 805/18.8); Downstate Forest Preserve District Act; certain forest preserve districts; for recreational and cultural facilities.

(70 ILCS 810/8); Cook County Forest Preserve District Act; Forest Preserve District of Cook County; for general purposes.

(70 ILCS 810/38); Cook County Forest Preserve District Act; Forest Preserve District of Cook County; for recreational facilities.

(70 ILCS 910/15 and 910/16); Hospital District Law; hospital districts; for hospitals or hospital facilities.

(70 ILCS 915/3); Illinois Medical District Act; Illinois Medical District Commission; for general purposes.

(70 ILCS 915/4.5); Illinois Medical District Act; Illinois Medical District Commission; quick-take power for the Illinois State Police Forensic Science Laboratory (obsolete).

(70 ILCS 920/5); Tuberculosis Sanitarium District Act; tuberculosis sanitarium districts; for tuberculosis sanitariums.

(70 ILCS 925/20); Mid-Illinois Medical District Act; Mid-Illinois Medical District; for general purposes.

(70 ILCS 930/20); Mid-America Medical District Act; Mid-America Medical District Commission; for general purposes.

(70 ILCS 935/20); Roseland Community Medical District Act; medical district; for general purposes.

(70 ILCS 1005/7); Mosquito Abatement District Act; mosquito abatement districts; for general purposes.

(70 ILCS 1105/8); Museum District Act; museum districts; for general purposes.

(70 ILCS 1205/7-1); Park District Code; park districts; for streets and other purposes.

(70 ILCS 1205/8-1); Park District Code; park districts; for parks.

(70 ILCS 1205/9-2 and 1205/9-4); Park District Code; park districts; for airports and landing fields.

(70 ILCS 1205/11-2 and 1205/11-3); Park District Code; park districts; for State land abutting public water and certain access rights.

(70 ILCS 1205/11.1-3); Park District Code; park districts; for harbors.

(70 ILCS 1225/2); Park Commissioners Land Condemnation Act; park districts; for street widening.

(70 ILCS 1230/1 and 1230/1-a); Park Commissioners Water Control Act; park districts; for parks, boulevards, driveways, parkways, viaducts, bridges, or tunnels.

(70 ILCS 1250/2); Park Commissioners Street Control (1889) Act; park districts; for boulevards or driveways.

(70 ILCS 1290/1); Park District Aquarium and Museum Act; municipalities or park districts; for aquariums or museums.

(70 ILCS 1305/2); Park District Airport Zoning Act; park districts; for restriction of the height of structures.

(70 ILCS 1310/5); Park District Elevated Highway Act; park districts; for elevated highways.

(70 ILCS 1505/15); Chicago Park District Act; Chicago Park District; for parks and other purposes.

(70 ILCS 1505/25.1); Chicago Park District Act; Chicago Park District; for parking lots or garages.

(70 ILCS 1505/26.3); Chicago Park District Act; Chicago Park District; for harbors.

(70 ILCS 1570/5); Lincoln Park Commissioners Land Condemnation Act; Lincoln Park Commissioners; for land and interests in land, including riparian rights.

(70 ILCS 1801/30); Alexander-Cairo Port District Act; Alexander-Cairo Port District; for general purposes.

(70 ILCS 1805/8); Havana Regional Port District Act; Havana Regional Port District; for general purposes.

(70 ILCS 1810/7); Illinois International Port District Act; Illinois International Port District; for general purposes.

(70 ILCS 1815/13); Illinois Valley Regional Port District Act; Illinois Valley Regional Port District; for general purposes.

(70 ILCS 1820/4); Jackson-Union Counties Regional Port District Act; Jackson-Union Counties Regional Port District; for removal of airport hazards or reduction of the height of objects or structures.

(70 ILCS 1820/5); Jackson-Union Counties Regional Port District Act; Jackson-Union Counties Regional Port District; for general purposes.

(70 ILCS 1825/4.9); Joliet Regional Port District Act; Joliet Regional Port District; for removal of airport hazards.

(70 ILCS 1825/4.10); Joliet Regional Port District Act; Joliet Regional Port District; for reduction of the height of objects or structures.

(70 ILCS 1825/4.18); Joliet Regional Port District Act; Joliet Regional Port District; for removal of hazards from ports and terminals.

(70 ILCS 1825/5); Joliet Regional Port District Act; Joliet Regional Port District; for general purposes.

(70 ILCS 1830/7.1); Kaskaskia Regional Port District Act; Kaskaskia Regional Port District; for removal of hazards from ports and terminals.

(70 ILCS 1830/14); Kaskaskia Regional Port District Act; Kaskaskia Regional Port District; for general purposes.

(70 ILCS 1831/30); Massac-Metropolis Port District Act; Massac-Metropolis Port District; for general purposes.

(70 ILCS 1835/5.10); Mt. Carmel Regional Port District Act; Mt. Carmel Regional Port District; for removal of airport hazards.

(70 ILCS 1835/5.11); Mt. Carmel Regional Port District Act; Mt. Carmel Regional Port District; for reduction of the height of objects or structures.

(70 ILCS 1835/6); Mt. Carmel Regional Port District Act; Mt. Carmel Regional Port District; for general purposes.

(70 ILCS 1837/30); Ottawa Port District Act; Ottawa Port District; for general purposes.

(70 ILCS 1845/4.9); Seneca Regional Port District Act; Seneca Regional Port District; for removal of airport hazards.

(70 ILCS 1845/4.10); Seneca Regional Port District Act; Seneca Regional Port District; for reduction of the height of objects or structures.

(70 ILCS 1845/5); Seneca Regional Port District Act; Seneca Regional Port District; for general purposes.

(70 ILCS 1850/4); Shawneetown Regional Port District Act; Shawneetown Regional Port District; for removal of airport hazards or reduction of the height of objects or structures.

(70 ILCS 1850/5); Shawneetown Regional Port District Act; Shawneetown Regional Port District; for general purposes.

(70 ILCS 1855/4); Southwest Regional Port District Act; Southwest Regional Port District; for removal of airport hazards or reduction of the height of objects or structures.

(70 ILCS 1855/5); Southwest Regional Port District Act; Southwest Regional Port District; for general purposes.

(70 ILCS 1860/4); Tri-City Regional Port District Act; Tri-City Regional Port District; for removal of airport hazards.

(70 ILCS 1860/5); Tri-City Regional Port District Act; Tri-City Regional Port District; for the development of facilities.

(70 ILCS 1863/11); Upper Mississippi River International Port District Act; Upper Mississippi River International Port District; for general purposes.

(70 ILCS 1865/4.9); Waukegan Port District Act; Waukegan Port District; for removal of airport hazards.

(70 ILCS 1865/4.10); Waukegan Port District Act; Waukegan Port District; for restricting the height of objects or structures.

(70 ILCS 1865/5); Waukegan Port District Act; Waukegan Port District; for the development of facilities.

(70 ILCS 1870/8); White County Port District Act; White County Port District; for the development of facilities.

(70 ILCS 1905/16); Railroad Terminal Authority Act; Railroad Terminal Authority (Chicago); for general purposes.

(70 ILCS 1915/25); Grand Avenue Railroad Relocation Authority Act; Grand Avenue Railroad Relocation Authority; for general purposes, including quick-take power (now obsolete).

(70 ILCS 1935/25); Elmwood Park Grade Separation Authority Act; Elmwood Park Grade Separation Authority; for general purposes.

(70 ILCS 2105/9b); River Conservancy Districts Act; river conservancy districts; for general purposes .(70 ILCS 2105/10a); River Conservancy Districts Act; river conservancy districts; for corporate purposes.

(70 ILCS 2205/15); Sanitary District Act of 1907; sanitary districts; for corporate purposes.

(70 ILCS 2205/18); Sanitary District Act of 1907; sanitary districts; for improvements and works.

(70 ILCS 2205/19); Sanitary District Act of 1907; sanitary districts; for access to property.

(70 ILCS 2305/8); North Shore Water Reclamation District Act; North Shore Water Reclamation District; for corporate purposes.

(70 ILCS 2305/15); North Shore Water Reclamation District Act; North Shore Water Reclamation District; for improvements.

(70 ILCS 2405/7.9); Sanitary District Act of 1917; Sanitary District of Decatur; for carrying out agreements to sell, convey, or disburse treated wastewater to a private entity.

(70 ILCS 2405/8); Sanitary District Act of 1917; sanitary districts; for corporate purposes.

(70 ILCS 2405/15); Sanitary District Act of 1917; sanitary districts; for improvements.

(70 ILCS 2405/16.9 and 2405/16.10); Sanitary District Act of 1917; sanitary districts; for waterworks.

(70 ILCS 2405/17.2); Sanitary District Act of 1917; sanitary districts; for public sewer and water utility treatment works.

(70 ILCS 2405/18); Sanitary District Act of 1917; sanitary districts; for dams or other structures to regulate water flow.

(70 ILCS 2605/8); Metropolitan Water Reclamation District Act; Metropolitan Water Reclamation District; for corporate purposes.

(70 ILCS 2605/16); Metropolitan Water Reclamation District Act; Metropolitan Water Reclamation District; quick-take power for improvements.

(70 ILCS 2605/17); Metropolitan Water Reclamation District Act; Metropolitan Water Reclamation District; for bridges.

(70 ILCS 2605/35); Metropolitan Water Reclamation District Act; Metropolitan Water Reclamation District; for widening and deepening a navigable stream.

(70 ILCS 2805/10); Sanitary District Act of 1936; sanitary districts; for corporate purposes.

(70 ILCS 2805/24); Sanitary District Act of 1936; sanitary districts; for improvements.

(70 ILCS 2805/26i and 2805/26j); Sanitary District Act of 1936; sanitary districts; for drainage systems.

(70 ILCS 2805/27); Sanitary District Act of 1936; sanitary districts; for dams or other structures to regulate water flow.

(70 ILCS 2805/32k); Sanitary District Act of 1936; sanitary districts; for water supply.

(70 ILCS 2805/32l); Sanitary District Act of 1936; sanitary districts; for waterworks.

(70 ILCS 2905/2-7); Metro-East Sanitary District Act of 1974; Metro-East Sanitary District; for corporate purposes.

(70 ILCS 2905/2-8); Metro-East Sanitary District Act of 1974; Metro-East Sanitary District; for access to property.

(70 ILCS 3010/10); Sanitary District Revenue Bond Act; sanitary districts; for sewerage systems.

(70 ILCS 3205/12); Illinois Sports Facilities Authority Act; Illinois Sports Facilities Authority; quick-take power for its corporate purposes (obsolete).

(70 ILCS 3405/16); Surface Water Protection District Act; surface water protection districts; for corporate purposes.

(70 ILCS 3605/7); Metropolitan Transit Authority Act; Chicago Transit Authority; for transportation systems.

(70 ILCS 3605/8); Metropolitan Transit Authority Act; Chicago Transit Authority; for general purposes.

(70 ILCS 3605/10); Metropolitan Transit Authority Act; Chicago Transit Authority; for general purposes, including railroad property.

(70 ILCS 3610/3 and 3610/5); Local Mass Transit District Act; local mass transit districts; for general purposes.

(70 ILCS 3615/2.13); Regional Transportation Authority Act; Regional Transportation Authority; for general purposes.

(70 ILCS 3705/8 and 3705/12); Public Water District Act; public water districts; for waterworks.

(70 ILCS 3705/23a); Public Water District Act; public water districts; for sewerage properties.

(70 ILCS 3705/23e); Public Water District Act; public water districts; for combined waterworks and sewerage systems.

(70 ILCS 3715/6); Water Authorities Act; water authorities; for facilities to ensure adequate water supply.

(70 ILCS 3715/27); Water Authorities Act; water authorities; for access to property.

(75 ILCS 5/4-7); Illinois Local Library Act; boards of library trustees; for library buildings.

(75 ILCS 16/30-55.80); Public Library District Act of 1991; public library districts; for general purposes.

(75 ILCS 65/1 and 65/3); Libraries in Parks Act; corporate authorities of city or park district, or board of park commissioners; for free public library buildings.

HISTORY:

P.A. 94-1055, § 15-5-15; 94-1109, § 10; 95-693, § 15; 96-1000, § 630; 97-333, § 580; 97-813, § 675; 98-756, § 730; 99-669, § 20.

735 ILCS 30/15-5-20 Eminent domain powers in ILCS Chapters 105 through 115

The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

(105 ILCS 5/10-22.35A); School Code; school boards; for school buildings.

(105 ILCS 5/16-6); School Code; school boards; for adjacent property to enlarge a school site.

(105 ILCS 5/22-16); School Code; school boards; for school purposes.

(105 ILCS 5/32-4.13); School Code; special charter school districts; for school purposes.

(105 ILCS 5/34-20); School Code; Chicago Board of Education; for school purposes.

(110 ILCS 305/7); University of Illinois Act; Board of Trustees of the University of Illinois; for general purposes, including quick-take power.

(110 ILCS 325/2); University of Illinois at Chicago Land Transfer Act; Board of Trustees of the University of Illinois; for removal of limitations or restrictions on property conveyed by the Chicago Park District.

(110 ILCS 335/3); Institution for Tuberculosis Research Act; Board of Trustees of the University of Illinois; for the Institution for Tuberculosis Research.

(110 ILCS 525/3); Southern Illinois University Revenue Bond Act; Board of Trustees of Southern Illinois University; for general purposes.

(110 ILCS 615/3); State Colleges and Universities Revenue Bond Act of 1967; Board of Governors of State Colleges and Universities; for general purposes.

(110 ILCS 660/5-40); Chicago State University Law; Board of Trustees of Chicago State University; for general purposes.

(110 ILCS 661/6-10); Chicago State University Revenue Bond Law; Board of Trustees of Chicago State University; for general purposes.

(110 ILCS 665/10-40); Eastern Illinois University Law; Board of Trustees of Eastern Illinois University; for general purposes.

(110 ILCS 666/11-10); Eastern Illinois University Revenue Bond Law; Board of Trustees of Eastern Illinois University; for general purposes.

(110 ILCS 670/15-40); Governors State University Law; Board of Trustees of Governors State University; for general purposes.

(110 ILCS 671/16-10); Governors State University Revenue Bond Law; Board of Trustees of Governors State University; for general purposes.

(110 ILCS 675/20-40); Illinois State University Law; Board of Trustees of Illinois State University; for general purposes.

(110 ILCS 676/21-10); Illinois State University Revenue Bond Law; Board of Trustees of Illinois State University; for general purposes.

(110 ILCS 680/25-40); Northeastern Illinois University Law; Board of Trustees of Northeastern Illinois University; for general purposes.

(110 ILCS 681/26-10); Northeastern Illinois University Revenue Bond Law; Board of Trustees of Northeastern Illinois University; for general purposes.

(110 ILCS 685/30-40); Northern Illinois University Law; Board of Trustees of Northern Illinois University; for general purposes.

(110 ILCS 685/30-45); Northern Illinois University Law; Board of Trustees of Northern Illinois University; for buildings and facilities.

(110 ILCS 686/31-10); Northern Illinois University Revenue Bond Law; Board of Trustees of Northern Illinois University; for general purposes.

(110 ILCS 690/35-40); Western Illinois University Law; Board of Trustees of Western Illinois University; for general purposes.

(110 ILCS 691/36-10); Western Illinois University Revenue Bond Law; Board of Trustees of Western Illinois University; for general purposes.

(110 ILCS 710/3); Board of Regents Revenue Bond Act of 1967; Board of Regents; for general purposes.

(110 ILCS 805/3-36); Public Community College Act; community college district boards; for sites for college purposes.

HISTORY:

P.A. 94-1055, § 15-5-20; 96-328, § 370.

735 ILCS 30/15-5-25 Eminent domain powers in ILCS Chapters 205 through 430.

The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

(220 ILCS 5/8-509); Public Utilities Act; public utilities; for construction of certain improvements.

(220 ILCS 15/1); Gas Storage Act; corporations engaged in the distribution, transportation, or storage of natural gas or manufactured gas; for their operations.

(220 ILCS 15/2 and 15/6); Gas Storage Act; corporations engaged in the distribution, transportation, or storage of natural gas or manufactured gas; for use of an underground geological formation for gas storage.

(220 ILCS 30/13); Electric Supplier Act; electric cooperatives; for general purposes.

(220 ILCS 55/3); Telegraph Act; telegraph companies; for telegraph lines.

(220 ILCS 65/4); Telephone Company Act; telecommunications carriers; for telephone company purposes.

(225 ILCS 435/23); Ferries Act; ferry operators; for a landing, ferryhouse, or approach.

(225 ILCS 440/9); Highway Advertising Control Act of 1971; Department of Transportation; for removal of signs adjacent to highways.

(310 ILCS 5/6 and 5/38); State Housing Act; housing corporations; for general purposes.

(310 ILCS 10/8.3); Housing Authorities Act; housing authorities; for general purposes.

(310 ILCS 10/8.15); Housing Authorities Act; housing authorities; for implementation of conservation plans and demolition.

(310 ILCS 10/9); Housing Authorities Act; housing authorities; for general purposes.

(310 ILCS 20/5); Housing Development and Construction Act; housing authorities; for development or redevelopment.

(310 ILCS 35/2); House Relocation Act; political subdivisions and municipal corporations; for relocation of dwellings for highway construction.

(315 ILCS 10/5); Blighted Vacant Areas Development Act of 1949; State of Illinois; for housing development.

(315 ILCS 20/9 and 20/42); Neighborhood Redevelopment Corporation Law; neighborhood redevelopment corporations; for general purposes.

(315 ILCS 25/4 and 25/6); Urban Community Conservation Act; municipal conservation boards; for conservation areas.

(315 ILCS 30/12); Urban Renewal Consolidation Act of 1961; municipal departments of urban renewal; for blighted area redevelopment projects.

(315 ILCS 30/20 and 30/22); Urban Renewal Consolidation Act of 1961; municipal departments of urban renewal; for implementing conservation areas.

(315 ILCS 30/24); Urban Renewal Consolidation Act of 1961; municipal departments of urban renewal; for general purposes.

(415 ILCS 95/6); Junkyard Act; Department of Transportation; for junkyards or scrap processing facilities.

(420 ILCS 35/1); Radioactive Waste Storage Act; Illinois Emergency Management Agency; for radioactive by-product and waste storage.

HISTORY:

P.A. 94-1055, § 15-5-25; 2021 P.A. 102-510, § 40, effective August 20, 2021.

735 ILCS 30/15-5-30 Eminent domain powers in ILCS Chapters 505 through 525

The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

(515 ILCS 5/1-145); Fish and Aquatic Life Code; Department of Natural Resources; for fish or aquatic life purposes.

(520 ILCS 5/1.9); Wildlife Code; Department of Natural Resources; for conservation, hunting, and fishing purposes.

(520 ILCS 25/35); Habitat Endowment Act; Department of Natural Resources; for habitat preservation with the consent of the landowner.

(525 ILCS 30/7.05); Illinois Natural Areas Preservation Act; Department of Natural Resources; for the purposes of the Act.

(525 ILCS 40/3); State Forest Act; Department of Natural Resources; for State forests.

HISTORY:

P.A. 94-1055, § 15-5-30.

735 ILCS 30/15-5-35 Eminent domain powers in ILCS Chapters 605 through 625.

The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

(605 ILCS 5/4-501); Illinois Highway Code; Department of Transportation and counties; for highway purposes.

(605 ILCS 5/4-502); Illinois Highway Code; Department of Transportation; for ditches and drains.

(605 ILCS 5/4-505); Illinois Highway Code; Department of Transportation; for replacement of railroad and public utility property taken for highway purposes.

(605 ILCS 5/4-509); Illinois Highway Code; Department of Transportation; for replacement of property taken for highway purposes.

(605 ILCS 5/4-510); Illinois Highway Code; Department of Transportation; for rights-of-way for future highway purposes.

(605 ILCS 5/4-511); Illinois Highway Code; Department of Transportation; for relocation of structures taken for highway purposes.

(605 ILCS 5/5-107); Illinois Highway Code; counties; for county highway relocation.

(605 ILCS 5/5-801); Illinois Highway Code; counties; for highway purposes.

(605 ILCS 5/5-802); Illinois Highway Code; counties; for ditches and drains.

(605 ILCS 5/6-309); Illinois Highway Code; highway commissioners or county superintendents; for township or road district roads.

(605 ILCS 5/6-801); Illinois Highway Code; highway commissioners; for road district or township roads.

(605 ILCS 5/6-802); Illinois Highway Code; highway commissioners; for ditches and drains.

(605 ILCS 5/8-102); Illinois Highway Code; Department of Transportation, counties, and municipalities; for limiting freeway access.

(605 ILCS 5/8-103); Illinois Highway Code; Department of Transportation, counties, and municipalities; for freeway purposes.

(605 ILCS 5/8-106); Illinois Highway Code; Department of Transportation and counties; for relocation of existing crossings for freeway purposes.

(605 ILCS 5/9-113); Illinois Highway Code; highway authorities; for utility and other uses in rights-of-ways.

(605 ILCS 5/10-302); Illinois Highway Code; counties; for bridge purposes.

(605 ILCS 5/10-602); Illinois Highway Code; municipalities; for ferry and bridge purposes.

(605 ILCS 5/10-702); Illinois Highway Code; municipalities; for bridge purposes.

(605 ILCS 5/10-901); Illinois Highway Code; Department of Transportation; for ferry property.

(605 ILCS 10/9); Toll Highway Act; Illinois State Toll Highway Authority; for toll highway purposes.

(605 ILCS 10/9.5); Toll Highway Act; Illinois State Toll Highway Authority; for its authorized purposes.

(605 ILCS 10/10); Toll Highway Act; Illinois State Toll Highway Authority; for property of a municipality or political subdivision for toll highway purposes.

(605 ILCS 115/14); Toll Bridge Act; counties; for toll bridge purposes.

(605 ILCS 115/15); Toll Bridge Act; counties; for the purpose of taking a toll bridge to make it a free bridge.

(605 ILCS 130/80); Public Private Agreements for the Illiana Expressway Act; Department of Transportation; for the Illiana Expressway project.

(610 ILCS 5/17); Railroad Incorporation Act; railroad corporation; for real estate for railroad purposes.

(610 ILCS 5/18); Railroad Incorporation Act; railroad corporations; for materials for railways.

(610 ILCS 5/19); Railroad Incorporation Act; railways; for land along highways.

(610 ILCS 70/1); Railroad Powers Act; purchasers and lessees of railroad companies; for railroad purposes.

(610 ILCS 115/2 and 115/3); Street Railroad Right of Way Act; street railroad companies; for street railroad purposes.

(615 ILCS 5/19); Rivers, Lakes, and Streams Act; Department of Natural Resources; for land along public waters for pleasure, recreation, or sport purposes.

(615 ILCS 10/7.8); Illinois Waterway Act; Department of Natural Resources; for waterways and appurtenances.

(615 ILCS 15/7); Flood Control Act of 1945; Department of Natural Resources; for the purposes of the Act.

(615 ILCS 30/9); Illinois and Michigan Canal Management Act; Department of Natural Resources; for dams, locks, and improvements.

(615 ILCS 45/10); Illinois and Michigan Canal Development Act; Department of Natural Resources; for development and management of the canal.

(620 ILCS 5/72); Illinois Aeronautics Act; Division of Aeronautics of the Department of Transportation; for airport purposes.

(620 ILCS 5/73); Illinois Aeronautics Act; Division of Aeronautics of the Department of Transportation; for removal of airport hazards.

(620 ILCS 5/74); Illinois Aeronautics Act; Division of Aeronautics of the Department of Transportation; for airport purposes.

(620 ILCS 25/33); Airport Zoning Act; Division of Aeronautics of the Department of Transportation; for air rights.

(620 ILCS 40/2 and 40/3); General County Airport and Landing Field Act; counties; for airport purposes.

(620 ILCS 40/5); General County Airport and Landing Field Act; counties; for removing hazards.

(620 ILCS 45/6 and 45/7); County Airport Law of 1943; boards of directors of airports and landing fields; for airport and landing field purposes.

(620 ILCS 50/22 and 50/31); County Airports Act; counties; for airport purposes.

(620 ILCS 50/24); County Airports Act; counties; for removal of airport hazards.

(620 ILCS 50/26); County Airports Act; counties; for acquisition of airport protection privileges.

(620 ILCS 52/15); County Air Corridor Protection Act; counties; for airport zones.

(620 ILCS 55/1); East St. Louis Airport Act; Department of Transportation; for airport in East St. Louis metropolitan area.

(620 ILCS 65/15); O'Hare Modernization Act; Chicago; for the O'Hare modernization program, including quick-take power.

(620 ILCS 75/2-15 and 75/2-90); Public-Private Agreements for the South Suburban Airport Act; Department of Transportation; for South Suburban Airport purposes.

(625 ILCS 5/2-105); Illinois Vehicle Code; Secretary of State; for general purposes.

(625 ILCS 5/18c-7501); Illinois Vehicle Code; rail carriers; for railroad purposes, including quick-take power.

HISTORY:
P.A. 94-1055, § 15-5-35; 97-808, § 10; 98-756, § 730.

735 ILCS 30/15-5-40 Eminent domain powers in ILCS Chapters 705 through 820.

The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

(765 ILCS 230/2); Coast and Geodetic Survey Act; United States of America; for carrying out coast and geodetic surveys.

(765 ILCS 505/1); Mining Act of 1874; mine owners and operators; for roads, railroads, and ditches.

(805 ILCS 25/2); Corporation Canal Construction Act; general corporations; for levees, canals, or tunnels for agricultural, mining, or sanitary purposes.

(805 ILCS 30/7); Gas Company Property Act; consolidating gas companies; for acquisition of stock of dissenting stockholder.

(805 ILCS 120/9); Merger of Not For Profit Corporations Act; merging or consolidating corporations; for acquisition of interest of objecting member or owner.

HISTORY:
P.A. 94-1055, § 15-5-40; 96-863, § 90-33.

735 ILCS 30/15-5-45 Eminent domain powers in new Acts. [Repealed]

HISTORY:
P.A. 96-838, § 185; repealed by P.A. 96-1000, § 632, effective July 2, 2010.

735 ILCS 30/15-5-46 Eminent domain powers in new Acts.

The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

(Reserved).

HISTORY:
P.A. 96-1522, § 185; 97-259, § 90; 97-813, § 675.

735 ILCS 30/15-5-47 Eminent domain powers in new Acts

The following provisions of law may include express grants of the power to acquire property by condemnation or eminent domain:

(Reserved).

HISTORY:
P.A. 98-109, § 4-70; 98-564, § 120; 98-756, § 730.

ARTICLE 20.

QUICK-TAKE PROCEDURE

Section

735 ILCS 30/20-5-5 Quick-take.

(a) This Section applies only to proceedings under this Article that are authorized in this Article and in Article 25 of this Act [735 ILCS 30/25].

(b) In a proceeding subject to this Section, the plaintiff, at any time after the complaint has been filed and before judgment is entered in the proceeding, may file a written motion requesting that, immediately or at some specified later date, the plaintiff either: (i) be vested with the fee simple title (or such lesser estate, interest, or easement, as may be required) to the real property, or a specified portion of that property, which is the subject of the proceeding, and be authorized to take possession of and use the property; or (ii) only be authorized to take possession of and to use the property, if possession and use, without the vesting of title, are sufficient to permit the plaintiff to proceed with the project until the final ascertainment of compensation. No land or interests in land now or hereafter owned, leased, controlled, or operated and used by, or necessary for the actual operation of, any common carrier engaged in interstate commerce, or any other public utility subject to the jurisdiction of the Illinois Commerce Commission, shall be taken or appropriated under this Section by the State of Illinois, the Illinois Toll Highway Authority, the sanitary district, the St. Louis Metropolitan Area Airport Authority, or the Board of Trustees of the University of Illinois without first securing the approval of the Illinois Commerce Commission.

Except as otherwise provided in this Article, the motion for taking shall state: (1) an accurate description of the property to which the motion relates and the estate or interest sought to be acquired in that property; (2) the formally adopted schedule or plan of operation for the execution of the plaintiff's project; (3) the situation of the property to which the motion relates, with respect to the schedule or plan; (4) the necessity for taking the property in the manner requested in the motion; and (5) if the property (except property described in Section 3 of the Sports Stadium Act [65 ILCS 100/3], or property described as Site B in Section 2 of the Metropolitan Pier and Exposition Authority Act [70 ILCS 210/2]) to be taken is owned, leased, controlled, or operated and used by, or necessary for the actual operation of, any interstate common carrier or other public utility subject to the jurisdiction of the Illinois Commerce Commission, a statement to the effect that the approval of the proposed taking has been secured from the Commission, and attaching to the motion a certified copy of the order of the Illinois Commerce Commission granting approval. If the schedule or plan of operation is not set forth fully in the motion, a copy of the schedule or plan shall be attached to the motion.

HISTORY:
P.A. 86-110; 86-344; 86-514; 86-974; 86-1005; 86-1028; 86-1349; 86-1455; 87-5; 87-7; 87-435; 87-733; 87-846; 87-866; 87-895; 87-1252, § 2; 88-486, § 5; 88-526, §§ 7.2, 7.9; 88-670, § 2-67; 89-29, § 45-5; 89-134, § 210; 89-343, § 10; 89-356, § 15; 89-445, § 9B-68; 89-460, § 60; 89-494, § 40; 89-502, § 15; 89-504, § 5; 89-592, § 15; 89-626, § 2-76; 89-683, § 915; 89-699, § 30; 90-6, § 4; 90-14, § 2-265; 90-232, § 205; 90-370, § 5; 90-581, § 5; 90-655, § 166; 90-663, § 5; 91-357, § 250; 91-367, § 90-50; 92-16, § 94; 94-1055, § 20-5-5.

735 ILCS 30/20-5-10 Preliminary finding of compensation.

(a) The court shall fix a date, not less than 5 days after the filing of a motion under Section 20-5-5 [735 ILCS 30/20-5-5], for the hearing on that motion and

shall require due notice to be given to each party to the proceeding whose interests would be affected by the taking requested, except that any party who has been or is being served by publication and who has not entered his or her appearance in the proceeding need not be given notice unless the court so requires, in its discretion and in the interests of justice.

(b) At the hearing, if the court has not previously, in the same proceeding, determined that the plaintiff has authority to exercise the right of eminent domain, that the property sought to be taken is subject to the exercise of that right, and that the right of eminent domain is not being improperly exercised in the particular proceeding, then the court shall first hear and determine those matters. The court's order on those matters is appealable and an appeal may be taken from that order by either party within 30 days after the entry of the order, but not thereafter, unless the court, on good cause shown, extends the time for taking the appeal. However, no appeal shall stay the further proceedings prescribed in this Act unless the appeal is taken by the plaintiff or unless an order staying further proceedings is entered either by the trial court or by the court to which the appeal is taken.

(c) If the foregoing matters are determined in favor of the plaintiff and further proceedings are not stayed, or if further proceedings are stayed and the appeal results in a determination in favor of the plaintiff, the court then shall hear the issues raised by the plaintiff's motion for taking. If the court finds that reasonable necessity exists for taking the property in the manner requested in the motion, then the court shall hear such evidence as it may consider necessary and proper for a preliminary finding of just compensation. In its discretion, the court may appoint 3 competent and disinterested appraisers as agents of the court to evaluate the property to which the motion relates and to report their conclusions to the court; and their fees shall be paid by the plaintiff. The court shall then make a preliminary finding of the amount constituting just compensation.

(d) The court's preliminary finding of just compensation and any deposit made or security provided pursuant to that finding shall not be evidence in the further proceedings to ascertain finally the just compensation to be paid and shall not be disclosed in any manner to a jury impaneled in the proceedings. If appraisers have been appointed, as authorized under this Article, their report shall not be evidence in those further proceedings, but the appraisers may be called as witnesses by the parties to the proceedings.

HISTORY:
P.A. 82-280; 94-1055, § 20-5-10.

735 ILCS 30/20-5-15 Deposit in court; possession.

(a) If the plaintiff deposits with the county treasurer money in the amount preliminarily found by the court to be just compensation, the court shall enter an order of taking, vesting in the plaintiff the fee simple title (or such lesser estate, interest, or easement, as may be required) to the property, if such vesting has been requested and has been found necessary by the court, at a date the court considers proper, and fixing a date on which the plaintiff is authorized to take possession of and to use the property.

(b) If, at the request of any interested party and upon his or her showing of undue hardship or other good cause, the plaintiff's authority to take possession of the property is postponed for more than 10 days after the date of vesting of title or more than 15 days after the entry of the order of taking when the order does not vest title in the plaintiff, then that party shall pay to the plaintiff a reasonable rental for the property in an amount determined by the court. Injunctive relief or any other appropriate judicial process or procedure shall be available to place the plaintiff in possession of the property on and after the date fixed by the court for the taking of possession and to prevent any unauthorized interference with possession and the plaintiff's proper use of the property. The county treasurer shall refund to the plaintiff the amount deposited prior to October 1, 1973 that is in excess of the amount preliminarily found by the court to be just compensation.

(c) When property is taken by a unit of local government for the purpose of constructing a body of water to be used by a local government-owned "public utility", as defined in Section 11-117-2 of the Illinois Municipal Code, as now or hereafter amended [65 ILCS 5/11-117-2], and the unit of local government intends to sell or lease the property to a non-governmental entity, the defendants holding title before the order that transferred title shall be allowed first opportunity to repurchase the property for a fair market value or first opportunity to lease the property for a fair market value.

HISTORY:
P.A. 86-974; 94-1055, § 20-5-10.

735 ILCS 30/20-5-20 Withdrawal by persons having an interest.

At any time after the plaintiff has taken possession of the property pursuant to the order of taking, if an appeal has not been and will not be taken from the court's order described in subsection (b) of Section 20-5-10 of this Act [735 ILCS 30/20-5-10], or if such an appeal has been taken and has been determined in favor of the plaintiff, any party interested in the property may apply to the court for authority to withdraw,for his or her own use, his or her share (or any part thereof) of the amount preliminarily found by the court to be just compensation and deposited by the plaintiff, in accordance with the provisions of subsection (a) of Section 20-5-15 of this Act [735 ILCS 30/20-5-15], as that share is determined by the court. The court shall then fix a date for a hearing on the application for authority to withdraw and shall re-

quire due notice of the application to be given to each party whose interests would be affected by the withdrawal. After the hearing, the court may authorize the withdrawal requested, or any part thereof as is proper, but upon the condition that the party making the withdrawal shall refund to the clerk of the court, upon the entry of a proper court order, any portion of the amount withdrawn that exceeds the amount finally ascertained in the proceeding to be just compensation (or damages, costs, expenses, or attorney fees) owing to that party.

HISTORY:
P.A. 83-707; 94-1055, § 20-5-20.

735 ILCS 30/20-5-25 Persons contesting not to be prejudiced

Persons contesting not to be prejudiced. Neither the plaintiff nor any party interested in the property, by taking any action authorized by Sections 20-5-5 through 20-5-20, inclusive, of this Act [735 ILCS 30/20-5-5 through 735 ILCS 30/20-5-20], or authorized under Article 25 of this Act [735 ILCS 25], shall be prejudiced in any way in contesting, in later stages of the proceeding, the amount to be finally ascertained to be just compensation.

HISTORY:
P.A. 82-280; 94-1055, § 20-5-25.

735 ILCS 30/20-5-30 Interest payments.

The plaintiff shall pay, in addition to the just compensation finally adjudged in the proceeding, interest at the rate of 6% per annum upon:

(1) Any excess of the just compensation finally adjudged, over the amount preliminarily found by the court to be just compensation in accordance with Section 20-5-10 of this Act [735 ILCS 30/20-5-10], from the date on which the parties interested in the property surrendered possession of the property in accordance with the order of taking, to the date of payment of the excess by the plaintiff.

(2) Any portion of the amount preliminarily found by the court to be just compensation and deposited by the plaintiff, to which any interested party is entitled, if the interested party applied for authority to withdraw that portion in accordance with Section 20-5-20 of this Act [735 ILCS 30/20-5-20], and upon objection by the plaintiff (other than on grounds that an appeal under subsection (b) of Section 20-5-10 of this Act is pending or contemplated) authority to withdraw was denied; interest shall be paid to that party from the date of the plaintiff's deposit to the date of payment to that party.

When interest is allowable as provided under item (1) of this Section, no further interest shall be allowed under the provisions of Section 2-1303 of the Code of Civil Procedure [735 ILCS 5/2-1303] or any other law.

HISTORY:
P.A. 83-707; 94-1055, § 20-5-30.

735 ILCS 30/20-5-35 Refund of excess deposit.

If the amount withdrawn from deposit by any interested party under the provision of Section 20-5-20 of this Act [735 ILCS 30/20-5-20] exceeds the amount finally adjudged to be just compensation (or damages, costs, expenses, and attorney fees) due to that party, the court shall order that party to refund the excess to the clerk of the court and, if refund is not made within a reasonable time fixed by the court, shall enter judgment for the excess in favor of the plaintiff and against that party.

HISTORY:
P.A. 82-280; 94-1055, § 20-5-35.

735 ILCS 30/20-5-40 Dismissal; abandonment.

After the plaintiff has taken possession of the property pursuant to the order of taking, the plaintiff shall have no right to dismiss the complaint, or to abandon the proceeding, as to all or any part of the property so taken, except upon the consent of all parties to the proceeding whose interests would be affected by the dismissal or abandonment.

HISTORY:
P.A. 83-707; 94-1055, § 20-5-40.

735 ILCS 30/20-5-45 Payment of costs

If, on an appeal taken under the provisions of Section 20-5-10 of this Act [735 ILCS 30/20-5-10], the plaintiff is determined not to have the authority to maintain the proceeding as to any property that is the subject of that appeal or if, with the consent of all parties to the proceeding whose interests are affected, the plaintiff dismisses the complaint or abandons the proceedings as to any property that is the subject of the appeal, the trial court then shall enter an order: (i) revesting the title to the property in the parties entitled thereto, if the order of taking vested title in the plaintiff; (ii) requiring the plaintiff to deliver possession of the property to the parties entitled to possession; and (iii) making such provision as is just for the payment of damages arising out of the plaintiff's taking and use of the property and also for costs, expenses, and attorney fees, as provided in Section 10-5-70 of this Act [735 ILCS 30/10-5-70]. The court may order the clerk of the court to pay those sums to the parties entitled thereto out of the money deposited by the plaintiff in accordance with the provisions of subsection (a) of Section 20-5-15 of this Act [735 ILCS 30/20-5-15].

HISTORY:
P.A. 82-280; 94-1055, § 20-5-45.

735 ILCS 30/20-5-50 Construction of Article

The right to take possession and title prior to the final judgment, as prescribed in this Article and Article 25 of this Act [735 ILCS 30/20 and 735 ILCS 30/25] shall be in addition to any other right, power,

or authority otherwise conferred by law and shall not be construed as abrogating, limiting, or modifying any other right, power, or authority.

HISTORY:
P.A. 82-280; 94-1055, § 20-5-50.

ARTICLE 25.

EXPRESS QUICK-TAKE POWERS

Part 5. New Quick-take Powers

Section

Part 7. Existing Quick-take Powers

PART 5.

NEW QUICK-TAKE POWERS

735 ILCS 30/25-5-5 Quick-take; Village of Skokie.

Quick-take proceedings under Article 20 may be used for a period of 12 months after the effective date of this amendatory Act of the 95th General Assembly by the Village of Skokie for the acquisition of property to be used for pedestrian egress and ingress, drop-off and pick-up areas, taxi waiting areas, and a bus connection stop to support a rail transit station, and for improvements to Skokie Boulevard and Searle Parkway to accommodate traffic signals, improved turning radii, and lane widening, as follows:

8116 Skokie Boulevard

Index Number (PIN) 10-21-501-011-0000

ALL THAT PART OF BLOCK 4 IN THE SUBDIVISION OF LOT 2 OF THE SUBDIVISION OF THE SOUTH 105 ACRES OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EASTERLY OF A LINE DRAWN 135.0 FEET EASTERLY OF PARALLEL TO THE RIGHT OF WAY OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY, MEASURED AT RIGHT ANGLES THERETO (EXCEPT THAT PART TAKEN FOR STREETS) IN COOK COUNTY, ILLINOIS.

8156-8200 Skokie Boulevard

Index Number (PIN) 10-21-402-077-0000

THAT PART OF LOT 1 LYING EASTERLY OF THE LINE DRAWN PARALLEL IN DISTANCE 135 FEET AT RIGHT ANGLES IN AN EASTERLY DIRECTION FROM THE EAST LINE OF THE RIGHT-OF-WAY OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY AND SOUTHERLY OF A LINE PARALLEL TO AND 353 FEET SOUTHERLY OF THE NORTH LINE OF BLOCK 1 IN BLAMEUSER'S SUBDIVISION OF THE SOUTH 105 ACRES OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

HISTORY:
P.A. 95-706, § 5.

735 ILCS 30/25-5-10 Quick-take; City of Champaign, Village of Savoy and County of Champaign

Quick-take proceedings under Article 20 [735 ILCS 30/20] may be used for a period of no more than one year after the effective date of this amendatory Act of the 95th General Assembly [P.A. 95-611] by the City of Champaign, the Village of Savoy, and the County of Champaign, for the acquisition of the following described properties for the purpose of road construction right-of-way, permanent easements, and temporary easements:

Alexander C. Lo, as Trustee — Parcel 040

Right-of-Way:

A part of the South Half of Section 26, and the North Half of Section 35, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Beginning at the southwest corner of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian; thence along the west line of said Section 26, North 00 degrees 50 minutes 27 seconds West 887.52 feet; thence North 89 degrees 09 min-

utes 33 seconds East 45.00 feet; thence South 00 degrees 50 minutes 27 seconds East 50.00 feet; thence South 03 degrees 42 minutes 12 seconds East 300.37 feet; thence along a line parallel to and 60.00 feet offset easterly from said west line of Section 26, South 00 degrees 50 minutes 27 seconds East 200.00 feet; thence South 06 degrees 25 minutes 24 seconds East 185.04 feet; thence along a line parallel to and 155.00 feet offset northerly from the south line of said Section 26, South 89 degrees 36 minutes 45 seconds East 349.35 feet; thence South 86 degrees 45 minutes 01 seconds East 100.12 feet; thence along a line parallel to and 150.00 feet offset northerly from said south line of Section 26, South 89 degrees 36 minutes 45 seconds East 850.00 feet; thence South 85 degrees 56 minutes 46 seconds East 703.70 feet; thence along a line parallel to and 105.00 feet offset northerly from said south line of Section 26, South 89 degrees 36 minutes 45 seconds East 322.03 feet; thence South 00 degrees 23 minutes 15 seconds West 22.00 feet; thence along a line parallel to and 83.00 feet offset northerly from said south line of Section 26, South 89 degrees 36 minutes 45 seconds East 237.29 feet; thence North 00 degrees 38 minutes 43 seconds West 30.00 feet; thence along a line parallel to and 113.00 feet offset northerly from said south line of Section 26, South 89 degrees 36 minutes 56 seconds East 88.24 feet; thence South 87 degrees 19 minutes 30 seconds East 300.24 feet; thence along a line parallel to and 101.00 feet offset northerly from said south line of Section 26, South 89 degrees 36 minutes 56 seconds East 700.00 feet; thence South 87 degrees 54 minutes 06 seconds East 228.20 feet, to the east line of the west half of the southeast Quarter of aforesaid Section 26; thence along said east line, South 00 degrees 39 minutes 19 seconds East 94.19 feet, to the south line of said Section 26; thence along said south line of Section 26, South 89 degrees 36 minutes 56 seconds East 1316.02 feet, to a point being the southeast corner of said Section 26, said point also being the northeast corner of Section 35, Township 19 North, Range 8 East of the Third Principal Meridian; thence along the east line of said Section 35, South 00 degrees 27 minutes 33 seconds East 920.45 feet; thence South 89 degrees 32 minutes 27 seconds West 275.00 feet; thence North 00 degrees 27 minutes 33 seconds West 600.00 feet; thence North 89 degrees 32 minutes 27 seconds East 235.00 feet; thence along a line parallel to and 40.00 feet offset westerly from aforesaid east line of Section 35, North 00 degrees 27 minutes 33 seconds West 218.02 feet; thence along a line parallel to and 103.00 feet offset southerly from the north line of said Section 35, North 89 degrees 36 minutes 56 seconds West 158.05 feet; thence North 87 degrees 19 minutes 30 seconds West 150.12 feet; thence along a line parallel to and 97.00 feet offset southerly from said north line of Section 35, North 89 degrees 36 minutes 56 seconds West 401.25 feet; thence North 85 degrees 58 minutes 01 seconds West 502.84 feet; thence North 88 degrees 27 minutes 19 seconds West 296.29 feet; thence along a line parallel to and 59.00 feet offset southerly from said north line of Section 35, North 89 degrees 36 minutes 56 seconds West 700.00 feet; thence South 88 degrees 28 minutes 31 seconds West 300.17 feet; thence along a line parallel to and 69.00 feet offset southerly from said north line of Section 35, North 89 degrees 36 minutes 56 seconds West 85.23 feet, to the west line of the northeast Quarter of said Section 35; thence along a line parallel to and 69.00 feet offset southerly from said north line of Section 35, North 89 degrees 36 minutes 45 seconds West 114.77 feet; thence North 87 degrees 54 minutes 07 seconds West 804.04 feet; thence along a line parallel to and 45.00 feet offset southerly from said north line of Section 35, North 89 degrees 36 minutes 45 seconds West 397.76 feet; thence North 00 degrees 20 minutes 35 seconds West 45.00 feet, to the northerly line of said Section 35; thence along said northerly line of Section 35, North 89 degrees 36 minutes 45 seconds West 1315.81 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 22.351 acres, more or less (Part of PIN #03-20-26-300-020; Part of PIN #03-20-26-300-021; Part of PIN #03-20-26-400-001; Part of PIN #03-20-35-100-002 and Part of PIN #03-20-35-200-001)

Permanent Easement #1:

A part of the southeast quarter of the southwest quarter of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Commencing at the southeast corner or the southwest quarter of Section 16, Township 19 North, Range 8 East of the Third Principal Meridian; thence along the easterly line of said southwest quarter of Section 26, North 00 degrees 38 minutes 43 seconds West 83.01 feet, to the Point of Beginning; thence North 89 degrees 36 minutes 45 seconds West 237.29 feet; thence North 00 degrees 23 minutes 15 seconds East 15.00 feet; thence South 89 degrees 36 minutes 45 seconds East 237.02 feet; thence South 00 degrees 38 minutes 43 seconds East 15.00 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.082 of an acre, more or less (Part of PIN #03-20-26-300-021)

Permanent Easement #2:

A part of the west half of the southwest quarter of Section 26, and a part of the west half of the northwest quarter of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Commencing at the southwest corner of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian; thence along the southerly line of said Section 26, South 89 degrees 36 minutes 45 seconds East 1166.28 feet; thence North 00 degrees 23 minutes 15 seconds East 150.00 feet, to the Point of Beginning; thence along a curve to the left having a radius of 300.00 feet, an arc length of 49.50 feet, a chord bearing of North 11 degrees 23 minutes 05

seconds West and a chord length of 49.45 feet; thence North 16 degrees 06 minutes 44 seconds West 1098.24 feet; thence along a curve to the right having a radius of 840.00 feet, an arc length of 285.88 feet, a chord bearing of North 06 degrees 21 minutes 44 seconds West and a chord length of 284.51 feet; thence North 03 degrees 23 minutes 16 seconds East 1031.54 feet; thence along a curve to the left having a radius of 760.00 feet, an arc length of 134.77 feet, a chord bearing of North 01 degrees 41 minutes 32 seconds West and a chord length of 134.59 feet; thence South 89 degrees 42 minutes 45 seconds East 80.55 feet; thence along a curve to the right having a radius of 840.00 feet, an arc length of 139.06 feet, a chord bearing of South 01 degrees 21 minutes 17 seconds East and a chord length of 138.90 feet; thence South 03 degrees 23 minutes 16 seconds West 1031.54 feet; thence along a curve to the left having a radius of 760.00 feet, an arc length of 258.66 feet, a chord bearing of South 06 degrees 21 minutes 44 seconds East and a chord length of 257.41 feet; thence South 16 degrees 06 minutes 44 seconds East 1098.24 feet; thence along a curve to the right having a radius of 380.00 feet, an arc length of 72.58 feet, a chord bearing of South 10 degrees 38 minutes 26 seconds East and a chord length of 72.47 feet; thence North 89 degrees 36 minutes 45 seconds West 80.48 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 4.775 acres or 208,000 square feet, more or less. (Part of PIN #03-20-26-300-019 and #03-20-26-300-020)

Temporary Easement #1:

A part of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Beginning at a point being 91.50 feet normally offset northerly from FAP Route 807 (Curtis Road) centerline station 112+31.76; thence North 89 degrees 36 minutes 56 seconds West 20.00 feet; thence South 00 degrees 38 minutes 43 seconds East 15.00 feet; thence North 89 degrees 36 minutes 45 seconds West 137.02 feet; thence North 00 degrees 31 minutes 33 seconds West 113.51 feet; thence North 89 degrees 36 minutes 45 seconds West 80.00 feet; thence South 00 degrees 23 minutes 15 seconds West 10.00 feet; thence North 89 degrees 36 minutes 45 seconds West 50.00 feet; thence North 00 degrees 23 minutes 15 seconds East 60.00 feet; thence South 89 degrees 36 minutes 45 seconds East 50.00 feet; thence South 00 degrees 23 minutes 15 seconds West 10.00 feet; thence South 89 degrees 36 minutes 45 seconds East 236.07 feet; thence South 00 degrees 38 minutes 43 seconds East 138.52 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.688 of an acre or 29,966 square feet, more or less. (Part of PIN #03-20-26-300-021)

Temporary Easement #2

A part of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Beginning at a point being 102.49 feet normally offset northerly from FAP Route 807 (Curtis Road) centerline station 87+50.00; thence North 00 degrees 23 minutes 16 seconds East 46.18 feet; thence South 89 degrees 09 minutes 33 seconds West 99.13 feet; thence North 06 degrees 25 minutes 24 seconds West 90.43 feet; thence North 89 degrees 09 minutes 33 seconds East 210.11 feet; thence South 00 degrees 34 minutes 28 seconds West 70.84 feet; thence South 89 degrees 36 minutes 44 seconds East 100.00 feet; thence South 00 degrees 23 minutes 16 seconds West 67.51 feet; thence North 89 degrees 36 minutes 45 seconds West 200.00 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.686 of an acre or 29,891 square feet more or less. (Part of PIN #03-20-26-300-020)

Temporary Easement #3:

A part of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Beginning at a point being 97.50 feet normally offset northerly from FAP Route 807 (Curtis Road) centerline station 97+00.00; thence North 35 degrees 20 minutes 49 seconds East 57.33 feet; thence North 16 degrees 06 minutes 44 seconds West 1098.24 feet; thence along a curve to the right having a radius of 845.00 feet, an arc length of 287.59 feet, a chord bearing of North 06 degrees 21 minutes 44 seconds West and a chord length of 286.20 feet; thence North 03 degrees 23 minutes 16 seconds East 1031.54 feet; thence along a curve to the left having a radius of 755.00 feet, an arc length of 134.50 feet, a chord bearing of North 01 degrees 42 minutes 57 seconds West and a chord length of 134.33 feet; thence South 89 degrees 42 minutes 45 seconds East 5.04 feet; thence along a curve to the right having a radius of 760.00 feet, an arc length of 134.77 feet, a chord bearing of South 01 degrees 41 minutes 32 seconds East and a chord length of 134.59 feet; thence South 03 degrees 23 minutes 16 seconds West 1031.54 feet; thence along a curve to the left having a radius of 840.00 feet, an arc length of 285.88 feet, a chord bearing of South 06 degrees 21 minutes 44 seconds East and a chord length of 284.51 feet; thence South 16 degrees 06 minutes 44 seconds East 1098.24 feet; thence along a curve to the right having a radius of 300.00 feet, an arc length of 49.50 feet, a chord bearing of South 11 degrees 23 minutes 05 seconds East and a chord length of 49.45 feet; thence North 89 degrees 36 minutes 45 seconds West 47.73 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.322 acres or 14,034 square feet, more or less. (Part of PIN 03-20-26-300-019 & 03-20-26-300-020)

Temporary Easement #4:

A part of Sections 26 and 35, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone

Beginning at a point being 97.50 feet normally offset northerly from FAP Route 807 (Curtis Road)

centerline station 98+75.00; thence North 89 degrees 36 minutes 45 seconds West 46.79 feet; thence along a curve to the left having a radius of 380.00 feet, an arc length of 72.58 feet, a chord bearing of North 10 degrees 38 minutes 26 seconds West and a chord length of 72.47 feet; thence North 16 degrees 06 minutes 44 seconds West 1098.24 feet; thence along a curve to the right having a radius of 760.00 feet, an arc length of 258.66 feet, a chord bearing of North 06 degrees 21 minutes 44 seconds West and a chord length of 257.41 feet; thence North 03 degrees 23 minutes 16 seconds East 1031.54 feet; thence along a curve to the left having a radius of 840.00 feet, an arc length of 139.06 feet, a chord bearing of North 01 degrees 21 minutes 17 seconds West and a chord length of 138.90 feet; thence South 89 degrees 42 minutes 45 seconds East 5.03 feet; thence along a curve to the right having a radius of 845.00 feet, an arc length of 139.33 feet, a chord bearing of South 01 degrees 20 minutes 08 seconds East and a chord length of 139.17 feet; thence South 03 degrees 23 minutes 16 seconds West 1031.54 feet; thence along a curve to the left having a radius of 755.00 feet, an arc length of 256.96 feet, a chord bearing of South 06 degrees 21 minutes 44 seconds East and a chord length of 255.72 feet; thence South 16 degrees 06 minutes 44 seconds East 1098.24 feet; thence South 37 degrees 12 minutes 15 seconds East 91.56 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.331 acres or 14,428 square feet, more or less. (Part of PIN 03-20-26-300-019 & 03-20-26-300-020)

Temporary Easement #5:

A part of Sections 26 and 35, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Beginning at a point being 94.00 feet normally offset southerly from FAP Route 807 (Curtis Road) centerline station 137+93.04: thence South 00 degrees 27 minutes 33 seconds East 218.80 feet; thence North 89 degrees 32 minutes 27 seconds East 15.00 feet; thence North 00 degrees 27 minutes 33 seconds West 208.58 feet; thence North 45 degrees 02 minutes 15 seconds West 14.25 feet; thence North 89 degrees 36 minutes 56 seconds West 5.00 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.074 of an acre or 3230 square feet, more or less. (Part of PIN #03-20-35-200-001)

Adolf M. Lo — Parcel 041

Permanent Easement:

A part of Sections 26 and 35, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Beginning at a point being 94.00 feet normally offset southerly from FAP Route 807 (Curtis Road) centerline station 137+93.04: thence South 00 degrees 27 minutes 33 seconds East 218.80 feet; thence North 89 degrees 32 minutes 27 seconds East 15.00 feet; thence North 00 degrees 27 minutes 33 seconds West 208.58 feet; thence North 45 degrees 02 minutes 15 seconds West 14.25 feet; thence North 89 degrees 36 minutes 56 seconds West 5.00 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.074 of an acre or 3230 square feet, more or less. (Part of PIN #03-20-35-200-001)

Temporary Easement #1:

A part of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Commencing at the southwest corner of the northwest quarter of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian; thence along the west line of said northwest quarter, North 00 degrees 32 minutes 29 seconds West 60.01 feet; thence along the north line of the south 60 feet of the south half of the southwest quarter of the northwest quarter of said Section 26, South 89 degrees 42 minutes 45 seconds East 917.47 feet, to the Point of Beginning; thence along a curve to the left having a radius of 760.00 feet, an arc length of 57.56 feet, a chord bearing of North 08 degrees 56 minutes 32 seconds West and a chord length of 57.55 feet; thence North 11 degrees 06 minutes 44 seconds West 466.55 feet; thence along a curve to the left having a radius of 760.00 feet, an arc length of 93.84 feet, a chord bearing of North 14 degrees 38 minutes 58 seconds West and a chord length of 93.78 feet, to the north line of the south half of the southwest quarter of the northwest quarter of aforesaid Section 26; thence along said north line, North 89 degrees 49 minutes 23 seconds West 5.27 feet; thence along a curve to the right having a radius of 755.00 feet, an arc length of 94.89 feet, a chord bearing of South 14 degrees 42 minutes 45 seconds East and a chord length of 94.83 feet; thence South 11 degrees 06 minutes 44 seconds East 466.55 feet; thence along a curve to the right having a radius of 755.00 feet, an arc length of 56.57 feet, a chord bearing of South 08 degrees 57 minutes 57 seconds East and a chord length of 56.55 feet; thence South 89 degrees 42 minutes 45 seconds East 5.04 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.071 of an acre or 3090 square feet, more or less. (Part of PIN 03-20-26-100-005)

Temporary Easement #2:

A part of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Commencing at the southwest corner of the northwest quarter of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian; thence along the west line of said northwest quarter, North 00 degrees 32 minutes 29 seconds West 60.01 feet; thence along the north line of the south 60 feet of the south half of the southwest quarter of the northwest quarter of said Section 26, South 89 degrees 42

minutes 45 seconds East 917.47 feet; thence South 89 degrees 42 minutes 45 seconds East 80.55 feet, to the Point of Beginning; thence South 89 degrees 42 minutes 45 seconds East 5.03 feet; thence along a curve to the left having a radius of 845.00 feet, an arc length of 74.52 feet, a chord bearing of North 08 degrees 35 minutes 08 seconds West and a chord length of 74.50 feet; thence North 11 degrees 06 minutes 44 seconds West 466.55 feet; thence along a curve to the left having a radius of 845.00 feet, an arc length of 76.27 feet, a chord bearing of North 13 degrees 41 minutes 53 seconds West and a chord length of 76.25 feet, to the north line of the south half of the southwest quarter of the northwest quarter of aforesaid Section 26; thence along said north line, North 89 degrees 49 minutes 23 seconds West 5.22 feet; thence along a curve to the right having a radius of 840.00 feet, an arc length of 77.30 feet, a chord bearing of South 13 degrees 44 minutes 54 seconds East and a chord length of 77.27 feet; thence South 11 degrees 06 minutes 44 seconds East 466.55 feet; thence along a curve to the right having a radius of 840.00 feet, an arc length of 73.52 feet, a chord bearing of South 08 degrees 36 minutes 17 seconds East and a chord length of 73.50 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.071 acres or 3087 square feet more or less. (Part of PIN 03-20-26-100-005)

Adolf M. & Renee C. Lo — Parcel 044

Right-of-Way:

A part of the southeast quarter of the southeast quarter of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Beginning at the southwest corner of W. W. Young's Fourth Subdivision as per plat recorded in Book "O" at Page 55, Champaign County, Illinois; thence along the south line of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, North 89 degrees 36 minutes 56 seconds West 1127.29 feet; thence North 00 degrees 39 minutes 19 seconds West 94.19 feet; thence South 87 degrees 54 minutes 06 seconds East 473.99 feet; thence along a line parallel to and offset 80.00 feet northerly from aforesaid southerly line of Section 26, South 89 degrees 36 minutes 56 seconds East 187.22 feet; thence South 00 degrees 33 minutes 07 seconds East 40.51 feet; thence along a line parallel to and 39.50 feet northerly offset from said south line of Section 26, South 89 degrees 36 minutes 56 seconds East 466.69 feet, to the westerly line of aforesaid W.W. Young's Fourth Subdivision; thence along said westerly line, South 00 degrees 33 minutes 07 seconds East 39.51 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 1.714 acres, more or less. (Part of PIN #03-20-26-476-002 and Part of PIN #03-20-26-476-003)

Temporary Easement:

A part of the southeast quarter of the southeast quarter of Section 26, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Beginning at the southwest corner of Lot 16 of W. W. Young's Fourth Subdivision as per plat recorded in Book "O" at Page 55, Champaign County, Illinois; thence along the westerly line of said Lot 16, North 00 degrees 33 minutes 07 seconds West 6.50 feet, to the Point of Beginning; thence North 89 degrees 36 minutes 56 seconds West 466.69 feet; thence North 00 degrees 33 minutes 07 seconds West 2.00 feet; thence South 89 degrees 55 minutes 43 seconds East 274.58 feet; thence North 00 degrees 23 minutes 04 seconds East 18.00 feet; thence South 89 degrees 36 minutes 56 seconds East 50.00 feet; thence South 00 degrees 23 minutes 04 seconds West 17.50 feet; thence South 89 degrees 49 minutes 02 seconds East 142.08 feet, to aforesaid westerly line of Lot 16; thence along said westerly line of Lot 16, South 00 degrees 33 minutes 07 seconds East 4.50 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.056 of an acre, more or less. (Part of PIN #03-20-26-476-002 and Part of PIN #03-20-26-476-003)

John R. Thompson — Parcel 034

Right of Way:

A part of the Northeast Quarter of Section 34, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Beginning at the northeast corner of Section 34, Township 19 North, Range 8 East of the Third Principal Meridian; thence along the east line of said Section 34, South 00 degrees 18 minutes 04 seconds East 1812.48 feet; thence South 89 degrees 41 minutes 56 seconds West 45.00 feet; thence North 03 degrees 32 minutes 40 seconds West 300.48 feet; thence along a line being parallel to and 62.00 feet offset westerly from the aforesaid east line of Section 34, North 00 degrees 18 minutes 04 seconds West 200.00 feet, thence South 89 degrees 41 minutes 56 seconds West 8.00 feet; thence along a line parallel to and 70.00 feet offset westerly from said east line of Section 34, North 00 degrees 18 minutes 04 seconds West 300.00 feet; thence North 89 degrees 41 minutes 56 seconds East 8.00 feet; thence along a line being parallel to and offset 62.00 feet westerly from said east line of Section 34, North 00 degrees 18 minutes 04 seconds West 600.00 feet; thence North 01 degrees 49 minutes 43 seconds West 300.11 feet; thence North 14 degrees 05 minutes 31 seconds West 62.93 feet; thence North 89 degrees 11 minutes 38 seconds West 47.85 feet; thence North 86 degrees 08 minutes 27 seconds West 150.21 feet; thence along a line being parallel to and offset 45.00 feet southerly from the north line of aforesaid Section 34, North 89 degrees 11 minutes 38 seconds West 750.00 feet; thence North 82 degrees 21 minutes 04 seconds West 100.72 feet, to a point on the existing southerly Curtis Road right-of-way line; thence along said

southerly right-of-way line, North 89 degrees 11 minutes 38 seconds West 647.89 feet; thence South 88 degrees 01 minutes 07 seconds West 246.74 feet; thence along a line parallel to and offset 45.00 feet southerly from aforesaid north line of Section 34, North 89 degrees 11 minutes 38 seconds West 412.04 feet; thence North 00 degrees 48 minutes 22 seconds East 45.00 feet, to said north line of Section 34; thence along said north line of Section 34, South 89 degrees 11 minutes 38 seconds East 2438.21 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 4.882 acres or 212,664 square feet, more or less. (Part of PIN #03-20-34-200-001 and part of PIN #03-20-34-200-002).

Temporary Easement:

A part of the Northeast Quarter of Section 34, Township 19 North, Range 8 East of the Third Principal Meridian, Champaign County, Illinois with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Beginning at a point being 47.00 feet normally distant southerly from centerline Station 61+40.88 of FAP Route 807 (Curtis Road); thence South 00 degrees 48 minutes 22 seconds West 12.00 feet; thence North 89 degrees 33 minutes 09 seconds West 91.29 feet; thence North 00 degrees 24 minutes 07 seconds West 10.00 feet, to a point on the southerly existing Curtis Road right-of-way line; thence along said southerly right-of-way line, being a curve to the left having a radius of 6507.00 feet, an arc length of 91.54 feet, a chord bearing of North 89 degrees 11 minutes 42 seconds East and a chord length of 91.54 feet, to the Point of Beginning, situated in Champaign County, Illinois and containing 0.023 acres or 996 square feet, more or less. (Part of PIN 03-20-34-200-001)

JOHN E. CROSS — PARCEL 52

Right of Way

Part of Lot 8 in Arbours Subdivision No. 10, as per plat recorded in book "Y" at page 253 in Champaign County, Illinois, with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Beginning at the southeast corner of the above described Lot 8; thence along the southerly line of said Lot 8, North 89 degrees 27 minutes 54 seconds West 10.59 feet; thence North 24 degrees 20 minutes 36 seconds East 25.14 feet, to the easterly line of said Lot 8; thence along said easterly line, South 00 degrees 34 minutes 33 seconds East 23.00 feet, to the Point of Beginning, containing 0.003 acres or 122 square feet, more or less.

PROSPECT POINT PARTNERS — PARCEL 53

Right of Way

A part of Lot 401 of the Arbour Subdivision No. 4, as per plat recorded as Document Number 92R37248, Champaign County, Illinois, with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Beginning at the northwest corner of the above described Lot 401 of Arbour Subdivision No. 4, thence along the northerly line of said Lot 401, South 89 degrees 27 minutes 54 seconds East 310.00 feet; thence North 00 degrees 32 minutes 06 seconds East 10.00 feet; thence continuing along the northerly line of aforesaid Lot 401, South 89 degrees 27 minutes 54 seconds East 60.00 feet, to the northeast corner of said Lot 401; thence along the easterly line of said Lot 401, South 00 degrees 35 minutes 41 seconds West 11.00 feet; thence North 89 degrees 27 minutes 54 seconds West 282.46 feet; thence South 89 degrees 53 minutes 41 seconds West 89.50 feet, to the northwesterly line of aforesaid Lot 401; thence along said northwesterly line, North 45 degrees 02 minutes 16 seconds East 2.80 feet, to the Point of Beginning, containing 0.023 of an acre, more or less.

Temporary Easement

A part of Lot 401 of the Arbour Subdivision No. 4, as per plat recorded as Document Number 92R37248, Champaign County, Illinois, with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Commencing at the northeast corner of the above described Lot 401 of Arbour Subdivision No. 4, thence along the easterly line of said Lot 401, South 00 degrees 35 minutes 41 seconds West 11.00 feet, to the Point of Beginning; thence North 89 degrees 27 minutes 54 seconds West 282.46 feet; thence South 89 degrees 53 minutes 41 seconds West 89.50 feet, to the westerly line of said Lot 401; thence along said westerly line, South 45 degrees 02 minutes 16 seconds West 11.22 feet; thence South 89 degrees 27 minutes 54 seconds East 277.36 feet; thence South 00 degrees 32 minutes 06 seconds West 10.00 feet; thence South 89 degrees 27 minutes 54 seconds East 102.44 feet, to aforesaid easterly line of Lot 401; thence along said easterly line, North 00 degrees 35 minutes 41 seconds East 19.00 feet, to the Point of Beginning, containing 0.100 acres or 4359 square feet, more or less.

PROSPECT POINT LLC — PARCEL 54

Right of Way

A part of Lot 402 of the Arbour Subdivision No. 4, as per plat recorded as Document Number 92R37248, Champaign County, Illinois, with bearing datum based on Illinois State Plane Coordinate System, East Zone;

Beginning at the northeast corner of the above described Lot 402 of Arbour Subdivision No. 4, thence along the easterly line of said Lot 402, South 00 degrees 31 minutes 44 seconds West 40.00 feet; thence North 23 degrees 44 minutes 15 seconds West 28.52 feet; thence North 83 degrees 07 minutes 30 seconds West 27.17 feet; thence along a line being parallel to and 11.00 feet offset southerly from the northerly line of said Lot 402, North 89 degrees 27 minutes 54 seconds West 242.54 feet, to the westerly line of said Lot 402; thence along said westerly line, North 00 degrees 35 minutes 41 seconds East 11.00 feet, to the northwest corner of said Lot 402; thence along the northerly line of said Lot 402, South 89 degrees 27 minutes 54 seconds East 281.25 feet, to

the Point of Beginning, containing 0.076 of an acre or 3322 square feet, more or less.

Temporary Easement

A part of Lot 402 of the Arbour Subdivision No. 4, as per plat recorded as Document Number 92R37248, Champaign County, Illinois, with bearing datum based on Illinois State Plane Coordinate System, East Zone;

TE-1

Beginning at the northeast corner of the above described Lot 402; thence along the easterly line of said Lot 402, South 00 degrees 35 minutes 44 seconds West 40.00 feet, to the Point of Beginning; thence North 23 degrees 44 minutes 15 seconds West 28.52 feet; thence North 83 degrees 07 minutes 30 seconds West 27.17 feet; thence North 89 degrees 27 minutes 54 seconds West 242.54 feet, to the westerly line of aforesaid Lot 402; thence along said westerly line, South 00 degrees 35 minutes 41 seconds West 19.00 feet; thence South 89 degrees 27 minutes 54 seconds East 17.56 feet; thence North 00 degrees 32 minutes 06 seconds East 10.00 feet; thence South 89 degrees 27 minutes 54 seconds East 250.00 feet; thence South 00 degrees 32 minutes 06 seconds West 24.00 feet; thence South 89 degrees 27 minutes 54 seconds East 13.72 feet, to the aforesaid easterly line of Lot 402; thence along said easterly line, North 00 degrees 31 minutes 44 seconds East 4.00 feet, to the Point of Beginning, containing 0.064 of an acre or 2808 square feet, more or less.

TE-2

Beginning at a point on the easterly line of the above described Lot 402, said point being offset 196.00 feet normally distant southerly from FAP Route 807 (Curtis Road) centerline; thence along said easterly line of Lot 402, South 00 degrees 31 minutes 44 seconds West 40.00 feet; thence North 89 degrees 28 minutes 16 seconds West 60.00 feet; thence North 00 degrees 31 minutes 44 seconds East 40.00 feet; thence South 89 degrees 28 minutes 16 seconds East 60.00 feet, to the Point of Beginning, containing 0.055 of an acre or 2400 square feet, more or less.

Tracts TE-1 and TE-2 totaling 0.119 of an acre or 5208 square feet, more or less.

MAIN STREET BANK, TRUSTEE — PARCEL 55

Right of Way

All of the Commons area of the Arbour Meadows Subdivision No. 4, as per plat recorded December 24, 1992 in Book "BB" at Page 213 as Document 92R 37248, in the Village of Savoy, Champaign County, Illinois, containing 0.529 of an acre, more or less.

PROSPECT POINT EAST, LLC — PARCEL 56

Temporary Easement

A part of Lot 201 of the Arbour Meadows Subdivision No. 2, as per plat recorded in Plat Book "AA" at Page 251, Champaign County, Illinois, with bearing datum based on Illinois State Plane Coordinate System, East Zone:

Beginning at the northwest corner of the above described Lot 201 of the Arbour Meadows Subdivision No. 2; thence along the northerly line of said Lot 201, South 89 degrees 27 minutes 54 seconds East 15.11 feet; thence South 45 degrees 44 minutes 50 seconds West 21.29 feet, to the westerly line of said Lot 201; thence along said westerly line, North 00 degrees 31 minutes 44 seconds East 15.00 feet, to the Point of Beginning, containing 0.003 of an acre or 113 square feet, more or less.

HISTORY:

P.A. 95-611, § 5; 95-876, § 370.

735 ILCS 30/25-5-15 Quick-take; Village of Lake in the Hills

Quick-take proceedings under Article 20 [735 ILCS 30/20] may be used for a period of no more than one year after the effective date of this amendatory Act of the 95th General Assembly [P.A. 95-929] by the Village of Lake in the Hills for the acquisition of the following described property for runway purposes at the Lake in the Hills Airport:

PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 00 DEGREES 37 MINUTES 09 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 1144.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 37 MINUTES 09 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 105.12 FEET TO THE SOUTH LINE OF THE PARCEL DESCRIBED IN DOCUMENT NUMBER 95RO11851 AS RECORDED IN THE MCHENRY COUNTY RECORDER'S OFFICE; THENCE SOUTH 89 DEGREES 22 MINUTES 51 SECONDS WEST ALONG THE SOUTH LINE OF THE PARCEL DESCRIBED IN DOCUMENT NUMBER 95R011851, 593.00 FEET TO THE WEST LINE OF THE PARCEL DESCRIBED IN DOCUMENT NUMBER 95R011851; THENCE NORTH 00 DEGREES 37 MINUTES 09 SECONDS WEST, ALONG THE WEST LINE OF THE PARCEL DESCRIBED IN DOCUMENT NUMBER 95R011851, 3.99 FEET; THENCE 79 DEGREES 42 MINUTES 11 SECONDS EAST ALONG A LINE 306.00 FEET NORTHWESTERLY OF AND PARALLEL WITH THE CENTERLINE OF RUNWAY NUMBER 8/O26, 601.56 FEET TO THE POINT OF BEGINNING AND CONTAINING 32,351 SQUARE FEET OR 0.743 ACRES MORE OR LESS, ALL IN MCHENRY COUNTY, ILLINOIS, AND EXCEPTING THAT PART USED FOR ROADWAY PURPOSES.

HISTORY:

P.A. 95-929, § 5; 96-328, § 370.

735 ILCS 30/25-5-20 Quick-take; City of Champaign

Quick-take proceedings under Article 20 [735 ILCS

30/20-5-5 et seq.] may be used for a period of no more than one year after the effective date of this amendatory Act of the 95th General Assembly [P.A. 95-974] by the City of Champaign for the acquisition of the following properties for the purpose of drainage and other improvements related to the Boneyard Creek Project, including right of way, permanent easements, and temporary easements:

Parcel A — (PIN 46-21-07-351-014) 112 East Clark Street

Lot 12 in Block 1 of Campbell and Kirkpatrick's Addition to Urbana, now a part of the City of Champaign, as per Plat recorded in Deed Record "E" at Page 352, situated in Champaign County, Illinois.

Parcel B — (PIN 46-21-07-353-005) 111 East White Street

The East 34 feet of Lot 2 of a Subdivision of Block 1 of J. C. Kirkpatrick's Second Addition to the Town of West Urbana, now City of Champaign, as per plat recorded in Deed Record 8 at page 232, in Champaign County, Illinois.

Parcel D — (PIN 46-21-07-353-010) 108 East Stoughton Street

Lot 10 of a Subdivision of Block 1 of J. C. Kirkpatrick's Second Addition to the Town of West Urbana, now City of Champaign, as per plat recorded in Deed Record 8 at Page 232, in Champaign County, Illinois.

Parcel G (PIN 46-21-07-355-002) 201-1/2 East University Avenue

Tract I — Beginning at the Northeast corner of Lot 6 in Block 2 in Campbell & Kirkpatrick's Addition to Urbana (now a part of the City of Champaign) running thence West 20 feet; thence South 80 feet; thence East 20 feet; thence North 80 feet to the point of beginning, situated in Champaign County, Illinois. Tract II — The West 8 feet of the East 28 feet of the North 80 feet of Lot 6 in Block 2 in Campbell & Kirkpatrick's Addition to Urbana (now a part of the City of Champaign), in Champaign County, Illinois.

Parcel H (PIN 46-21-07-355-001) 201 East University Avenue

The West 38 feet of the North 80 feet of Lot 6 in Block 2 of Campbell and Kirkpatrick's Addition to Urbana, now a part of the City of Champaign, as per Plat recorded in Deed Record "E" at page 352, situated in Champaign County, Illinois.

HISTORY:
P.A. 95-974, § 5; 96-328, § 370.

735 ILCS 30/25-5-25 Quick-take; Village of Johnsburg

Quick-take proceedings under Article 20 may be used for a period of no more than one year after the effective date of this amendatory Act of the 96th General Assembly [P.A. 96-709] by the Village of Johnsburg, McHenry County for the acquisition of the following described property for the purpose of constructing a METRA rail station and rail storage yard:

PARCEL 1:

That part of the of the Southwest Quarter, part of the Southeast Quarter of Section 15 and part of the Northeast Quarter of Section 22, Township 45 North, Range 8 East of the Third Principal Meridian, McHenry County, Illinois more particularly described as follows: Beginning at the intersection of the North line of the said Southwest Quarter and the westerly line of the Chicago and Northwestern Railroad; thence southerly along said westerly line to the intersection of the East line of said Southwest Quarter and said westerly line; thence continuing southerly along said westerly line to the intersection of the South line of said Southeast Quarter and said westerly line; thence continuing southerly along said westerly line to the northerly line of F.A.P. Route 420; thence northwesterly along said northerly line to a line lying 530.00 feet westerly of and parallel with the said westerly line of the Chicago and Northwestern Railroad; thence northerly along said parallel line to a line lying 392.00 feet southerly of and parallel with the said North line of the Southwest Quarter; thence northerly along a line which intersects with the said North line of said Southwest Quarter and a line lying 412.05 feet westerly of and parallel with the said westerly line of the Chicago and Northwestern Railroad; thence easterly along said North line to the point of beginning.

PARCEL 2:

That part of the Northwest Quarter of Section 15, Township 45 North, Range 8 East of the Third Principal Meridian, McHenry County, Illinois more particularly described as follows: Beginning at the intersection of the North line of the South Half of said Northwest Quarter and the westerly line of the Chicago and Northwestern Railroad; thence southerly along said westerly line to the South line of the said Northwest Quarter; thence westerly along said South line to a line lying 412.05 feet westerly of and parallel with the said westerly line of the Chicago and Northwestern Railroad; thence northerly along said parallel line to said North line of the said South Half; thence easterly along said North line of said South Half to the point of beginning.

HISTORY:
P.A. 96-709, § 5.

735 ILCS 30/25-5-30 Quick-take; Village of Johnsburg.

Quick-take proceedings under Article 20 [735 ILCS 30/20-5-5 et seq.] may be used for a period of no longer than one year after the effective date of this amendatory Act of the 96th General Assembly [P.A. 96-1525], by the Village of Johnsburg, McHenry County for the acquisition of the following described property for the purpose of constructing a METRA rail station and rail storage yard:

LEGAL DESCRIPTION

THAT PART OF SECTION 15 AND 22, IN TOWNSHIP 45 NORTH, RANGE 8 EAST OF THE THIRD

PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD (FORMERLY THE CHICAGO AND NORTHWESTERN RAILWAY) AND THE NORTHEASTERLY RIGHT-OF-WAY LINE OF FEDERAL AID ROUTE 420 (ALSO KNOWN AS FEDERAL AID ROUTE 201); THENCE NORTH 61 DEGREES 54 MINUTES 08 SECONDS WEST (BEARINGS BASED ON ILLINOIS STATE PLANE COORDINATES EAST ZONE 1983 DATUM) ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 503.21 FEET TO A BEND POINT IN SAID NORTHEASTERLY RIGHT-OF-WAY LINE; THENCE NORTH 63 DEGREES 49 MINUTES 56 SECONDS WEST ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 837.29 FEET TO A BEND POINT IN SAID NORTHEASTERLY RIGHT-OF-WAY LINE; THENCE NORTH 64 DEGREES 23 MINUTES 38 SECONDS WEST ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 81.77 FEET; THENCE NORTH 11 DEGREES 48 MINUTES 49 SECONDS WEST, A DISTANCE OF 737.72 FEET; THENCE NORTH 35 DEGREES 16 MINUTES 32 SECONDS WEST, A DISTANCE OF 1001.50 FEET; THENCE NORTH 33 DEGREES 34 MINUTES 33 SECONDS WEST, A DISTANCE OF 1019.96 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY ALONG A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 600.00 FEET, AN ARC LENGTH OF 346.77 FEET TO A POINT OF TANGENCY, THE CHORD OF SAID CURVE HAVING A LENGTH OF 341.97 FEET AND A BEARING OF NORTH 17 DEGREES 01 MINUTES 07 SECONDS WEST; THENCE NORTH 00 DEGREES 27 MINUTES 41 SECONDS WEST, A DISTANCE OF 518.80 FEET TO THE POINT OF INTERSECTION WITH A LINE 80.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 15; THENCE SOUTH 89 DEGREES 04 MINUTES 23 SECONDS EAST ALONG SAID LINE 80.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 15, A DISTANCE OF 323.79 FEET; THENCE SOUTH 00 DEGREES 27 MINUTES 41 SECONDS EAST, A DISTANCE OF 545.39 FEET; THENCE SOUTH 33 DEGREES 34 MINUTES 33 SECONDS EAST, A DISTANCE OF 563.07 FEET; THENCE SOUTH 86 DEGREES 02 MINUTES 35 SECONDS EAST, A DISTANCE OF 289.88 FEET; THENCE SOUTH 3 DEGREES 57 MINUTES 25 SECONDS WEST, A DISTANCE OF 242.15 FEET; THENCE SOUTH 51 DEGREES 02 MINUTES 02 SECONDS EAST, A DISTANCE OF 159.41 FEET; THENCE NORTH 88 DEGREES 00 MINUTES 32 SECONDS EAST, A DISTANCE OF 750.85 FEET TO THE POINT OF INTERSECTION WITH SAID WESTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE SOUTH 19 DEGREES 11 MINUTES 49 SECONDS EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2677.76 FEET TO THE POINT OF BEGINNING, IN McHENRY COUNTY, ILLINOIS.

HISTORY:
P.A. 96-1525, § 5; 97-813, § 675.

735 ILCS 30/25-5-35 Quick-take; City of Country Club Hills.

Quick-take proceedings under Article 20 [735 ILCS 30/20-5-5 et seq.] may be used for a period of no longer than one year from the effective date of this amendatory Act of the 96th General Assembly [P.A. 96-1537] by the City of Country Club Hills for the acquisition of the following described property for the purpose of building streets, roadways, or other public improvements to serve the City's I-57/I-80 Tax Increment Financing District:

That part of Lots 2, 4 through 10 (both inclusive) and 16 in Gatling Country Club Hills Resubdivision being a Resubdivision of part of Gatling Country Club Hills Subdivision in the Northeast Quarter of Section 27 [735 ILCS 30/27], Township 36 North, Range 13 East of the Third Principal Meridian, South of the Indian Boundary Line, according to the plat thereof recorded June 9, 2004 as Document No. 0416145163, taken as a tract and described as follows: Beginning at the Northwesterly corner of said Lot 10; thence North 89 Degrees 58 Minutes 52 Seconds West along the North line of said Lot 16, 100.47 feet to the Northeast corner of said Lot 16; thence South 00 Degrees 01 Minute 08 Seconds West along the West line of Lot 16, 24.00 feet; thence North 89 Degrees 58 Minutes 52 Seconds West, 12.20 Feet; thence South 11 Degrees 27 Minutes 13 Seconds East, 46.94 feet; thence South 00 Degrees 00 Minutes 31 Seconds East, 132.33 feet to a point of curve; thence Southerly along a curve concave Westerly having a radius of 37.73 feet and a central angle of 50 Degrees 50 Minutes 17 Seconds a distance of 30.81 feet to a point of tangency, thence South 50 Degrees 05 Minutes 28 Seconds West, 30.65 feet; thence South 90 Degrees 00 Minutes 00 Seconds West, 1177.04 feet to the West line of said Resubdivision; thence South 00 Degrees 00 Minutes 00 Seconds West along said last described line, 45.00 feet; thence South 90 Degrees 00 Minutes 00 Seconds East, 1192.95 feet; thence South 45 Degrees 00 Minutes 00 Seconds East, 54.13 feet; thence South 00 Degrees 03 Minutes 38 Seconds East, 18.73 feet; thence North 89 Degrees 56 Minutes 22 Seconds East, 45.00 feet; thence North 00 Degrees 03 Minutes 38 Seconds West, 20.23 feet; thence North 45 Degrees 00 Minutes 00 Seconds, 43.46 feet; thence North 90 Degrees 00 Minutes 00 Seconds East, 163.27 feet; thence North 00 Degrees 00 Minutes 00 Seconds West, 50.00 feet; thence North 89 Degrees 59 Minutes 59 Seconds West, 69.27 feet; thence North 85 Degrees 04 Min-

utes 24 Seconds West, 51.65 feet; thence North 74 Degrees 17 Minutes 00 Seconds West, 26.77 feet; thence North 00 Degrees 00 Minutes 00 Seconds East, 8.29 feet; thence North 45 Degrees 00 Minutes 00 Seconds West, 43.54 feet; thence North 00 Degrees 00 Minutes 00 Seconds East, 133.54 feet; thence North 19 Degrees 33 Minutes 58 Seconds East, 69.77 feet to the point of beginning, all in Cook County, Illinois.

HISTORY:
P.A. 96-1537, § 5; 97-813, § 675.

735 ILCS 30/25-5-40 Quick-take; Will County.

Quick-take proceedings under Article 20 [735 ILCS 30/20-5-5 et seq.] may be used for a period of one year after the effective date of this amendatory Act of the 97th General Assembly [P.A. 97-458] by Will County for the acquisition of property to be used for the reconstruction of the Weber Road (County Highway 88) and Renwick Road (County Highway 36) intersection, as follows:

PARCEL 0001

The east 30.00 feet of that part of Lot 6 in McGilvray Acres, being a subdivision of part of the Northeast Quarter of Section 19, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded December 15, 1965, as Document No. R65-11631, lying southerly of a line described as follows: Beginning at a point on the west line of Lot 6, said point being 110.00 feet south of the north line of said lot; thence southeasterly to a point on the east line of said lot, said point being 114.00 feet south of the north line of said Lot 6

Together with

That part of the east half of the Northeast Quarter of Section 19 [735 ILCS 30/19], Township 36 North, Range 10 East of the Third Principal Meridian lying south of the south line (and easterly projection thereof) of aforementioned Lot 6 in McGilvray Acres, lying northerly of the north line of McGilvray Drive, and lying east of the east line of McGilvray Acres Unit No. 3, according to the plat thereof recorded May 25, 1973, as Document No. R73-14934 bounded by a line described as follows, to wit: Beginning at the intersection of the west line of Weber Road as dedicated by Document No. R78-19275, recorded May 25, 1978 with the north line of McGilvray Drive as dedicated by Document No. R69-20184, recorded October 30, 1969; thence South 89 Degrees 25 Minutes 29 Seconds West,(on an assumed bearing) along the north line of said McGilvray Drive, 70.00 feet; thence North 44 Degrees 42 Minutes 59 Seconds East, 71.07 feet to a point in the west line of the east 70.00 feet of the Northeast Quarter of aforesaid Section 19; thence North 00 Degrees 00 Minutes 29 Seconds East, along said west line, 46.02 to a point in the south line of aforementioned Lot 6 in McGilvray Acres; thence North 89 Degrees 39 Minutes 49 Seconds East, along said south line, 20.00 feet to a point in the aforementioned west line of Weber Road; thence South 00 Degrees 00 Minutes 29 Seconds West, along said west line, 95.94 feet to the point of beginning. All situated in Will County, Illinois.

Said parcel containing 6,686 square feet, (0.154 acres) of land, more or less.

PARCEL 0002

The east 30.00 feet of the north 114.00 feet of Lot 6 in McGilvray Acres, being a subdivision of part of the Northeast Quarter of Section 19, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded December 15, 1965, as Document No. R65-11631, in Will County, Illinois, excepting therefrom that part of the north 114.00 feet of said Lot 6 described as beginning at a point on the west line of said Lot 6, said point being 110 feet south of the north line of said lot; thence southeasterly to a point on the east line of said lot, said point being 114 feet south of the north line of said lot; thence west parallel to the north line of said lot, 290 feet to the west line of said lot; thence north 4 feet to the point of beginning. Situated in the County of Will and State of Illinois.

Said parcel containing 3,414 square feet, (0.078 acres) of land, more or less.

PARCEL 0004

The east 30.00 feet of Lot 4 in McGilvray Acres, being a subdivision of part of the Northeast Quarter of Section 19, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded December 15, 1965, as Document No. R65-11631. Situated in Will County, Illinois.

Said parcel containing 3,960 square feet, (0.091 acres) of land, more or less.

PARCEL 0005

The east 30.00 feet of Lot 3 in McGilvray Acres, being a subdivision of part of the Northeast Quarter of Section 19, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded December 15, 1965, as Document No. R65-11631. Situated in Will County, Illinois.

Said parcel containing 3,960 square feet, (0.091 acres) of land, more or less.

PARCEL 0006

The east 30.00 feet of Lot 2 in McGilvray Acres, being a subdivision of part of the Northeast Quarter of Section 19, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded December 15, 1965, as Document No. R65-11631. Situated in Will County, Illinois.

Said parcel containing 3,960 square feet, (0.091 acres) of land, more or less.

PARCEL 0007

The east 30.00 feet of Lot 1 in McGilvray Acres, being a subdivision of part of the Northeast Quarter of Section 19, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded December 15, 1965, as Document No. R65-11631. Situated in Will County, Illinois.

Said parcel containing 3,960 square feet, (0.091 acres) of land, more or less.

PARCEL 0007 T.E.

The south 50.00 feet of the north 64.00 feet of the west 10.00 feet of the east 40.00 feet of Lot 1 in McGilvray Acres, being a subdivision of part of the Northeast Quarter of Section 19, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded December 15, 1965, as Document No. R65-11631. Situated in Will County, Illinois.

Said parcel containing 500 square feet, (.011 Acres) of land, more or less.

PARCEL 0008

The west 20.00 feet of the east 70.00 feet of the south 132.00 feet of the north 1,056.00 feet of the east 330.00 feet of the Northeast Quarter of Section 19, Township 36 North, Range 10 East of the Third Principal Meridian, in Will County, Illinois.

Said parcel containing 2,640 square feet, (0.061 acres) of land, more or less.

PARCEL 0008 T.E.

That part of the south 132.00 feet of the north 1,056.00 feet of the Northeast Quarter of Section 19, Township 36 North, Range 10 East of the Third Principal Meridian, bounded by a line described as follows, to wit: Commencing at the intersection of the south line of the north 1,056.00 feet of the aforesaid Northeast Quarter with the west line of Weber Road according to Document Numbers R83-13447 and R85-05784, said line also being the west line of the east 50.00 feet of said Northeast Quarter; thence South 89 Degrees 39 Minutes 49 Seconds West, along the south line of the north 1,056.00 feet of said Northeast Quarter, 20.00 feet; thence North 00 Degrees 00 Minutes 29 Seconds East, parallel with the east line of said Northeast Quarter, 5.00 feet to the Point of Beginning; thence South 89 Degrees 39 Minutes 49 Seconds West, parallel with the north line of said Northeast Quarter, 10.00 feet; thence North 00 Degrees 00 Minutes 29 Seconds East, parallel with the east line of said Northeast Quarter, 50.00 feet; thence North 89 Degrees 39 Minutes 49 Seconds East, parallel with the north line of said Northeast Quarter, 10.00 feet; thence South 00 Degrees 00 Minutes 29 Seconds West, parallel with the east line of said Northeast Quarter, 50.00 feet to the Point of Beginning, in Will County, Illinois.

Said parcel containing 500 square feet, (0.011 Acres) of land, more or less.

PARCEL 0009

The west 20.00 feet of the east 70.00 feet of the south 132.00 feet of the north 924.00 feet of the east 330.00 feet of the Northeast Quarter of Section 19 [735 ILCS 30/19], Township 36 North, Range 10 East of the Third Principal Meridian, in Will County, Illinois.

Said parcel containing 2,640 square feet, (0.061 acres) of land, more or less.

PARCEL 0010

The west 20.00 feet of the east 70.00 feet of the south 120.00 feet of the north 792.00 feet of the east 330.00 feet of the Northeast Quarter of Section 19, Township 36 North, Range 10 East of the Third Principal Meridian, in Will County, Illinois. Said parcel containing 2,400 square feet, (0.055 acres) of land, more or less.

PARCEL 0011

The west 20.00 feet of the east 70.00 feet of the south 132.00 feet of the north 672.00 feet of the east 330.00 feet of the Northeast Quarter of Section 19, Township 36 North, Range 10 East of the Third Principal Meridian, in Will County, Illinois.

Said parcel containing 2,640 square feet, (0.061 acres) of land, more or less.

PARCEL 0012

The west 20.00 feet of the east 70.00 feet of the south 144.00 feet of the north 540.00 feet of the east 330.00 feet of the Northeast Quarter of Section 19, Township 36 North, Range 10 East of the Third Principal Meridian, in Will County, Illinois.

Said parcel containing 2,880 square feet, (0.066 acres) of land, more or less.

PARCEL 0013

The west 20.00 feet of the east 70.00 feet of the south 132.00 feet of the north 396.00 feet of the east 330.00 feet of the Northeast Quarter of Section 19, Township 36 North, Range 10 East of the Third Principal Meridian, in Will County, Illinois.

Said parcel containing 2,640 square feet, (0.061 acres) of land, more or less.

PARCEL 0014

That part of the North 264.00 feet of the East 330.00 feet of the Northeast Quarter of Section 19, Township 36 North, Range 10 East of the Third Principal Meridian, bounded by a line described as follows: Beginning at the point of intersection of the south line of the north 264.00 feet of the East 330.00 feet of said Northeast Quarter with the west line of the East 50.00 feet of said Northeast Quarter, said line being the west line of Weber Road according to Document R78-31739; thence South 89 Degrees 39 Minutes 49 Seconds West, on an assumed bearing, along the south line of the North 264.00 feet of said Northeast Quarter, 20.00 feet to a point in the west line of the East 70.00 feet of said Northeast Quarter; thence North 0 Degrees 00 Minutes 29 Seconds East, along the west line of the East 70.00 feet of said Northeast Quarter, 188.23 feet; thence North 45 Degrees 12 Minutes 33 Seconds West, 37.07 feet to a point in the south line of Renwick Road, according to Document No. 538055; thence South 89 Degrees 34 Minutes 24 Seconds West, along said south line, 233.70 feet to the west line of the East 330.00 feet of said Northeast Quarter; thence North 0 Degrees 00 Minutes 29 Seconds East, along said line, 49.87 feet to the north line of the Northeast Quarter of said Section 19; thence North 89 Degrees 39 Minutes 49 Seconds East, along said north line, 280.01 feet to the aforementioned west line of Weber Road; thence South 0 Degrees 00 Minutes 29 Seconds West, along said west line, 264.00 feet to the point of beginning, all in Will County, Illinois.

Said parcel containing 0.426 Acres of land, more or less, of which 0.319 Acres of land, more or less has been previously dedicated for roadway purposes by Document No. 538055.

PARCEL 0014 T.E.
That part of the North 264.00 feet of the East 330.00 feet of the Northeast Quarter of Section 19, Township 36 North, Range 10 East of the Third Principal Meridian, bounded by a line described as follows: Commencing at the intersection of the west line of the East 330.00 feet of said Northeast Quarter with the north line of said Northeast Quarter; thence, on an assumed bearing, South 00 Degrees 00 Minutes 29 Seconds West, along the west line of the East 330.00 of said Northeast Quarter, 49.87 feet to a point in the south line of Renwick Road according to Document No. 538055; thence North 89 Degrees 34 Minutes 24 Seconds East, along the south line of Renwick Road aforesaid, 50.00 feet to the point of beginning; thence continuing North 89 Degrees 34 Minutes 24 Seconds East, along the south line of Renwick Road aforesaid, 65.00 feet; thence South 00 Degrees 25 Minutes 36 Seconds East, perpendicular to the last described course, 10.00 feet; thence South 89 Degrees 34 Minutes 24 Seconds West, parallel with the south line of Renwick Road aforesaid, 65.00 feet; thence North 00 Degrees 25 Minutes 36 Seconds West, perpendicular to the last described course, 10.00 feet to the Point of Beginning, in Will County, Illinois.
Said parcel containing 650 square feet, (0.015 Acres) of land, more or less.
PARCEL 0014 T.E.-A
That part of the North 264.00 feet of the East 330.00 feet of the Northeast Quarter of Section 19, Township 36 North, Range 10 East of the Third Principal Meridian, bounded by a line described as follows: Beginning at the intersection of the south line of the North 264.00 feet of the East 330.00 feet of said Northeast Quarter with the west line of the East 70.00 feet of said Northeast Quarter; thence South 89 Degrees 39 Minutes 49 Seconds West, along the south line of said North 264.00 feet of said Northeast Quarter, 10.00 feet; thence North 00 Degrees 00 Minutes 29 Seconds East, along the west line of the East 80.00 feet of said Northeast Quarter, 65.00 feet; thence North 89 Degrees 39 Minutes 49 Seconds East, perpendicular to the last described course, 5.00 feet; thence North 00 Degrees 00 Minutes 29 Seconds East, along the west line of the East 75.00 feet of said Northeast Quarter, 121.18 feet; thence North 45 Degrees 12 Minutes 33 Seconds West, 39.95 feet to a point in the south line of Renwick Road according to Document No. 538055; thence North 89 Degrees 34 Minutes 24 Seconds East, along said south line of Renwick Road, 7.04 feet; thence South 45 Degrees 12 Minutes 33 Seconds East, 37.07 feet to a point in the west line of the East 70.00 feet of the aforesaid Northeast Quarter of said Section 19; thence South 00 Degrees 00 Minutes 29 Seconds West, along said west line, 188.23 feet to the point of beginning, in Will County, Illinois.
Said parcel containing 1,454 square feet (0.033 Acres) of land, more or less.
PARCEL 0022
The south 65.00 feet of the west 60.00 feet of the East Half of the Southwest Quarter of Section 17, Township 36 North, Range 10 East of the Third Principal Meridian. All situated in Will County, Illinois.
Said parcel containing 0.089 acres, more or less of which 0.069 acres, more or less, has been previously dedicated for roadway purposes by Document No.'s 538058 and 538059.
PARCEL 0023
The south 65.00 feet of the east 440.00 feet of the west 500.00 feet of the East Half of the Southwest Quarter of Section 17, Township 36 North, Range 10 East of the Third Principal Meridian. All situated in Will County, Illinois.
Said parcel containing 0.657 acres, more or less of which 0.509 acres, more or less, has been previously dedicated for roadway purposes by Document No.'s 538058 and 538059.
PARCEL 0024
That part of Lot C in Lakewood Falls Unit 7C being a subdivision of part of the Southeast Quarter of Section 18, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded August 26, 2002 as Document Number R2002-138021 bounded by a line described as follows, to wit: Beginning at the southwest corner of said Lot C; thence North 0 Degrees 25 Minutes 36 Seconds West(assumed)(North 02 Degrees 04 Minutes 21 Seconds West, record) along the west line of said Lot C, also being the east line of Zachary Drive, 31.21 feet; thence northerly along the arc of a curve right, tangent to the last described course and having a radius of 470.00 feet, the chord of which bears North 01 Degrees 19 Minutes 45 seconds East, an arc distance of 28.81 feet; thence South 44 Degrees 54 Minutes 59 Seconds East, 70.09 feet to a point in the north line of the south 10.00 feet of said Lot C; thence North 89 Degrees 34 Minutes 24 Seconds East (North 87 Degrees 55 Minutes 39 Seconds East, record), parallel with the north line of Renwick Road, as dedicated by aforementioned Document Number R2002-138021, a distance of 225.90 feet to a point in the east line of said Lot C; thence South 0 Degrees 00 Minutes 11 Seconds East (South 1 Degree 38 Minutes 56 Seconds East, record) along said east line, 10.00 feet to the southeast corner of said Lot C, also being the north line of Renwick Road, aforesaid; thence South 89 Degrees 34 Minutes 24 Seconds West (South 87 Degrees 55 Minutes 39 Seconds West, record), along said north line of Renwick Road, 275.82 feet to the point of beginning. All situated in Will County, Illinois.
Said parcel containing 4,022 Sq. Ft., (0.092 acres) of land, more or less.
PARCEL 0025
That part of Lot B in Lakewood Falls Unit 7C being a subdivision of part of the Southeast Quarter of Section 18, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded August 26, 2002 as Document Number R2002-138021 bounded by a line described as

follows, to wit: Beginning at the southeast corner of said Lot B; thence South 89 Degrees 34 Minutes 24 Seconds West (assumed bearing)(South 87 Degrees 55 Minutes 39 Seconds West, record), along the south line of said Lot B, also being the north line of Renwick Road, 206.11 feet; thence North 0 Degrees 25 Minutes 36 Seconds West, perpendicular to the last described course, 10.00 feet to the north line of the south 10.00 feet of said Lot B; thence North 89 Degrees 34 Minutes 24 Seconds East, parallel with the north line of Renwick Road, aforesaid, 156.11 feet; thence North 45 Degrees 01 Minutes 05 Seconds East, 71.27 feet to a point in the east line of said Lot B, also being the west line of Zachary Drive; thence southerly along the arc of a curve left, along the West line of said Zachary Drive, not tangent to the last described course, having a radius of 530.00 feet, the chord of which bears South 01 Degrees 07 Minutes 49 Seconds West, an arc distance of 28.80 feet; thence South 0 Degrees 25 Minutes 36 Seconds East, tangent to the last described curve, continuing along said west line of Zachary Drive, 31.21 feet to the point of beginning. All situated in Will County, Illinois.

Said parcel containing 3,299 Sq. Ft., (0.076 acres) of land, more or less

PARCEL 0026

That part of the north 258.71 feet of the west 259.71 feet of the Northwest Quarter of Section 20 [735 ILCS 30/20], Township 36 North, Range 10 East of the Third Principal Meridian, bounded by a line described as follows: Beginning at the point intersection of the south line of Renwick Road as dedicated by Document Number 538061, recorded January 15, 1941 with the east line of the west 259.71 feet of said Northwest Quarter, said point being 49.40 feet south from the north line of said Northwest Quarter when measured along the east line of the west 259.71 feet of said Northwest Quarter; thence South 00 Degrees 00 Minutes 29 Seconds West, on an assumed bearing, parallel with the west line of said Northwest Quarter, along the east line of the west 259.71 feet of said Northwest Quarter, 10.60 feet to a point in the south line of the north 60.00 feet of said Northwest Quarter; thence South 89 Degrees 31 Minutes 14 Seconds West, parallel with the north line of said Northwest Quarter, along the south line of the north 60.00 feet of said Northwest Quarter, 167.59 feet; thence South 44 Degrees 45 Minutes 52 Seconds West, 31.43 feet to a point in the east line of the west 70.00 feet of said Northwest Quarter; thence South 00 Degrees 00 Minutes 29 Seconds West, parallel with the west line of said Northwest Quarter, along the east line of the west 70.00 feet of said Northwest Quarter, 176.59 feet to a point in the south line of the north 258.71 feet of said Northwest Quarter; thence South 89 Degrees 31 Minutes 14 Seconds West, parallel with the north line of said Northwest Quarter, along the south line of the north 258.71 feet of said Northwest Quarter, 10.00 feet to a point in the east line of the west 60.00 feet of said Northwest Quarter said line being the east line of Weber Road according to the Plat of Dedication to the Will County Highway Department recorded October 28, 1996 as Document R96-096956; thence North 00 Degrees 00 Minutes 29 Seconds East, along said east line, 174.35 feet (173.72 feet record); thence North 44 Degrees 46 Minutes 10 Seconds East, along the southeasterly line of Weber Road according to aforementioned Document R96-0969056, a distance of 49.71 feet to a point in the south line of Renwick Road according to aforementioned Document Number 538061; thence South 89 Degrees 31 Minutes 52 Seconds West, along said line, 45.00 feet to the east line of the west 50.00 feet of said Section 20, also being the east line of Weber Road according to Condemnation Proceedings No. 81ED22 in the Circuit Court of the 12th Judicial District, Will County as adjudicated on February 18, 1983; thence North 00 Degrees 00 Minutes 29 Seconds East, along said line, 49.36 feet to the North line of the Northwest Quarter of said Section 20 [735 ILCS 30/20]; thence North 89 Degrees 31 Minutes 14 Seconds West, along said north line, 209.72 feet to the east line of the west 259.71 feet of the Northwest Quarter of said Section 20; thence South 00 Degrees 00 Minutes 29 Seconds West, along said line, 49.40 feet to the point of beginning. All situated in Will County, Illinois.

Said parcel containing 0.324 acres of land more or less, of which 0.238 acres, more or less, has been previously dedicated for roadway purposes by Document No. 538061.

PARCEL 0026 T.E.

That part of the north 258.71 feet of the west 259.71 feet of the Northwest Quarter of Section 20, Township 36 North, Range 10 East of the Third Principal Meridian, bounded by a line described as follows: Commencing at the point intersection of the south line of the north 258.71 feet of said Northwest Quarter with the east line of the west 70.00 feet of said Northwest Quarter, when measured perpendicular to the north and west lines thereof; thence North 00 Degrees 00 Minutes 29 Seconds East, along the east line of the west 70.00 feet of said Northwest Quarter, 25.48 feet to the point of beginning; thence South 89 Degrees 59 Minutes 31 Seconds East, perpendicular to the last described course, 10.00 feet, thence North 00 Degrees 00 Minutes 29 Seconds East, along the east line of the west 80.00 feet of said Northwest Quarter, 65.00 feet; thence North 89 Degrees 59 Minutes 31 Seconds West, perpendicular to the last described course, 5.00 feet to a point in the east line of the west 75.00 feet of said Northwest Quarter; thence North 00 Degrees 00 Minutes 29 Seconds East, along the east line of the west 75.00 feet of said Northwest Quarter, 84.04 feet; thence North 44 Degrees 45 Minutes 52 Seconds East, 27.31 feet to a point in the south line of the north 65.00 feet of said Northwest Quarter of said Section 20; thence North 89 Degrees 31 Minutes 14 Seconds East, along said line, 45.10 feet; thence South 00 Degrees 28 Minutes 46 Seconds East, perpendicular to the last

described course, 5.00 feet; thence North 89 Degrees 31 Minutes 14 Seconds East, perpendicular to the last described course, 65.00 feet; thence North 00 Degrees 28 Minutes 46 Seconds West, perpendicular to the last described course, 5.00 feet to a point in the south line of the north 65.00 feet of said Northwest Quarter of said Section 20; thence North 89 Degrees 31 Minutes 14 Seconds East, along said line, 55.38 feet to a point in the east line of the west 259.71 feet of said Northwest Quarter of said Section 20; thence North 00 Degrees 00 Minutes 29 Seconds East, along said east line, 5.00 feet to a point in the south line of the north 60.00 feet of said Northwest Quarter of said Section 20; thence South 89 Degrees 31 Minutes 14 Seconds West, along said south line of the north 60.00 feet of said Northwest Quarter of said Section 20, a distance of 167.59 feet; thence South 44 Degrees 45 Minutes 52 Seconds West, 31.43 feet to a point in the east line of the west 70.00 feet of said Northwest Quarter of said Section 20; thence South 00 Degrees 00 Minutes 29 Seconds West, along said east line of the west 70.00 feet of said Northwest Quarter of said Section 20, a distance of 151.11 feet to the point of beginning. All situated in Will County, Illinois.

Said parcel containing 2,380 square feet, (0.055 acres) of land more or less

PARCEL 0028

The north 60.00 feet of the west 80.00 feet of the East Half of the Northwest Quarter and the north 60.00 feet of the east 20.00 feet of the West Half of the Northwest Quarter of Section 20, Township 36 North, Range 10 East of the Third Principal Meridian. All situated in Will County, Illinois.

Said parcel containing 0.138 acres, more or less of which 0.114 acres, more or less, has been previously dedicated for roadway purposes by Document No. 538061.

PARCEL 0029

That part of the north 60.00 feet of the East Half of the Northwest Quarter of Section 20, except the west 80.00 feet thereof, Township 36 North, Range 10 East of the Third Principal Meridian, bounded by a line described as follows: Beginning at the point intersection of the south line of north 60.00 feet of said Northwest Quarter with the east line of the west 80.00 feet of the East Half of said Northwest Quarter; thence North 00 Degrees 00 Minutes 42 Seconds West, on an assumed bearing along the east line of the west 80.00 feet of the East Half of said Northwest Quarter, a distance of 60.00 feet to the north line of the Northwest Quarter of said Section 20; thence North 89 Degrees 31 Minutes 14 Seconds East, along said north line, 106.52 feet; thence South 0 Degrees 28 Minutes 46 Seconds East, perpendicular to the north line of said Northwest Quarter, 60.00 feet to a point of intersection with a line 60.00 feet south from and parallel with the north line of said Northwest Quarter when measured perpendicular thereto; thence South 89 Degrees 31 Minutes 14 Seconds West, along said parallel line, perpendicular to the last described course, 107.01 feet to the point of beginning. All situated in Will County, Illinois.

Said parcel containing 0.148 acres, more or less of which 0.122 Acres, more or less, has been previously dedicated for roadway purposes by Document No. 538061.

PARCEL 0030 T.E.

That part of Lot 6 in Crest Hill Business Center being a subdivision of part of the Northwest Quarter of Section 20, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded July 25, 2005 as Document No. R2005124097, bounded by a line described as follows: Beginning at the Northeast corner of Lot 6, thence South 00 Degrees 28 Minutes 09 Seconds East (South 02 Degrees 06 Minutes 31 Seconds East record), along the east line of said Lot 6 a distance of 65.00 feet; thence South 89 Degrees 31 Minutes 14 Seconds West, parallel with the north line of said Lot 6, a distance of 44.46 feet; thence North 00 Degrees 28 Minutes 09 Seconds West, parallel with the east line of said Lot 6, a distance of 65.00 feet to the north line of said Lot 6, also being the south line of Renwick Road as dedicated by aforementioned Document No. R2005124097; thence North 89 Degrees 31 Minutes 14 Seconds East (North 87 Degrees 53 Minutes 29 Seconds East record), along the north line of said Lot 6, also being the south line of Renwick Road, 44.46 feet to the point of beginning. All situated in Will County, Illinois.

Said parcel containing 2,890 square feet, (0.066 acres) of land more or less

PARCEL 0031 T.E.

That part of Lot 7 in Crest Hill Business Center being a subdivision of part of the Northwest Quarter of Section 20, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded July 25, 2005 as Document No. R2005124097, bounded by a line described as follows: Beginning at the Northwest corner of Lot 7, thence South 00 Degrees 28 Minutes 09 Seconds East (South 02 Degrees 06 Minutes 31 Seconds East record), along the west line of said Lot 7 a distance of 65.00 feet; thence North 89 Degrees 31 Minutes 14 Seconds East, parallel with the north line of said Lot 7, a distance of 30.54 feet; thence North 00 Degrees 28 Minutes 09 Seconds West, parallel with the west line of said Lot 7, a distance of 65.00 feet to the north line of said Lot 7, also being the south line of Renwick Road as dedicated by aforementioned Document No. R2005124097; thence South 89 Degrees 31 Minutes 14 Seconds West (South 87 Degrees 53 Minutes 29 Seconds West, record), along the north line of said Lot 7, also being the south line of Renwick Road, 30.54 feet to the point of beginning. All situated in Will County, Illinois.

Said parcel containing 1,985 square feet, (0.046 acres) of land more or less

PARCEL 0032 T.E.

That part of Outlot A of Rose Subdivision, being a subdivision of part of the Southeast Quarter of Section 18, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat

thereof recorded on March 9, 2005 as Document No. R2005040528 as corrected by Certificate of Correction recorded December 28, 2005 as Document R2005228067 as further corrected by Certificate of Correction recorded December 18, 2006 as Document R2006208515 bounded by a line described as follows: Beginning at the easterly most southeast corner of said Outlot A located on the west line of Weber Road (County Highway 88) as dedicated by Document No. R2003016054, recorded January 23, 2003; thence North 53 Degrees 23 Minutes 42 Seconds West (North 55 Degrees 02 Minutes 09 Seconds, record), along a southerly line of said Outlot A, 23.96 feet; thence South 89 Degrees 35 Minutes 27 Seconds West (South 87 Degrees 57 Minutes 00 Seconds West, record) along a south line of said Outlot A, 50.77 feet; thence North 00 Degrees 00 Minutes 29 Seconds West, parallel with the east line of said Outlot A, 33.86 feet to a point on a north line of said Outlot A, thence North 89 Degrees 35 Minutes 27 Seconds East, along said north line, 50.00 feet; thence North 56 Degrees 37 Minutes 56 Seconds East (North 45 Degrees 37 Minutes 22 Seconds East, record), along a northerly line of said Outlot A, 23.95 feet to a point on an east line of said Outlot A, also being the west line of Weber Road aforesaid; thence South 00 Degrees 00 Minutes 29 Seconds East (South 01 Degrees 38 Minutes 56 Seconds East, record), along the west line of said Weber Road, 61.32 feet to the point of beginning, in Will County, Illinois.

Said parcel containing 2,640 square feet, (0.060 acres) of land, more or less.

PARCEL 0033 T.E.

That part of Lot 2 of Rose Resubdivision, being a resubdivision of Lots 1 through 4 (both inclusive) along with part of Outlot A all in Rose Subdivision, being a resubdivision of the Southeast Quarter of Section 18, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat of said Rose Resubdivision recorded on November 1, 2005 as Document No. R2005-191530 bounded by a line described as follows: Beginning at the southerly most southeast corner of said Lot 2; thence South 89 Degrees 35 Minutes 27 Seconds West (South 87 Degrees 57 Minutes 00 Seconds West, record) along the south line of said Lot 2 a distance of 50.00 feet; thence North 00 Degrees 00 Minutes 29 Seconds West, parallel with the east line of said Lot 2 a distance of 10.00 feet; thence North 89 Degrees 35 Minutes 27 Seconds East (North 87 Degrees 57 Minutes 00 Seconds East, record), parallel with the south line of said Lot 2, a distance of 65.35 feet to a point in the southeasterly line of said Lot 2; thence South 56 Degrees 37 Minutes 56 Seconds West (South 55 Degrees 00 Minutes 31 Seconds West, record) along said southeasterly line, 18.38 feet to the point of beginning, in Will County, Illinois.

Said parcel containing 577 square feet, (0.013 acres) of land, more or less.

PARCEL 0034DED

The west 25.00 feet of Lot 2 in E.M.S. Subdivision (being a subdivision of part of the Southwest Quarter of Section 17, Township 36 North, Range 10 East of the Third Principal Meridian) as per plat thereof recorded December 7, 1989 as document number R89-64001, in Will County, Illinois.

Said parcel containing 0.034 acres more or less.

PARCEL 0035DED

The west 25.00 feet of Lot 1 in E.M.S. Subdivision (being a subdivision of part of the Southwest Quarter of Section 17, Township 36 North, Range 10 East of the Third Principal Meridian) as per plat thereof recorded December 7, 1989 as document number R89-64001, in Will County, Illinois.

Said parcel containing 0.060 acres more or less.

PARCEL 0037DED

A part of the West Half of the Northwest Quarter of Section 17 [735 ILCS 30/17], Township 36 North, Range 10 East of the Third Principal Meridian, described as follows: the east 25.00 feet of the west 75.00 feet of the south 50.00 feet of the West Half of the Northwest Quarter of said Section 17, in Will County, Illinois.

Said parcel containing 0.029 acres more or less.

PARCEL 0038DED

That part of Lot 1 in Grand Haven Retail Development (being a subdivision in the Southeast Quarter of Section 18, Township 36 North, Range 10 East of the Third Principal Meridian) as per plat thereof recorded December 15, 2003 as document number R2003302173 described as follows: Beginning at a southeast corner of said Lot 1, said southeast corner bears South 01 degrees 38 minutes 41 seconds East (South 01 degrees 38 minutes 56 seconds East, record), 184.08 feet (184.18 feet Record) from the northeast corner of said Lot 1; thence South 43 degrees 15 minutes 40 seconds West, along the southeast line of said Lot 1, 56.66 feet, to a south line of said Lot 1; thence South 88 degrees 10 minutes 49 seconds West, along said south line, 28.32 feet, to a line 20.00 feet northwest of and parallel to the southeast line of said Lot 1; thence North 43 degrees 15 minutes 40 seconds East, along said parallel line, 96.78 feet, to the east line of said Lot 1; thence South 01 degrees 38 minutes 41 seconds East, along said east line, 28.33 feet, to the Point of Beginning, in Will County, Illinois.

Said parcel containing 0.035 acres more or less.

PARCEL 0039DED

That part of the Northeast Quarter of Section 18, Township 36 North, Range 10 East of the Third Principal Meridian described as follows: Commencing at the southeast corner of said Northeast Quarter; thence North 01 degrees 40 minutes 43 seconds West, along the east line of said Section 18 [735 ILCS 30/18], a distance of 456.50 feet; thence South 68 degrees 19 minutes 17 seconds West, in a southwesterly direction at an angle of 70 degrees, 63.85 feet to the west line of the east 60.00 feet of said Northeast Quarter and the Point of Beginning; thence continuing South 68 degrees 19 minutes 17 seconds West, along the last described line, 15.96 feet to the west line of the east 75.00 feet of said Northeast Quarter;

thence South 01 degrees 40 minutes 43 seconds East, along said west line, 74.54 feet; thence North 88 degrees 19 minutes 17 seconds East, at right angles to the last described line, 15.00 feet, to the west line of the east 60.00 feet of said Northeast Quarter; thence North 01 degrees 40 minutes 43 seconds West, along said west line, 80.00 feet to the Point of Beginning, all in Will County, Illinois.
Said parcel containing 0.027 acres more or less.
PARCEL 0039TEA
That part of the Northeast Quarter of Section 18, Township 36 North, Range 10 East of the Third Principal Meridian described as follows: Commencing at the southeast corner of said Northeast Quarter; thence North 01 degrees 40 minutes 43 seconds West, along the east line of said Section 18, a distance of 456.50 feet; thence South 68 degrees 19 minutes 17 seconds West, in a southwesterly direction at an angle of 70 degrees, 79.81 feet, to the west line of the east 75.00 feet of said Northeast Quarter; thence South 01 degrees 40 minutes 43 seconds East, along said west line, 74.54 feet; thence North 88 degrees 19 minutes 17 seconds East, at right angles to the last described line, 5.00 feet, to the west line of the east 70.00 feet of said Northeast Quarter, and the Point of Beginning; thence continuing North 88 degrees 19 minutes 17 seconds East, 10.00 feet, to the west line of the east 60.00 feet of said Northeast Quarter; thence South 01 degrees 40 minutes 43 seconds East, along said west line, 304.88 feet, to the north line of the south 50.00 feet of said Northeast Quarter; thence South 88 degrees 07 minutes 04 seconds West, along said north line, 10.00 feet, to the west line of the east 70.00 feet of said Northeast Quarter; thence North 01 degrees 40 minutes 43 seconds West, along said west line, 304.91 feet to the Point of Beginning, all in Will County, Illinois.
Said parcel containing 0.070 acres more or less.
PARCEL 0039TEB
That part of the Northeast Quarter of Section 18, Township 36 North, Range 10 East of the Third Principal Meridian described as follows: Commencing at the southeast corner of said Northeast Quarter; thence North 01 degrees 40 minutes 43 seconds West, along the east line of said Section 18, a distance of 456.50 feet; thence South 68 degrees 19 minutes 17 seconds West, in a southwesterly direction at an angle of 70 degrees, 79.81 feet, to the west line of the east 75.00 feet of said Northeast Quarter, and the Point of Beginning; thence continuing South 68 degrees 19 minutes 17 seconds West, along the last described line, 42.57 feet, to the west line of the east 115.00 feet of said Northeast Quarter; thence South 01 degrees 40 minutes 43 seconds East, along said west line, 48.60 feet; thence North 88 degrees 19 minutes 17 seconds East, at right angles to the last described line, 40.00 feet, to the west line of the east 75.00 feet of said Northeast Quarter; thence North 01 degrees 40 minutes 43 seconds West, along said west line, 63.16 feet, to the Point of Beginning, all in Will County, Illinois.
Said parcel containing 0.051 acres more or less.
PARCEL 0040TE
The south 59.00 feet of the north 328.45 feet of the east 25.00 feet of the west 100.00 feet of the West Half of the Southwest Quarter of Section 17, Township 36 North, Range 10 East of the Third Principal Meridian, Will County, Illinois.
Said parcel containing 0.033 acres more or less.
PARCEL 0042TE
That part of Lot 3 in Grand Haven Retail Development (being a subdivision in the Southeast Quarter of Section 18, Township 36 North, Range 10 East of the Third Principal Meridian) as per plat thereof recorded December 15, 2003 as document number R2003302173 described as follows: Beginning at the northeast corner of said Lot 3; thence South 01 degrees 38 minutes 41 seconds East, along the east line of said Lot 3, 40.15 feet; thence South 88 degrees 21 minutes 19 seconds West, at right angles to the last described line, 40.00 feet; thence North 01 degrees 38 minutes 41 seconds West, at right angles to the last described line, 20.00 feet; thence South 88 degrees 21 minutes 19 seconds West, at right angles to the last described line, 25.00 feet; thence North 01 degrees 38 minutes 41 seconds West, at right angles to the last described line, 20.15 feet, to the north line of said Lot 3; thence North 88 degrees 21 minutes 19 seconds East, along said north line, 65.00 feet, to the Point of Beginning.
Said parcel containing 0.048 acres more or less.
PARCEL 0044DED
The West 10.00 feet of the East 70.00 feet of the South 50.00 feet of the Northeast Quarter of Section 18, Township 36 North, Range 10 East of the Third Principal Meridian, in Will County, Illinois.
Said parcel containing 0.011 acres more or less.

HISTORY:
P.A. 97-458, § 5; 97-813, § 675.

735 ILCS 30/25-5-45 Quick-take; South Suburban Airport.

Quick-take proceedings under Article 20 [735-30/20-5-5 et seq.] may be used by the Department of Transportation for the purpose of development of the South Suburban Airport within the boundaries designated on the map filed with the Secretary of State on May 28, 2013 and known as file number 98-GA-D01.

HISTORY:
P.A. 98-109, § 4-70; 98-756, § 730.

735 ILCS 30/25-5-50 Quick-take; McHenry County.

Quick-take proceedings under Article 20 [735 ILCS 30/20-5-5 et seq.] may be used for a period of no longer than one year from the effective date of this amendatory Act of the 98th General Assembly [P.A. 98-229] by McHenry County for the acquisition of the

following described property for the purpose of public improvements to serve McHenry County:

Route: F.A.U. 168 (Johnsburg Road)
Section: 05-00314-00-WR
County: McHenry Job No.: R-91-005-06
Parcel: 1HK0045
Sta. 58+07.09 To Sta. 58+31.89
Sta. 176+10.72 To Sta. 177+36.15
Owner: JNL-Johnsburg Properties, Inc.
Index No. 09-13-277-001
09-13-277-002

That part of Sub Lot 2 of Lot 28 in Plat Number 3 McHenry, County Clerk's Plat of Section 13, Township 45 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded May 6, 1902 as document number 14079, in McHenry County, Illinois, described as follows:

Commencing at the southeast corner of the Northeast Quarter of said Section 13; thence on an assumed bearing of South 89 degrees 15 minutes 13 seconds West along the south line of the Northeast Quarter of said Section 13, as monumented and occupied, a distance of 824.94 feet (825.2 feet, recorded) (826.0 feet, recorded) to a point of intersection with the Southerly extension of the east line of the grantor; thence North 1 degree 20 minutes 53 seconds East along the said Southerly extension of the east line of the grantor, a distance of 132.49 feet to the northeasterly right of way line of Chapel Hill Road recorded January 26, 1932 as document number 100422, being also the southeast corner of the grantor; thence North 46 degrees 56 minutes 58 seconds West along the said northeasterly right of way line of Chapel Hill Road and along the northeasterly right of way line of Chapel Hill Road recorded January 26, 1932 as document number 100421, a distance of 261.08 feet to the point of beginning; thence continuing North 46 degrees 56 minutes 58 seconds West along the northeasterly right of way line of Chapel Hill Road recorded as document number 100421, a distance of 14.94 feet to the east right of way line of Chapel Hill Road recorded January 26, 1932 as document number 100420; thence North 2 degrees 09 minutes 50 seconds East along the said east right of way line of Chapel Hill Road and the Northerly extension thereof, a distance of 64.92 feet (64.91 feet, more or less, recorded) to the center line of Johnsburg Road; thence North 87 degrees 42 minutes 53 seconds East along the said center line of Johnsburg Road, a distance of 123.08 feet; thence South 2 degrees 17 minutes 07 seconds East, a distance of 30.00 feet to the south right of way line of Johnsburg Road according to a Plat of Survey by the County Surveyor dated October 21, 1952 in Surveyor Book Number 5, page 204; thence South 2 degrees 48 minutes 02 seconds East, a distance of 1.05 feet; thence westerly 59.83 feet along a curve to the left having a radius of 987.47 feet, the chord of said curve bears South 85 degrees 27 minutes 49 seconds West, 59.82 feet; thence South 70 degrees 14 minutes 11 seconds West, a distance of 47.08 feet; thence South 22 degrees 40 minutes 19 seconds West, a distance of 30.69 feet to the point of beginning.

Said parcel containing 0.117 acre, more or less, of which 0.086 acre, more or less, was previously dedicated or used for highway purposes.

HISTORY:
P.A. 98-229, § 5; 98-756, § 730.

735 ILCS 30/25-5-55 Quick-take; McHenry County.

Quick-take proceedings under Article 20 [735 ILCS 30/20-5-5 et seq.] may be used for a period of no longer than one year from the effective date of this amendatory Act of the 98th General Assembly [P.A. 98-852] by McHenry County for the acquisition of the following described property for the purpose of reconstruction of the intersection of Miller Road and Illinois Route 31:

Route: Illinois State Route 31
Section: Section 09-00372-00-PW
County: McHenry County
Job No.: R-91-020-06
Parcel: 0003
Sta. 119+70.41 To Sta. 136+74.99
Owner: Parkway Bank and Trust
Company as Trustee under Trust
Agreement dated October 25, 1988
known as trust No. 9052
Index No. 14-02-100-002, 14-02- 100-051

A part of the Northwest Quarter of Section 2, Township 44 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois, described as follows:

Commencing at the southwest corner of said Northwest Quarter; thence North 0 degrees 40 minutes 30 seconds East, (bearings based on Illinois State Plane Coordinates East Zone 1983 Datum) along the west line of said Northwest Quarter, 33.01 feet; thence North 89 degrees 27 minutes 02 seconds East along a line parallel with and 33.00 feet north of the south line of said Northwest Quarter, 633.53 feet to the Point of Beginning; thence North 47 degrees 43 minutes 11 seconds East, 76.04 feet; thence Northeasterly 892.04 feet along a curve to the left having a radius of 5900.00 feet, the chord of said curve bears North 03 degrees 13 minutes 38 seconds East, a chord distance of 891.20 feet; thence North 01 degrees 06 minutes 15 seconds West, 737.81 feet; thence North 88 degrees 52 minutes 57 seconds East, 60.00 feet to a point on the westerly line of Illinois State Route 31 as dedicated per Book 12 of Miscellaneous Records, pages 200, 201 and 203; thence South 01 degrees 06 minutes 15 seconds East along said westerly line, 405.84 feet; thence South 01 degrees 00 minutes 45 seconds West along said westerly line, 135.20 feet; thence South 02 degrees 50 minutes 15 seconds East along said westerly line, 165.10 feet;

thence South 01 degrees 06 minutes 15 seconds East along said westerly line, 407.00 feet; thence Southwesterly 567.07 feet along said westerly line, said line being a curve to the right having a radius of 3779.83 feet, the chord of said curve bears South 03 degrees 11 minutes 37 seconds West, a chord distance of 566.54 feet to point on a line parallel with and 33.00 feet north of the south line of said Northwest Quarter; thence South 89 degrees 27 minutes 02 seconds West along a line parallel with and 33.00 feet north of the south line of said Northwest Quarter, 142.09 feet to the Point of Beginning in McHenry County, Illinois.

Said parcel containing 116,716 square feet (2.679 acres) more or less.

Route: Bull Valley Road
Section: Section 09-00372-00-PW
County: McHenry County
Job No.: R-91-020-06
Parcel: 0003TE
Sta. 531+73.39 To Sta. 532+82.90
Owner: Parkway Bank and Trust Company as Trustee under Trust Agreement dated October 25, 1988 known as trust No. 9052
Index No. 14-02-100-002

A part of the Southwest Quarter of the Northwest Quarter of Section 2, Township 44 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois, described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence North 00 degrees 40 minutes 30 seconds East, (bearings based on Illinois State Plane Coordinates East Zone 1983 Datum) along the west line of said Southwest Quarter, 33.01 feet; thence North 89 degrees 27 minutes 02 seconds East along a line parallel with and 33.00 feet north of the south line of said Southwest Quarter, 540.42 feet to the Point of Beginning; thence North 00 degrees 33 minutes 06 seconds West, 14.95 feet; thence North 89 degrees 26 minutes 54 seconds East, 109.87 feet; thence South 47 degrees 43 minutes 11 seconds West, 22.47 feet to a point on a line parallel with and 33.00 feet north of the south line of said Southwest Quarter; thence South 89 degrees 27 minutes 02 seconds West along said line parallel with and 33.00 feet north of the south line of said Southwest Quarter, 93.10 feet to the Point of Beginning in McHenry County, Illinois.

Said parcel containing 1,518 square feet (0.035 acres) more or less.

Route: Illinois State Route 31
Section: Section 09-00372-00-PW
County: McHenry County
Job No.: R-91-020-06
Parcel: 0011
Sta. 124+14.14 To Sta. 124+35.35
Owner: Trapani, LLC, an Illinois limited liability company
Index No. 14-02-100-050

A part of the Southwest Quarter of the Northwest Quarter of Section 2, Township 44 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois, described as follows:

Commencing at the northwest corner of Lot 1 in McDonalds Subdivision, being a subdivision of part of the Northwest Quarter of Section 2, Township 44 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded December 22, 1993 as Document No. 93R80090, in McHenry County, Illinois; thence Northeasterly along the easterly line of Illinois State Route 31 as dedicated per Book 12 of Miscellaneous Records, pages 200, 201 and 203, 206.43 feet along a curve to the left having a radius of 3859.83 feet, the chord of said curve bears North 2 degrees 41 minutes 29 seconds East, (bearings based on Illinois State Plane Coordinates East Zone 1983 Datum) a chord distance of 206.41 feet to the Point of Beginning; thence continuing Northeasterly along said easterly line, 21.36 feet, said line being a curve to the left having a radius of 3859.83 feet, the chord of said curve bears North 1 degrees 00 minutes 02 seconds East, a chord distance of 21.36 feet to a point the south line of a parcel of land per deed recorded February 10, 2003 as Document No. 2003R0017053; thence North 89 degrees 22 minutes 29 seconds East along said south line, 1.04 feet; thence Southwesterly 21.41 feet along a curve to the right having a radius of 6060.00 feet, the chord of said curve bears South 03 degrees 47 minutes 21 seconds West, a chord distance of 21.41 feet to the Point of Beginning in McHenry County, Illinois.

Said parcel containing 11 square feet (0.000 acres) more or less.

Route: Illinois State Route 31
Section: Section 09-00372-00-PW
County: McHenry County
Job No.: R-91-020-06
Parcel: 0011TE-1
Sta. 123+50.48 To Sta. 124+26.94
Owner: Trapani, LLC, an Illinois limited liability company
Index No. 14-02-100-050

A part of the Southwest Quarter of the Northwest Quarter of Section 2, Township 44 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois, described as follows:

Commencing at the northwest corner of Lot 1 in McDonalds Subdivision, being a subdivision of part of the Northwest Quarter of Section 2, Township 44 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded December 22, 1993 as Document No. 93R80090, in McHenry County, Illinois; thence Northeasterly along the easterly line of Illinois State Route 31 as dedicated per Book 12 of Miscellaneous Records, pages 200, 201 and 203, 142.05 feet along a curve to the left having a radius of 3859.83 feet, the chord of said curve bears North 3 degrees 10 minutes 09 seconds East, (bearings based on Illinois State Plane Coordinates East Zone 1983 Datum) a chord distance of 142.05 feet to the Point of Beginning; thence continuing Northeasterly along said easterly line, 64.39 feet, said line

being a curve to the left having a radius of 3859.83 feet, the chord of said curve bears North 1 degrees 38 minutes 13 seconds East, a chord distance of 64.38 feet; thence Northeasterly 12.69 feet along a curve to the left having a radius of 6060.00 feet, the chord of said curve bears North 03 degrees 49 minutes 49 seconds East, a chord distance of 12.69 feet; thence South 89 degrees 01 minutes 32 seconds East, 4.46 feet; thence Southwesterly 77.18 feet along a curve to the right having a radius of 3864.83 feet, the chord of said curve bears South 01 degrees 32 minutes 47 seconds West, a chord distance of 77.17 feet; thence North 87 degrees 52 minutes 53 seconds West, 5.07 feet to the Point of Beginning in McHenry County, Illinois.

Said parcel containing 387 square feet (0.009 acres) more or less.

Route: Charles J. Miller Road
Section: Section 09-00372-00-PW
County: McHenry County
Job No.: R-91-020-06
Parcel: 0011TE-2
Sta. 537+44.77 To Sta. 538+37.59
Owner: Trapani, LLC, an Illinois
limited liability company
Index No. 14-02-100-050

A part of Lot 2, in McDonald's Subdivision, being a subdivision of part of the Northwest Quarter of Section 2, Township 44 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded December 22, 1993 as Document No. 93R80090, in McHenry County, Illinois, described as follows:

Beginning at the southeast corner of said Lot 2; thence South 89 degrees 27 minutes 02 seconds West (bearings based on Illinois State Plane Coordinates East Zone 1983 Datum) along the south line of said Lot 2, 92.83 feet; thence North 00 degrees 33 minutes 02 seconds West, 33.91 feet; thence North 89 degrees 36 minutes 46 seconds East, 93.43 feet to a point on the east line of said Lot 2; thence South 00 degrees 28 minutes 57 seconds West along said east line, 33.66 feet to the Point of Beginning in McHenry County, Illinois.

Said parcel containing 3,146 square feet (0.072 acres) more or less.

Route: Charles J. Miller Road
Section: Section 09-00372-00-PW
County: McHenry County
Job No.: R-91-020-06
Parcel: 0016
Sta. 538+37.74 To Sta. 539+63.26
Owner: Marion R. Reinwall Hoak
as Trustee of the Marion R.
Reinwall Hoak Living trust dated
September 15, 1998
Index No. 14-02-100-022

A part of the West Half of Government Lot 1 in the Northwest Quarter of Section 2, Township 44 North, Range 8 East of the Third Principal Meridian in McHenry County, Illinois, described as follows:

Beginning at the southeast corner of said West Half of Government Lot 1; thence South 89 degrees 27 minutes 02 seconds West (bearings based on Illinois State Plane Coordinates East Zone 1983 Datum) along the south line of said West Half of Government Lot 1, 115.35 feet to the point of intersection with the east line of Lot 2 in McDonald's Subdivision, being a subdivision of part of the Northwest Quarter of Section 2, Township 44 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded December 22, 1993 as Document No. 93R80090, in McHenry County, Illinois extended southerly; thence North 00 degrees 28 minutes 57 seconds East along said east line extended southerly and along said east line, 48.01 feet; thence North 89 degrees 27 minutes 02 seconds East, 115.36 feet to a point on the east line of said West Half of Government Lot 1; thence South 00 degrees 29 minutes 41 seconds West along said east line, 48.01 feet to the Point of Beginning in McHenry County, Illinois.

Said parcel containing 5,537 square feet (0.127 acres) more or less, of which 0.087 acres more or less, has been previously used or dedicated.

Route: Illinois State Route 31
Section: Section 09-00372-00-PW
County: McHenry County
Job No.: R-91-020-06
Parcel: 0017
Sta. 536+90.86 To Sta. 539+43.61
Owner: Alliance Bible Church of
the Christian and Missionary
Alliance, an Illinois not for profit
corporation
Index No. 14-02-
302-005; 14-02- 302-004; 14-02-302-002

A part of Lots 4 and 5, in Smith First Addition being a subdivision of the North 473.90 feet of the Northwest Quarter of the Southwest Quarter of Section 2, Township 44 North, Range 8 East of the Third Principal Meridian, lying easterly of the easterly right-of-way of State Route 31, according to the plat thereof recorded in the recorder's office of McHenry County, Illinois on February 16, 1973, as Document No. 586905 in McHenry County, Illinois, described as follows:

Beginning at the northeast corner of said Lot 5; thence South 00 degrees 08 minutes 56 seconds West (bearings based on Illinois State Plane Coordinates East Zone 1983 Datum) along the east line of said Lot 5, 33.94 feet; thence Southwesterly 106.41 feet along a curve to the right having a radius of 795.00 feet, the chord of said curve bears South 85 degrees 36 minutes 55 seconds West, a chord distance of 106.34 feet; thence South 89 degrees 26 minutes 58 seconds West, 154.36 feet to a point on the west line of said Lot 4; thence North 00 degrees 10 minutes 27 seconds East along said west line, 41.06 feet to the northwest corner of said Lot 4; thence North 89 degrees 27 minutes 02 seconds East along the north line of said Lots 4 and 5, 260.35 feet to the Point of Beginning in McHenry County, Illinois.

Said parcel containing 10,438 square feet (0.240 acres) more or less.

HISTORY:
P.A. 98-852, § 5; 99-78, § 540.

735 ILCS 30/25-5-55 (As added by P.A. 98-1070) Quick-take; Village of Mundelein. [Renumbered as 735 ILCS 30/25-5-60]

HISTORY:
2014 P.A. 98-1070, § 5, effective August 26, 2014; enacted by 2015 P.A. 99-78, § 540, effective July 20, 2015.

735 ILCS 30/25-5-60 Quick-take; Village of Mundelein.

Quick-take proceedings under Article 20 may be used for a period of no longer than one year after the effective date of this amendatory Act of the 98th General Assembly [P.A. 98-1070] by the Village of Mundelein in Lake County for the acquisition of property and easements, legally described below, for the purpose of widening and reconstructing Hawley Street from Midlothian Road to Seymour Avenue, and making other public utility improvements including the construction of a bike path:

PIN: 10-24-423-010

That part of Lot 11 (as originally platted), in Western Slope Subdivision of Mundelein, being a Subdivision of part of the Southeast Quarter of Section 24, and of the Northeast Quarter of Section 25, Township 44 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded May 9, 1925 as Document 257151, in Book "N" of Plats, Page 98, described as follows: beginning at the Southeast corner of Lot 11; thence West along the South line of said Lot, 99.95 (meas.) 100.00 feet (rec.) to the Southwest corner of said Lot; thence North along the West line of said Lot, 10.00 feet; thence Southeasterly 8.51 feet to a point 6.00 feet East of and 4.00 feet North of the Southwest corner of said Lot; thence East parallel with the South line of said Lot, 93.97 feet to the East line of said Lot; thence South along said last described line, 4.00 feet to the point of beginning, Lake County, Illinois. 417.50 sq. ft.

Temporary easement: That part of Lot 11 (as originally platted), in Western Slope Subdivision of Mundelein, being a Subdivision of part of the Southeast Quarter of Section 24, and of the Northeast Quarter of Section 25, Township 44 North, Range 10, East of the Third Principal Meridian, according to the plot thereof recorded May 9, 1925 as Document 257151, in Book "N" of Plats, Page 98, described as follows: commencing at the Southwest corner of said Lot 11; thence North along the West line of said Lot, 10.00 feet to the point of beginning; thence continuing North along said last described line, 35.00 feet; thence East parallel with the South line of said Lot, 10.00 feet; thence South parallel with the West line of said Lot, 25.00 feet to a line 20.00 feet North of and parallel with the South line of said Lot; thence East along said last described line, 20.00 feet; thence South parallel with the West line of said Lot, 16.00 feet to a line 4.00 feet North of and parallel with the South line of said Lot; thence West along said last described line, 24.00 feet to a point 6.00 feet East of the West line of said Lot; thence Northwesterly, 8.51 feet to the point of beginning, in Lake County, Illinois. Containing 712.00 sq. ft.

PIN: 10-24-423-011

The South 4.00 feet of Lot 10 (as originally platted), in Western Slope Subdivision of Mundelein, being a Subdivision of part of the Southeast Quarter of Section 24, and of the Northeast Quarter of Section 25, Township 44 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded May 9, 1925 as Document 257151, in Book "N" of Plats, Page 98, Lake County, Illinois. 400.00 sq. ft.

PIN: 10-24-423-013

The South 4.00 feet of Lot 8 (as originally platted), in Western Slope Subdivision of Mundelein, being a Subdivision of part of the Southeast Quarter of Section 24, and of the Northeast Quarter of Section 25, Township 44 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded May 9, 1925 as Document 257151, in Book "N" of Plats, Page 98, Lake County, Illinois. 400.00 sq. ft.

PIN: 10-24-423-016

The South 7.00 feet of Lot 5 (as originally platted), in Western Slope Subdivision of Mundelein, being a Subdivision of part of the Southeast Quarter of Section 24, and of the Northeast Quarter of Section 25, Township 44 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded May 9, 1925 as Document 257151, in Book "N" of Plats, Page 98, Lake County, Illinois. 700.00 sq. ft.

Temporary Easement:

That part of Lot 5 (as originally platted), in Western Slope Subdivision of Mundelein, being a Subdivision of part of the Southeast Quarter of Section 24, and of the Northeast Quarter of Section 25, Township 44 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded May 9, 1925 as Document 257151, in Book "N" of Plats, Page 98, described as follows: commencing at the Southeast corner of said Lot 5; thence North along the East line of said Lot, 7.00 feet to the point of beginning; thence West parallel with the South line of said Lot, 100.00 feet to the West line of said Lot; thence North along said last described line, 5.00 feet; thence East parallel with the South line of said Lot, 52.00 feet; thence North parallel with the West line of said Lot, 22.50 feet; thence East parallel with the South line of said Lot, 14.50 feet; thence North parallel with the West line of said Lot, 5.20 feet; thence East parallel with the South line of said Lot, 33.50 feet to the East line of said Lot; thence South along the last described line, 32.70 feet to the point of beginning, in Lake County, Illinois. 1754.20 sq. ft.

PIN: 10-24-423-018

The South 13.50 feet of Lot 3 (as originally platted), in Western Slope Subdivision of Mundelein, being a Subdivision of part of the Southeast Quarter of Section 24, and of the Northeast Quarter of Section 25, Township 44 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded May 9, 1925 as Document 257151, in Book "N" of Plats, Page 98, Lake County, Illinois. 1350.00 sq. ft.

Temporary Easement:

That part of Lot 3 (as originally platted), in Western Slope Subdivision of Mundelein, being a Subdivision of part of the Southeast Quarter of Section 24, and of the Northeast Quarter of Section 25, Township 44 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded May 9, 1925 as Document 257151, in Book "N" of Plats, Page 98, described as follows: commencing at the Southeast corner of said Lot 3; thence North along the East line of said Lot, 13.50 feet to the point of beginning; thence West parallel with the South line of said Lot, 100.00 feet to the West line of said Lot; thence North along said last described line, 10.00 feet; thence East parallel with the South line of said Lot, 45.00 feet; thence North parallel with the West line of said Lot, 30.00 feet; thence East parallel with the South line of said Lot, 34.00 feet; thence South parallel with the West line of said Lot, 30.00 feet; thence East parallel with the South line of said Lot, 21.00 feet to the East line of said Lot; thence South along the last described line, 10.00 feet to the point of beginning, in Lake County, Illinois. 2020.00 sq. ft.

PIN: 10-24-423-019

The South 13.50 feet of Lot 2 (as originally platted), in Western Slope Subdivision of Mundelein, being a Subdivision of part of the Southeast Quarter of Section 24, and of the Northeast Quarter of Section 25, Township 44 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded May 9, 1925 as Document 257151, in Book "N" of Plats, Page 98, Lake County, Illinois. 1350.00 sq. ft.

PIN: 10-24-423-021

The South 13.50 feet of a tract of land described as Lot 1 (as originally platted), (except that part taken for highway per Document No. 2242325 and 2242326), in Western Slope Subdivision of Mundelein, being a Subdivision of part of the Southeast Quarter of Section 24, and of the Northeast Quarter of Section 25, Township 44 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded May 9, 1925 as Document 257151, in Book "N" of Plats, Page 98, Lake County, Illinois. 1040.30 sq. ft.

PIN: 10-25-205-003

Temporary Easement:

That part of Lot 44 (as originally platted), in Western Slope Subdivision of Mundelein, being a Subdivision of part of the Southeast Quarter of Section 24, and of the Northeast Quarter of Section 25, Township 44 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded May 9, 1925 as Document 257151 in Book "N" of Plats, Page 98, described as follows: commencing at the Northeast corner of said Lot 44; thence South along the East line of said Lot, 5.00 feet; thence West parallel with the North line of said Lot, 34.00 feet; thence South parallel with the East line of said Lot, 5.00 feet; thence West parallel with the North line of said Lot, 16.00 feet to the West line of said Lot; thence North along said last described Lot, 10.00 feet to the Northwest corner of said lot; thence East along the North line of said lot, 50.00 feet to the point of beginning, in Lake County, Illinois. Containing 331.00 sq. ft.

PIN: 10-25-205-004

Temporary Easement:

The North 10.00 feet (except the South 5.00 feet of the West 24.00 feet and the South 5.00 feet of the East 3.00 feet thereof) of Lot 45 (as originally platted), in Western Slope Subdivision of Mundelein, being a Subdivision of part of the Southeast Quarter of Section 24, and of the Northeast Quarter of Section 25, Township 44 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded May 9, 1925 as Document 257151, in Book "N" of Plats, Page 98, Lake County, Illinois. Containing 365.40 sq. ft.

PIN: 10-25-205-005

Temporary Easement:

The North 5.00 feet of Lot 46 (as originally platted), in Western Slope Subdivision of Mundelein, being a Subdivision of part of the Southeast Quarter of Section 24, and of the Northeast Quarter of Section 25, Township 44 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded May 9, 1925 as Document 257151, in Book "N" of Plats, Page 98, Lake County, Illinois. 250.00 sq. ft.

PIN: 10-25-206-003

Temporary Easement:The North 5.00 feet of Lot 60 (as originally platted), in Western Slope Subdivision of Mundelein, being a Subdivision of part of the Southeast Quarter of Section 24, and of the Northeast Quarter of Section 25, Township 44 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded May 9, 1925 as Document 257151, in Book "N" of Plats, Page 98, in Lake County, Illinois. 250.00 sq. ft.

PIN: 11-30-101-004

Temporary Easement:

The North 5.00 feet of the East 30.00 feet of a tract of land described as the West 75.00 feet of Lots 1 and 2, in Block 1 of Hammond's Addition to Rockefeller, being a Subdivision of part of Lot 2 of the Northwest Quarter of Section 30, Township 44 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded April 2, 1895 as Document No. 61511, in Book "D" of Plats, Page 24,in Lake County, Illinois. 150.00 sq. ft.

PIN: 11-30-120-001

That part of Lot 1 in Hawley Commons, being a subdivision of part of the Northwest Quarter of Section 30, Township 44 North, Range 11 East, of the Third Principal Meridian according to the plat thereof recorded October 8, 1999 as Document No. 4432301, and described as follows: Beginning at the Northwest corner of Lot 1; thence South along the West line of said Lot 1, 17.00 feet; thence Northeasterly 23.91 feet to a point 17.00 feet East of the point of beginning and on the North line of said Lot 1; thence West along the North line of Lot 1, 17.00 feet to the point of beginning, in Lake County, Illinois. Containing 144.50 sq. ft.

PIN: 10-24-314-036

That part of Lot 14 in Block 2 in Mundelein Home Crest Subdivision of the Northeast Quarter of the Northwest Quarter of Section 25 and part of the East Half of the Southwest Quarter of Section 24, all in Township 44 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 4, 1926 as Document No. 280148 in Book "P" of Plats, Pages 62 and 63, described as lying Southeasterly of a curve concave Northwesterly having a radius of 45.00 feet and being tangent to the East and South lines of said Lot 14, in

Lake County, Illinois. 445.10 sq. ft.

HISTORY:

P.A. 98-1070, § 5; 99-78, § 540.

735 ILCS 30/25-5-65 Quick-take; Will County; Weber Road.

Quick-take proceedings under Article 20 [735 ILCS 30/20-5-5 et seq.] may be used for a period of no more than one year after the effective date of this amendatory Act of the 99th General Assembly by Will County for the acquisition of the following described property for the purpose of expanding the portion of Weber Road (County Highway 88) between Normantown Road and West 135th Street:

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0001A

Stations: 726+09.11 to 728+67.91

P.I.N.: 11-04-06-279-024

That part of Tract 13 in Carillon Phase 1A being a subdivision in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded as document R89-035486, in Will County, Illinois, described as follows:

Beginning at the most easterly southeast corner of said Tract 13; thence South 43 degrees 33 minutes 04 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the southeasterly line of said Tract 13, a distance of 5.19 feet; thence North 02 degrees 01 minute 35 seconds West, 158.84 feet; thence North 01 degree 22 minutes 42 seconds East, 99.59 feet to the east line of said Tract 13, being a 17,138.91 foot radius curve concave westerly; thence southerly 116.99 feet along said curve and east line through a central angle of 00 degrees 23 minutes 28 seconds, the chord of said curve bears South 01 degree 38 minutes 10 seconds East, 116.99 feet; thence South 01 degree 26 minutes 26 seconds East along the east line of said Tract 13, a distance of 137.65 feet to the Point of Beginning.

Said parcel containing 0.022 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0001B

Stations: 739+40.00 to 745+21.46

P.I.N.: 11-04-06-279-065; 11-04-06-279-066

That part of Tracts 10 and 11, in Carillon Phase 1A, being a subdivision in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded as document R89-035486, in Will County, Illinois, described as follows:

Beginning at the northeast corner of said Tract 10; thence North 89 degrees 44 minutes 14 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the northerly line of said Tract 10, a distance of 34.58 feet to a 5,085.00 foot radius curve concave easterly; thence southerly 21.83 feet along said curve through a central angle of 00 degrees 14 minutes 35 seconds, the chord of said curve bears South 02 degrees 50 minutes 05 minutes East, 21.58 feet; thence North 87 degrees 08 minutes 47 East, 20.50 feet to a 15,470.89 foot curve concave easterly; thence southerly 299.54 feet along said curve through a central angle of 01 degree 06 minutes 34 seconds, the chord of said curve bears South 03 degrees 24 minutes 29 seconds East, 299.54 feet to the south line of said Tract 10; thence North 85 degrees 44 minutes 04 seconds East along said south line, 1.50 feet to a 15,469.89 foot radius curve concave easterly; thence southerly 262.89 feet along said curve through a central angle of 00 degrees 58 minutes 25 seconds, the chord of said curve bears South 04 degrees 26 minutes 54 seconds East, 262.89 feet; thence North 85 degrees 03 minutes 54 seconds East, 15.69 feet to the east line of said Tract 11, being a 17,238.91 foot radius curve concave easterly; thence northerly along said curve and the east line of said Tracts 10 and 11, a distance of 581.59 feet through a central angle of 01 degrees 55 minutes 59 seconds, the chord of said curve bears North 04 degrees 10 minutes 15 seconds West, 581.56 feet to the Point of Beginning.

Said parcel containing 0.212 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0002

Stations: 745+19.63 to 749+37.76

P.I.N.: 11-04-06-227-041; 11-04-06-227-048

That part of Lot C in Carillon Parcel 31 East, according to the plat thereof recorded October 25, 1996 as document R96-096429, also that part of Lot C in Carillon Parcel 32, according to the plat thereof recorded July 8, 1997 as document R97-056892, all in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian, Will County, Illinois, described as follows:

Beginning at the northeast corner of said Lot C in Carillon Parcel 31 East; thence South 87 degrees 49 minutes 34 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the north line of said Lot C in Carillon Parcel 31 East, 27.89 feet; thence South 01 degree 22 minutes 31 seconds East, 290.08 feet to a point on a tangential curve concave easterly having a radius of 5,085.00 feet; thence southerly 127.96 feet along said curve through a central angle of 01 degree 26 minutes 30 seconds, the chord of said curve bears South 02 degrees 05 minutes 46 seconds East, 127.95 feet to the south line of said Lot C in Carillon Parcel 32; thence South 89 degrees 44 minutes 14 seconds East along said south line, 34.58 feet to the east line of said Lot C in Carillon Parcel 32, being a 17,238.91 foot radius curve concave easterly; thence northerly 419.49 feet along said east line through a central angle of 01 degree 23 minutes 39 seconds, the chord of said curve bears North 02 degrees 30 minutes 26 seconds West, 419.48 feet to the Point of Beginning.

Said parcel containing 0.298 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0003

Stations: 749+37.37 to 751+16.92

P.I.N.: 11-04-06-227-047

That part of Lot 2 in Carillon Court Exhibit 3, being a subdivision in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1997 as document R97-48868, in Will County, Illinois, described as follows:

Beginning at the southeast corner of said Lot 2; thence South 87 degrees 49 minutes 34 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the south line of said Lot 2, a distance of 27.89 feet; thence North 01 degree 22 minutes 31 seconds West, 107.63 feet; thence North 26 degrees 23 minutes 16 seconds West, 79.36 feet to the north line of said Lot 2; thence North 87 degrees 49 minutes 34 seconds East along said north line, 30.88 feet to the northeast line of said Lot 2; thence South 46 degrees 48 minutes 26 seconds East along said northeast line, 42.15 feet to the east line of said Lot 2; thence South 01 degree 26 minutes 26 seconds East along said east line, 39.62 to a tangential curve concave easterly having a radius of 17,238.91 feet; thence continuing southerly 110.39 feet along said east line and curve through a central angle of 00 degrees 22 minutes 01 second, the chord of said curve bears South 01 degree 37 minutes 36 seconds East, 110.39 feet to the Point of Beginning.

Said parcel containing 0.131 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0003TE

Stations: 112+85.73 to 114+35.95

P.I.N.: 11-04-06-227-047

That part of Lot 2 in Carillon Court Exhibit 3, being a subdivision in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1997 as document R97-048868, in Will County, Illinois, described as follows:

Beginning at the northwest corner of said Lot 2; thence North 87 degrees 49 minutes 34 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the north line of said Lot 2, a distance of 159.13 feet; thence South 26 degrees 23 minutes 16 seconds East, 46.05 feet; thence South 88 degrees 00 minutes 52 seconds West, 160.45 feet; thence North 02 degrees 26 minutes 12 seconds West, 9.67 feet; thence North 41 degrees 05 minutes 08 seconds West, 28.12 feet to the west line of said Lot 2; thence North 01 degree 26 minutes 25 seconds West along said west line, 9.93 feet to the Point of Beginning.

Said parcel containing 0.153 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0004TE

Stations: 111+25.00 to 112+85.73

P.I.N.: 11-04-06-227-068; 12-02-31-480-021

That part of Lot 1 in Carillon Court Resubdivision Phase Two, being a subdivision in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian and the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded November 12, 2014 as document R2014-099765, in Will County, Illinois, described as follows:

Beginning at the most southerly southeast corner of said Lot 1, being also the southwest corner of 135th Street as dedicated by document R2014-081720 recorded September 19, 2014; thence South 87 degrees 49 minutes 34 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the south line of said Lot 1 a distance of 8.14 feet; thence North 41 degrees 05 minutes 08 seconds West, 141.59 feet; thence North 27 degrees 22 minutes 16 seconds East, 94.31 feet; thence North 87 degrees 48 minutes 58 seconds East,

64.45 feet to an east line of said Lot 1; thence South 02 degrees 10 minutes 13 seconds East along said east line, 87.26 feet; thence South 18 degrees 50 minutes 13 seconds East along an easterly line of said Lot 1, a distance of 24.59 feet to the southeasterly line of said Lot 1; thence South 51 degrees 32 minutes 22 seconds West along said southeasterly line, 50.00 feet to a northeasterly line of said Lot 1; thence South 47 degrees 07 minutes 03 seconds East along said northeasterly line, 27.93 feet to an east line of said Lot 1; thence South 01 degree 29 minutes 21 seconds East along said east line, 32.08 feet to the Point of Beginning.

Said parcel containing 0.306 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0005

Stations: 114+07.90 to 114+70.22

P.I.N.: 12-02-31-480-027

That part of Lot 10 in Carillon Court Resubdivision, being a subdivision in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian and the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded March 7, 2002 as document R2002-39716, in Will County, Illinois, described as follows:

Beginning at the northeast corner of said Lot 10; thence South 87 degrees 50 minutes 11 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the north line of said Lot 10, a distance of 44.21 feet; thence South 47 degrees 12 minutes 21 seconds West, 23.27 feet to the west line of said Lot 10; thence South 01 degree 20 minutes 45 seconds East along said west line, 14.86 feet to the south line of said Lot 10; thence North 87 degrees 49 minutes 34 seconds East along said south line, 41.66 feet to the southeast line of said Lot 10; thence North 43 degrees 14 minutes 25 seconds East along said southeast line, 28.49 feet east line of said Lot 10; thence North 01 degree 20 minutes 45 seconds West along said east line, 10.00 feet to the Point of Beginning.

Said parcel containing 0.035 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0005TE

Stations: 114+08.23 to 114+26.01

P.I.N.: 12-02-31-480-027

That part of Lot 10 in Carillon Court Resubdivision, being a subdivision in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian and the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded March 7, 2002 as document R2002-39716, in Will County, Illinois, described as follows:

Beginning at the northwest corner of said Lot 10; thence North 87 degrees 50 minutes 11 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the north line of said Lot 10, a distance of 17.45 feet; thence South 47 degrees 12 minutes 21 seconds West, 23.27 feet to the west line of said Lot 10; thence North 01 degree 20 minutes 45 seconds West along said west line, 15.16 feet to the Point of Beginning.

Said parcel containing 132 square feet, more or less, or 0.003 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0006A

Stations: 112+43.69 to 114+08.29

P.I.N.: 12-02-31-480-028

That part of Lot 2 in Carillon Court Resubdivision, according to the Plat thereof recorded March 7, 2002 as document R2002-39716, in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian and the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, Will County, Illinois, described as follows:

Beginning at the most southerly southeast corner of said Lot 2; thence South 87 degrees 49 minutes 34 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along a south line of said Lot 2, a distance of 99.50 feet to the southwesterly line of said Lot 2 being a 30.00 foot radius curve concave northeasterly; thence northwesterly 38.40 feet along said curve through a central angle of 73 degrees 20 minutes 13 seconds, the chord of said curve bears North 55 degrees 30 minutes 20 seconds West, 35.83 feet; thence North 61 degrees 37 minutes 49 seconds East, 17.80 feet to a 25.00 foot radius curve concave northeasterly; thence southeasterly 31.21 feet along said curve through a central angle of 71 degrees 31 minutes 33 seconds, the chord of said curve bears South 54 degrees 01 minute 41 seconds East, 29.22 feet; thence South 89 degrees 47 minutes 27 seconds East tangent to said curve, 81.40 feet; thence North 47 degrees 12 minutes 21 seconds East, 10.77 feet to an east line of said Lot 2; thence South 01 degree 20 minutes 45 seconds West along said east line, 14.86 feet to the Point of Beginning.

Said parcel containing 0.034 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15Parcel: 1LQ0006B

Stations: 752+07.03 to 762+84.28

P.I.N.: 12-02-31-480-028; 12-02-31-480-031; 12-02-31-480-030; 12-02-31-480-029; 12-02-31-480-022

That part of Lots 2 and 7 in Carillon Court Resubdivision, according to the Plat thereof recorded

March 7, 2002 as document R2002-39716, in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian and the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, and also that part of Lots 3, 5 and 6 in Mid Northern Equities Resubdivision according to the Plat thereof recorded April 26, 2004 as document R2004-070593, in the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, all in Will County, Illinois, described as follows:

Beginning at the most easterly southeast corner of said Lot 2 in Carillon Court Resubdivision; thence South 87 degrees 50 minutes 11 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along a south line of said Lot 2, a distance of 44.21 feet; thence North 47 degrees 12 minutes 21 seconds East, 17.19 feet; thence North 66 degrees 48 minutes 19 seconds East, 17.77 feet; thence North 01 degree 22 minutes 31 seconds West, 415.30 feet to the north line of said Lot 3 in Mid Northern Equities Resubdivision; thence South 87 degrees 49 minutes 34 seconds West along said north line, 2.50 feet; thence 01 degree 22 minutes 31 seconds West, 644.02 feet to the northeast line of said Lot 7 in Carillon Court Resubdivision; thence South 44 degrees 28 minutes 14 seconds East along said northeast line, 26.15 feet to the east line of said Lot 7; thence South 01 degree 20 minutes 45 seconds East along the east line of said Lots, 1057.56 feet to the Point of Beginning.

Said parcel containing 0.413 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0006TE-A

Stations: 111+25.00 135th Access Road to 755+77.37 Weber Road

P.I.N.: 12-02-31-480-028; 12-02-31-480-031

That part of Lot 2 in Carillon Court Resubdivision, according to the Plat thereof recorded March 7, 2002 as document R2002-39716, in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian and the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, and also that part of Lot 3 in Mid Northern Equities Resubdivision according to the Plat thereof recorded April 26, 2004 as document R2004-070593, in the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, all in Will County, Illinois, described as follows:

Commencing at the most southerly southeast corner of said Lot 2 in Carillon Court Resubdivision; thence North 01 degree 20 minutes 45 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along an east line of said Lot 2, a distance of 14.86 feet to the Point of Beginning; thence continuing North 01 degree 20 minutes 45 seconds West along said east line, 15.16 feet to a south line of said Lot 2; thence North 87 degrees 50 minutes 11 seconds East along said south line, 17.45 feet; thence North 47 degrees 12 minutes 21 seconds East, 17.19 feet; thence North 66 degrees 48 minutes 19 seconds East, 17.77 feet; thence North 01 degree 22 minutes 31 seconds West, 352.36 feet; thence South 87 degrees 49 minutes 34 seconds West, 5.00 feet; thence South 01 degree 22 minutes 31 seconds East, 117.92 feet to the south line of said Lot 3; thence South 86 degrees 13 minutes 49 seconds West along said south line, 2.50 feet; thence South 01 degree 22 minutes 31 seconds East, 228.75 feet; thence South 87 degrees 34 minutes 33 seconds West, 98.60 feet; thence South 02 degrees 24 minutes 15 seconds East, 25.05 feet; thence South 85 degrees 15 minutes 38 seconds West, 29.47 feet; thence North 72 degrees 02 minutes 52 seconds West, 16.02 feet; thence North 29 degrees 18 minutes 02 seconds West, 31.18 feet; thence North 02 degrees 11 minutes 02 seconds West, 72.58 feet; thence South 87 degrees 48 minutes 58 seconds West, 18.18 feet to the west line of said Lot 2; thence South 02 degrees 10 minutes 13 seconds East along said west line, 87.26 feet; thence South 18 degrees 50 minutes 13 seconds East along the westerly line of said Lot 2, a distance of 24.59 feet; thence North 61 degrees 37 minutes 49 seconds East, 17.80 feet to a 25.00 foot radius curve concave northeasterly; thence southeasterly 31.21 feet along said curve through a central angle of 71 degrees 31 minutes 33 seconds, the chord of said curve bears South 54 degrees 01 minute 41 seconds East, 29.22 feet; thence South 89 degrees 47 minutes 27 seconds East tangent to said curve, 81.40 feet; thence North 47 degrees 12 minutes 21 seconds East, 10.77 feet to the Point of Beginning.

Said parcel containing 0.198 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1KR0006TE-B

Stations: 757+90.00 to 758+15.00

P.I.N.: 12-02-31-480-030

That part of Lot 5 in Mid Northern Equities Resubdivision, being a subdivision in the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded April 26, 2004 as document R2004-070593, in Will County, Illinois, described as follows:

Commencing at the southeast corner of said Lot 5; thence South 87 degree 49 minutes 34 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the south line of said Lot 5, a distance of 17.54 feet; thence North 01 degree 22 minutes 31 seconds West, 149.73 feet to the Point of Beginning; thence continuing North 01 degree 22 minutes 31 seconds West, 25.00 feet; thence South 88 degrees 37 minutes 29 seconds West, 20.00 feet; thence South 01 degree 22

minutes 31 seconds East, 25.00 feet; thence North 88 degrees 37 minutes 29 seconds East, 20.00 feet to the Point of Beginning.

Said parcel containing 0.011 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0006TE-C

Stations: 760+23.00 to 760+94.00

P.I.N.: 12-02-31-480-022; 12-02-31-480-029

That part of Lot 7 in Carillon Court Resubdivision, according to the Plat thereof recorded March 7, 2002 as document R2002-39716, in the Northeast Quarter of Section 6, Township 36 North, Range 10 East of the Third Principal Meridian and the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, and also that part of Lot 6 in Mid Northern Equities Resubdivision according to the Plat thereof recorded April 26, 2004 as document R2004-070593, in the Southeast Quarter of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, Will County, Illinois, described as follows:

Commencing at the southeast corner of said Lot 7; thence South 88 degrees 39 minutes 15 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the south line of said Lot 7, a distance of 18.22 feet to the Point of Beginning; thence North 01 degree 22 minutes 31 seconds West, 34.48 feet; thence South 88 degrees 37 minutes 29 seconds West, 20.00 feet; thence South 01 degree 22 minutes 31 seconds East, 71.00 feet; thence North 88 degrees 37 minutes 29 seconds East, 20.00 feet; thence North 01 degrees 22 minutes 31 seconds West, 36.52 feet to the Point of Beginning.Said parcel containing 0.033 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0007

Stations: 747+00.00 Weber Road to 122+99.49 135th Street (Romeo Road)P.I.N.: 11-04-05-100-001

That part of the West Half of the Northwest Quarter of Section 5, Township 36 North, Range 10 East of the Third Principal Meridian, all in Will County, Illinois, described as follows:

Beginning at the northwest corner of said Northwest Quarter; thence South 01 degree 26 minutes 26 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the west line of said Northwest Quarter, 448.18 feet; thence North 87 degrees 53 minutes 23 seconds East, 33.00 feet to the east line of Weber Road; thence North 01 degree 26 minutes 26 seconds West long said east line, 378.41 feet; thence North 75 degrees 26 minutes 42 seconds East, 71.79 feet; thence North 87 degrees 19 minutes 44 seconds East, 322.68 feet; thence North 88 degrees 18 minutes 48 seconds East, 231.48 feet; thence North 88 degrees 13 minutes 49 seconds East, 19.98 feet; thence North 01 degree 46 minutes 12 seconds West, 16.40 feet to the south line of 135th Street (Romeo Road); thence continuing North 01 degree 46 minutes 12 seconds West, 33.00 feet to the north line of said Northwest Quarter of Section 5; thence South 88 degrees 11 minutes 32 seconds West along said north line, 676.71 feet to the Point of Beginning.

Said parcel containing 1.102 acres, more or less, of which 0.827 acres, more or less, has been previously dedicated or used as right of way.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0007PE

Stations: 747+00.00 to 750+99.46

P.I.N.: 11-04-05-100-001

That part of the West Half of the Northwest Quarter of Section 5, Township 36 North, Range 10 East of the Third Principal Meridian, all in Will County, Illinois, described as follows:

Commencing at the northwest corner of said Northwest Quarter; thence South 01 degree 26 minutes 26 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the west line of said Northwest Quarter, 448.18 feet; thence North 87 degrees 53 minutes 23 seconds East, 33.00 feet to the east line of Weber Road for a Point of Beginning; thence North 01 degree 26 minutes 26 seconds West along said east line, 378.41 feet; thence North 75 degrees 26 minutes 42 seconds East, 71.79 feet; thence North 87 degrees 19 minutes 44 seconds East, 139.66 feet; thence South 01 degree 44 minutes 16 seconds East, 395.23 feet; thence South 87 degrees 53 minutes 23 seconds West, 211.61 feet to the Point of Beginning.

Said parcel containing 1.894 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0007TE-A

Stations: 729+00.00 to 747+00.00

P.I.N.: 11-04-05-100-001

That part of the West Half of the Northwest Quarter of Section 5, Township 36 North, Range 10 East of the Third Principal Meridian, all in Will County, Illinois, described as follows:

Commencing at the northwest corner of said Northwest Quarter; thence South 01 degree 26 minutes 26 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the west line of said Northwest Quarter, 448.18 feet; thence North 87 degrees 53 minutes 23 seconds East, 33.00 feet to the east line of Weber Road for a Point of Beginning; thence continuing North 87 degrees 53 minutes 23 seconds East, 15.00 feet; thence South 01 degree 21 minutes 41 seconds East, 844.27 feet; thence North 84 degrees

46 minutes 49 seconds East, 5.01 feet; thence South 01 degree 25 minutes 31 seconds East, 100.83 feet; thence North 85 degrees 08 minutes 10 seconds East, 10.02 feet; thence South 01 degree 25 minutes 43 seconds East, 302.25 feet; thence South 86 degrees 12 minutes 13 seconds West, 10.01 feet; thence South 01 degree 25 minutes 45 seconds East, 150.74 feet; thence South 86 degrees 39 minutes 42 seconds West, 5.00 feet; thence South 01 degree 25 minutes 45 seconds East, 401.13 feet; thence South 87 degrees 31 minutes 13 seconds West, 13.64 feet to said east line of Weber Road; thence North 01 degree 26 minutes 26 seconds West along said east line, 1,798.93 feet to the Point of Beginning.

Said parcel containing 0.713 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0007TE-B

Stations: 122+99.49 to 125+50.00

P.I.N.: 11-04-05-100-001

That part of the West Half of the Northwest Quarter of Section 5, Township 36 North, Range 10 East of the Third Principal Meridian, all in Will County, Illinois, described as follows:

Commencing at the northwest corner of said Northwest Quarter; thence North 88 degrees 11 minutes 32 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the north line of said Northwest Quarter, 676.71 feet; thence South 01 degree 46 minutes 12 seconds East, 33.00 feet to the south line of 135th Street (Romeo Road) for a Point of Beginning; thence continuing South 01 degree 46 minutes 12 seconds East, 17.40 feet; thence North 88 degrees 13 minutes 48 seconds East, 250.51 feet; thence North 01 degree 46 minutes 12 seconds West, 17.56 feet to said south line of 135th Street (Romeo Road); thence South 88 degrees 11 minutes 32 seconds West along said south line, 250.51 feet to the Point of Beginning.

Said parcel containing 0.101 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0008

Stations: 122+67.35 135th Street to 759+12.00 Weber Road

P.I.N.: 12-02-32-303-043; 12-02-32-303-044

That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-66945, in Will County, Illinois, described as follows:

Beginning at the most westerly southwest corner of said Lot 3; thence North 01 degree 20 minutes 45 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the west line of said Lot 3, a distance of 681.31 feet; thence North 88 degrees 39 minutes 15 seconds East, 22.32 feet; thence South 01 degree 22 minutes 31 seconds East, 665.86 feet; thence South 41 degrees 48 minutes 21 seconds East, 48.17 feet; thence North 87 degrees 19 minutes 46 seconds East, 403.44 feet; thence South 87 degrees 38 minutes 04 seconds East, 221.24 feet to the southeast corner of said Lot 3; thence South 88 degrees 11 minutes 32 seconds West along the south line of said Lot 3, a distance of 650.08 feet to the southwest line of said Lot 3; thence North 43 degrees 00 minutes 02 seconds West along said southwest line, 42.08 feet to the Point of Beginning.

Said parcel containing 0.540 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0008TE-A

Stations: 117+35.00 135th Street (Romeo Road) to 759+11.99 Weber Road

P.I.N.: 12-02-32-303-044

That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-66945, in Will County, Illinois, described as follows:

Commencing at the most westerly southwest corner of said Lot 3; thence North 01 degree 20 minutes 45 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the west line of said Lot 3, a distance of 681.31 feet; thence North 88 degrees 39 minutes 15 seconds East, 22.32 feet for a Point of Beginning; thence South 01 degree 22 minutes 31 seconds East, 665.86 feet; thence South 41 degrees 48 minutes 21 seconds East, 48.17 feet; thence North 87 degrees 19 minutes 46 seconds East, 90.86 feet; thence North 02 degrees 37 minutes 17 seconds West, 5.27 feet; thence South 87 degrees 22 minutes 43 seconds West, 85.04 feet; thence North 25 degrees 38 minutes 04 seconds West, 65.56 feet; thence North 01 degree 25 minutes 26 seconds West, 637.28 feet; thence South 88 degrees 39 minutes 15 seconds West, 9.46 feet to the Point of Beginning.

Said parcel containing 0.176 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0008TE-B

Stations: 119+15.00 to 119+70.00

P.I.N.: 12-02-32-303-043

That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-66945, in Will County, Illinois, described as follows:

Commencing at the most westerly southwest corner of said Lot 3; thence North 01 degree 20 minutes 45 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the west line of said Lot 3, a distance of 681.31 feet; thence North 88 degrees 39 minutes 15 seconds East, 22.32 feet; thence South 01 degree 22 minutes 31 seconds East, 665.86 feet; thence South 41 degrees 48 minutes 21 seconds East, 48.17 feet; thence North 87 degrees 19 minutes 46 seconds East, 270.86 feet to the Point of Beginning; thence continuing North 87 degrees 19 minutes 46 seconds East, 55.00 feet; thence North 02 degrees 37 minutes 17 seconds West, 30.07 feet; thence South 87 degrees 22 minutes 43 seconds West, 55.00 feet; thence South 02 degrees 37 minutes 17 seconds East, 30.11 feet to the Point of Beginning.

Said parcel containing 0.038 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0008TE-C

Stations: 120+74.58 to 122+32.56

P.I.N.: 12-02-32-303-043

That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-66945, in Will County, Illinois, described as follows:

Commencing at the most westerly southwest corner of said Lot 3; thence North 01 degree 20 minutes 45 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the west line of said Lot 3, a distance of 681.31 feet; thence North 88 degrees 39 minutes 15 seconds East, 22.32 feet; thence South 01 degree 22 minutes 31 seconds East, 665.86 feet; thence South 41 degrees 48 minutes 21 seconds East, 48.17 feet; thence North 87 degrees 19 minutes 46 seconds East, 403.44 feet; thence South 87 degrees 38 minutes 04 seconds East, 27.96 feet to the Point of Beginning; thence continuing South 87 degrees 38 minutes 04 seconds East, 158.40 feet; thence North 01 degree 41 minutes 12 seconds West, 23.18 feet; thence South 88 degrees 18 minutes 48 seconds West, 158.00 feet; thence South 01 degree 41 minutes 12 seconds East, 11.99 feet to the Point of Beginning.

Said parcel containing 0.064 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0009

Stations: 759+11.99 to 760+98.69

P.I.N.: 12-02-32-303-033; 12-02-32-303-034

That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:

Commencing at the most westerly northwest corner of said Lot 3; thence South 01 degree 20 minutes 45 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the west line of said Lot 3, a distance of 355.79 feet to the Point of Beginning; thence North 88 degrees 39 minutes 15 seconds East, 22.22 feet; thence South 01 degree 22 minutes 31 seconds East, 186.69 feet; thence South 88 degrees 39 minutes 15 seconds West, 22.32 feet to said west line of Lot 3; thence North 01 degree 20 minutes 45 seconds West along said west line, 186.69 feet to the Point of Beginning.

Said parcel containing 0.095 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0009TE

Stations: 759+11.99 to 760+98.68

P.I.N.: 12-02-32-303-033; 12-02-32-303-034

That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:

Commencing at the most westerly northwest corner of said Lot 3; thence South 01 degree 20 minutes 45 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the west line of said Lot 3, a distance of 355.79 feet; thence North 88 degrees 39 minutes 15 seconds East, 22.22 feet to the Point of Beginning; thence South 01 degree 22 minutes 31 seconds East, 186.69 feet; thence North 88 degrees 39 minutes 15 seconds East, 9.46 feet; thence North 01 degree 25 minutes 26 seconds West, 186.69 feet; thence South 88 degrees 39 minutes 15 seconds West, 9.30 feet to the Point of Beginning.

Said parcel containing 0.040 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0010

Stations: 760+98.68 to 764+84.25

P.I.N.: 12-02-32-303-045

That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:

Beginning at the most westerly northwest corner of said Lot 3; thence South 01 degree 20 minutes 45 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the west line of said Lot 3, a distance of

355.79 feet; thence North 88 degrees 39 minutes 15 seconds East, 22.22 feet; thence North 00 degrees 47 minutes 07 seconds West, 194.09 feet; thence North 01 degree 29 minutes 25 seconds West, 132.12 feet to a tangential curve concave southeasterly having a radius of 40.42 feet; thence northeasterly 52.92 feet along said curve through a central angle of 75 degrees 01 minutes 08 seconds, the chord of said curve bears North 36 degrees 01 minute 10 seconds East, 49.22 feet; thence North 73 degrees 32 minutes 10 seconds East tangent to said curve, 44.85 feet; thence North 01 degree 50 minutes 45 seconds West, 9.56 feet to the north line of said Lot 3; thence South 88 degrees 11 minutes 32 seconds West along said north line, 66.88 feet to the northwest line of said Lot 3; thence South 43 degrees 25 minutes 24 seconds West along said northwest line, 42.60 feet to the Point of Beginning.

Said parcel containing 0.235 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0010PE

Stations: 236+24.79 to 239+12.35

P.I.N.: 12-02-32-303-045

That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:

Beginning at the northwest corner of Lot 1 in Dalrymple Subdivision of part of Lot 3 in said Fairfield Meadows, recorded October 25, 2006 as document R2006-178269; thence South 01 degree 20 minutes 45 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the west line of said Lot 1, a distance of 18.54 feet; thence South 88 degrees 11 minutes 19 seconds West, 287.41 feet; thence North 73 degrees 32 minutes 10 seconds East, 35.59 feet; thence North 01 degree 50 minutes 45 seconds West, 9.56 feet to the north line of said Lot 3; thence North 88 degrees 11 minutes 32 seconds East along said north line, 253.13 feet to the to the Point of Beginning.

Said parcel containing 0.111 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0010TE

Stations: 760+98.68 to 764+47.55

P.I.N.: 12-02-32-303-045

That part of Lot 3 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:

Commencing at the most westerly northwest corner of said Lot 3; thence South 01 degree 20 minutes 45 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the west line of said Lot 3, a distance of 355.79 feet; thence North 88 degrees 39 minutes 15 seconds East, 22.22 feet to the Point of Beginning; thence North 00 degrees 47 minutes 07 seconds West, 194.09 feet; thence North 01 degree 29 minutes 25 seconds West, 132.12 feet to a tangential curve concave southeasterly having a radius of 40.42 feet; thence northeasterly 24.71 feet along said curve through a central angle of 35 degrees 01 minute 18 seconds, the chord of said curve bears North 16 degrees 01 minute 06 seconds East, 24.32 feet; thence South 01 degree 25 minutes 26 seconds East, 349.41 feet; thence South 88 degrees 39 minutes 15 seconds West, 9.30 feet to the Point of Beginning.

Said parcel containing 0.061 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0011

Stations: 765+54.17 to 767+74.16

P.I.N.: 12-02-32-301-002

That part of Lot 4 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:

Beginning at the northwest corner of said Lot 4; thence North 88 degrees 11 minutes 32 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the north line of said Lot 4, a distance of 13.79 feet; thence South 07 degrees 38 minutes 34 seconds East, 183.23 feet; thence South 51 degrees 56 minutes 39 seconds East, 42.56 feet; thence South 01 degree 50 minutes 45 seconds East, 10.43 feet to the south line of said Lot 4; thence South 88 degrees 11 minutes 32 seconds West along said south line, 41.87 feet to the southwest line of said Lot 4; thence North 46 degrees 34 minutes 36 seconds West along said southwest line, 35.21 feet to the west line of said Lot 4; thence North 01 degree 20 minutes 45 seconds West along said west line, 195.01 feet to the Point of Beginning.Said parcel containing 0.140 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0011PE

Stations: 236+16.59 to 238+53.09

P.I.N.: 12-02-32-301-002

That part of Lot 4 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:

Beginning at the most southerly southeast corner of said Lot 4; thence North 01 degree 20 minutes 45 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the west line of the east 10.00 feet of said Lot 4, being the west line of an easement for roadway granted by said Fairfield Meadows, a distance of 21.45 feet; thence South 88 degrees 11 minutes 19 seconds West, 236.50 feet; thence South 51 degrees 56 minutes 39 seconds East, 17.17 feet; thence South 01 degree 50 minutes 45 seconds East, 10.43 feet to the south line of said Lot 4; thence North 88 degrees 11 minutes 32 seconds East along said south line, 223.14 feet to the Point of Beginning.

Said parcel containing 0.112 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0011TE

Stations: 765+90.93 to 767+74.18

P.I.N.: 12-02-32-301-002

That part of Lot 4 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:

Commencing at the northwest corner of said Lot 4; thence North 88 degrees 11 minutes 32 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the north line of said Lot 4, a distance of 13.79 feet to the Point of Beginning; thence South 07 degrees 38 minutes 34 seconds East, 183.23 feet; thence South 51 degrees 56 minutes 39 seconds East, 1.51 feet; thence North 01 degree 44 minutes 31 seconds West, 183.25 feet to the north line of said Lot 4; thence South 88 degrees 11 minutes 32 seconds West along said north line, 20.00 feet to the Point of Beginning.

Said parcel containing 0.044 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0012

Stations: 767+74.15 to 778+04.87

P.I.N.: 12-02-32-301-001

That part of Lot 1 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:

Beginning at the southwest corner of said Lot 1; thence North 88 degrees 11 minutes 32 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the south line of said Lot 1, a distance of 13.79 feet; thence North 01 degree 44 minutes 31 seconds West, 304.00 feet; thence North 00 degrees 46 minutes 59 seconds West, 725.54 feet to the north line of said Lot 1; thence South 88 degrees 23 minutes 52 seconds West along said north line, 18.81 feet to the west line of said Lot 1; thence South 01 degree 20 minutes 45 seconds East along said west line, 1029.52 feet to the Point of Beginning.

Said parcel containing 0.343 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0012TE

Stations: 767+74.16 to 778+06.15

P.I.N.: 12-02-32-301-001

That part of Lot 1 in Fairfield Meadows, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded June 11, 1998 as document R98-066945, in Will County, Illinois, described as follows:

Commencing at the southwest corner of said Lot 1; thence North 88 degrees 11 minutes 32 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the south line of said Lot 1, a distance of 13.79 feet for a Point of Beginning; thence North 01 degree 44 minutes 31 seconds West, 304.00 feet; thence North 00 degrees 46 minutes 59 seconds West, 725.54 feet to the north line of said Lot 1; thence North 88 degrees 23 minutes 52 seconds East along said north line, 90.01 feet; thence South 00 degrees 46 minutes 59 seconds East, 71.15 feet; thence South 89 degrees 13 minutes 01 second West, 65.00 feet; thence South 00 degrees 46 minutes 59 seconds East, 535.00 feet; thence South 89 degrees 13 minutes 01 second West, 5.00 feet; thence South 00 degrees 46 minutes 59 seconds East, 120.50 feet; thence South 01 degree 44 minutes 31 seconds East, 26.50 feet; thence South 87 degrees 55 minutes 05 seconds East, 24.02 feet; thence South 01 degree 52 minutes 13 seconds West, 10.00 feet; thence North 87 degrees 55 minutes 05 seconds West, 23.39 feet; thence South 01 degree 44 minutes 31 seconds East, 217.16 feet; thence North 70 degrees 47 minutes 46 seconds East, 34.85 feet; thence South 19 degrees 12 minutes 14 seconds East, 10.00 feet; thence South 70 degrees 47 minutes 46 seconds West, 37.99 feet; thence South 01 degree 44 minutes 31 seconds East, 39.64 feet to said south line of Lot 1; thence South 88 degrees 11 minutes 32 seconds West along said south line, 20.00 feet to the Point of Beginning.

Said parcel containing 0.661 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1KR0013

Stations: 778+04.69 to 781+06.97

P.I.N.: 12-02-32-102-009

Lot 8 in Weber and Normantown 2nd Resubdivision, being a resubdivision of Lot 1 in Weber and

Normantown subdivision, and of revised Lot 2 in the resubdivision of Lots 2 and 3 Weber and Normantown Subdivision, all in part of the Southwest Quarter of Section 29 and part of the Northwest Quarter of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the Plat thereof recorded June 18, 1999 as document number R99-76929, in Will County, Illinois.

Said parcel containing 1.102 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0014A

Stations: 781+05.04 to 784+50.00

P.I.N.: 12-02-32-102-020

That part of Lot 7 in Normantown Center, being a subdivision of part of the Southwest Quarter of Section 29 and the Northwest Quarter of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the Final Plat of Subdivision recorded May 13, 2003 as document R2003-110091, in Will County, Illinois described as follows:

Commencing at the most westerly southwest corner of said Lot 7; thence North 88 degrees 23 minutes 52 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along a south line of said Lot 7, a distance of 25.00 feet to the east line of property dedicated by document R2003-052589, recorded March 7, 2003 for a Point of Beginning; thence continuing North 88 degrees 23 minutes 52 seconds East along said south line, 19.78 feet; thence North 00 degrees 46 minutes 59 seconds West, 344.67 feet; thence South 89 degrees 13 minutes 01 second West, 23.19 feet to said east line of property dedicated by document R2003-052589; thence South 01 degree 20 minutes 59 seconds East along said east line, 344.97 feet to the Point of Beginning.

Said parcel containing 0.170 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0014B

Stations: 786+00.00 to 792+42.41

P.I.N.: 12-02-32-102-020

That part of Lot 7 in Normantown Center, being a subdivision of part of the Southwest Quarter of Section 29 and the Northwest Quarter of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the Final Plat of Subdivision recorded May 13, 2003 as document R2003-110091, in Will County, Illinois described as follows:

Commencing at the most westerly northwest corner of said Lot 7; thence North 89 degrees 34 minutes 43 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along a north line of said Lot 7, a distance of 22.24 feet to the east line of property dedicated by document R2003-052589, recorded March 7, 2003 for a Point of Beginning; thence continuing North 89 degrees 34 minutes 43 seconds East along said north line, 11.76 feet; thence South 01 degree 20 minutes 59 seconds East, 443.14 feet; thence South 01 degree 59 minutes 12 seconds West, 200.23 feet to said east line of property dedicated by document R2003-052589; thence North 01 degree 20 minutes 59 seconds West along said east line, 643.22 feet to the Point of Beginning.

Said parcel containing 0.146 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0018A

Stations: 762+54.51 to 764+29.17

P.I.N.: 12-02-31-480-004

That part of Parcel 34 in Carillon Phase 1A, being a subdivision of part of the South Half of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded July 20, 1989 as document R89-35486, and the Certificate of Correction recorded August 18, 1989 as document R89-41377 and the Certificate of Correction recorded March 28, 1990 as document R90-15896, in Will County, Illinois, described as follows:

Beginning at the most easterly northeast corner of Parcel 34; thence North 51 degrees 26 minutes 52 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the northeast line of said Parcel 34, a distance of 37.57 feet; thence South 01 degree 44 minutes 31 seconds East, 136.36 feet; thence South 01 degree 22 minutes 31 seconds East, 7.98 feet to the northeast line of Lot 7 in Carillon Court Resubdivision, recorded March 7, 2002 as document R2002-039716; thence South 44 degrees 28 minutes 14 seconds East along said southeast line, 40.78 to the east line of said Parcel 34; thence North 01 degree 20 minutes 45 seconds West along said east line, 150.00 feet to the Point of Beginning.

Said parcel containing 0.095 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0018B

Stations: 766+03.52 to 767+71.86

P.I.N.: 12-02-31-411-077

That part of the South Half of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, lying north of North Carillon Drive in Carillon Phase 1A, being a subdivision of part of the South Half of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded July 20, 1989 as document R89-35486, and the Certificate of Correction recorded August 18, 1989 as document R89-41377 and the

Certificate of Correction recorded March 28, 1990 as document R90-15896, and lying south of Carillon Parcel 35 Subdivision recorded July 7, 1999 as document R99-084509, in Will County, Illinois, described as follows:

Beginning at the intersection of the most northerly line of said North Carillon Drive and the west line of Weber Road; thence North 01 degree 20 minutes 45 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along said west line of Weber Road, 133.26 feet to the northeasterly extension of the southeast line of Lot G in said Carillon Parcel 35 Subdivision; thence South 41 degrees 38 minutes 50 seconds West along said line, 67.24 feet; thence South 01 degree 44 minutes 31 seconds East, 119.47 to said northerly line of North Carillon Drive; thence North 50 degrees 29 minutes 01 second East along said northerly line, 57.27 feet to the Point of Beginning.

Said parcel containing 0.132 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0018TE

Stations: 227+00.00 to 234+53.59

P.I.N.: 12-02-31-411-001

That part of North Carillon Drive in Carillon Phase 1A, being a subdivision of part of the South Half of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded July 20, 1989 as document R89-35486, and the Certificate of Correction recorded August 18, 1989 as document R89-41377 and the Certificate of Correction recorded March 28, 1990 as document R90-15896, in Will County, Illinois, described as follows:

Beginning at the most easterly northeast corner of Parcel 34, being also the intersection of the southerly line of North Carillon Drive and the west line of Weber Road; thence North 51 degrees 26 minutes 52 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the northeast line of said Parcel 34 and the southerly line of said North Carillon Drive, 37.57 feet; thence South 01 degree 44 minutes 31 seconds East, 136.36 feet; thence South 01 degree 22 minutes 31 seconds East, 7.98 feet to the northeast line of Lot 7 in Carillon Court Subdivision, recorded March 7, 2002 as document R2002-039716; thence North 44 degrees 28 minutes 14 seconds West along said northeast line, 8.78 feet; thence North 01 degree 31 minutes 33 seconds West, 133.72 feet; thence North 43 degrees 53 minutes 25 seconds West, 13.22 feet; thence South 88 degrees 24 minutes 19 seconds West, 116.98 feet; thence North 01 degree 37 minutes 39 seconds West, 15.00 feet; thence South 88 degrees 22 minutes 21 seconds West, 108.19 feet; thence North 02 degrees 09 minutes 59 seconds West, 13.75 feet to the north line of said Parcel 34 and south line of said North Carillon Drive being a 1982.12 foot radius curve concave southerly; thence westerly 57.02 feet along said line through a central angle of 01 degree 38 minutes 54 seconds, the chord of said curve bears South 86 degrees 41 minutes 06 seconds West, 57.02 feet; thence North 03 degrees 18 minutes 44 seconds West, 16.31 feet to a 1610.00 foot radius curve concave southerly; thence westerly 316.62 feet along said curve through a central angle of 11 degrees 16 minutes 03 seconds, the chord of said curve bears South 80 degrees 17 minutes 51 seconds West, 316.11 feet; thence North 15 degrees 20 minutes 11 seconds West, 5.00 feet; thence South 74 degrees 34 minutes 12 seconds West, 99.94 feet; thence North 15 degrees 25 minutes 52 seconds West, 85.82 feet; thence North 74 degrees 26 minutes 37 seconds East, 18.37 feet to a 2082.12 foot radius curve concave southerly; thence easterly 416.35 feet along said curve through a central angle of 11 degrees 27 minutes 26 seconds, the chord of said curve bears North 80 degrees 10 minutes 20 seconds East, 415.66 feet; thence North 03 degrees 18 minutes 44 seconds West, 40.00 feet to the south line of Lot F in Carillon Parcel 35 Subdivision, recorded July 7, 1999 as document R99-084509; thence North 88 degrees 28 minutes 14 seconds East along the south line of Lots F and G in said Carillon Parcel 35 Subdivision and the easterly extension thereof, 104.43 feet; thence North 74 degrees 29 minutes 14 seconds East, 88.97 feet; thence South 01 degree 44 minutes 31 seconds East, 21.48 feet to the northerly line of said North Carillon Drive; thence North 50 degrees 29 minutes 01 second East along said northerly line, 57.28 feet to the west line of Weber Road per said Carillon Phase 1A; thence South 01 degree 20 minutes 45 seconds East along said west line, 233.74 feet to the Point of Beginning.

Said parcel containing 2.102 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0019

Stations: 767+23.00 to 783+40.98

P.I.N.: 12-02-31-201-001; 12-02-31-201-002; 12-02-31-410-012; 12-02-31-410-015; 12-02-31-410-022; 12-02-31-410-029; 12-02-31-410-039; 12-02-31-410-053; 12-02-31-410-060; 12-02-31-410-081

That part of Lots G, H, I, L, M, N, Q, R, X and Y in Carillon Parcel 35, being a subdivision of part of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded July 7, 1999 as document R99-084509, Will County, Illinois described as follows:

Beginning at the most easterly southeast corner of said Lot G; thence North 01 degree 20 minutes 45 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the east line of Carillon Parcel 35 Subdivision, a distance of 1042.53 feet to a 17,307.74 foot radius curve concave easterly; thence northerly

538.34 feet along said east line and curve through a central angle of 01 degree 46 minutes 56 seconds, the chord of said curve bears North 00 degrees 27 minutes 17 seconds West, 538.32 feet to the northerly line of said Carillon Parcel 35; thence South 67 degrees 54 minutes 02 seconds West along said northerly line, 20.71 feet; thence South 00 degrees 46 minutes 59 seconds East, 233.44 feet; thence South 07 degrees 44 minutes 52 seconds West, 101.12 feet; thence South 06 degrees 32 minutes 19 seconds East, 199.43 feet to the south line of the northeast Quarter of said Section 31; thence South 00 degrees 46 minutes 59 seconds East, 401.57 feet; thence South 02 degrees 55 minutes 37 seconds West, 250.53 feet; thence South 01 degree 44 minutes 33 seconds East, 351.60 feet; thence South 88 degrees 15 minutes 29 seconds West, 5.00 feet; thence South 01 degree 44 minutes 31 seconds East, 77.01 feet to the southeasterly line of said Carillon Parcel 35 Subdivision; thence North 41 degrees 38 minutes 50 seconds East along said southeasterly line, 52.58 feet to the Point of Beginning.

Said parcel containing 0.814 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0020

Stations: 783+33.45 to 785+80.30

P.I.N.: 12-02-31-200-015

That part of Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, Will County, Illinois described as follows:

Beginning at the northeast corner of parcel conveyed by document R94-26594, recorded March 9, 1994, being also the intersection of the west line of Weber Road per document R80-33643 and the easterly extension of the northerly line of Lot Y in Carillon Parcel 35 Subdivision, recorded July 7, 1999 as document R1999-084509; thence South 67 degrees 54 minutes 02 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone along said easterly extension and northerly line, 31.53 feet; thence North 00 degrees 46 minutes 59 seconds West, 238.69 feet to the southerly line of Lot 5 in Windham Lakes Southwest, recorded July 6, 2006 as document R2006-109671; thence North 75 degrees 14 minutes 45 seconds East along said southerly line and the easterly extension thereof, 33.83 feet to said west line of Weber Road, being a 17158.54 foot radius curve concave easterly; thence southerly 235.42 feet along said curve through a central angle of 00 degrees 47 minutes 10 seconds, the chord of said curve bears South 00 degrees 03 minutes 25 seconds West, 235.42 feet to the Point of Beginning.

Said parcel containing 0.170 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0021

Stations: 785+72.14 to 790+76.00

P.I.N.: 12-02-31-202-003

That part of Lot 5 in Windham Lakes Southwest, being a subdivision in Section 31, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded July 6, 2006 as document R2006-109671, in Will County, Illinois described as follows:

Beginning at the most easterly northeast corner of said Lot 5; thence North 51 degrees 42 minutes 07 seconds West on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the northeasterly line of said Lot 5, a distance of 18.38 feet; thence South 05 degrees 16 minutes 18 seconds West, 76.52 feet; thence South 01 degree 24 minutes 47 seconds East, 145.65 feet; thence South 00 degrees 46 minutes 59 seconds East, 53.25 feet; thence South 05 degrees 04 minutes 20 seconds East, 200.56 feet; thence South 00 degrees 46 minutes 59 seconds East, 27.87 feet to the southerly line of said Lot 5; thence North 75 degrees 14 minutes 45 seconds East along said southerly line, 8.01 feet to the east line of said Lot 5, being a 17,133.54 foot radius curve concave easterly; thence northerly 309.59 feet along said curve through a central angle of 01 degree 02 minutes 07 seconds, the chord of said curve bears North 00 degrees 49 minutes 56 seconds West, 309.58 feet; thence North 01 degree 20 minutes 59 seconds West tangent to said curve along said east line, 179.76 feet to the Point of Beginning.

Said parcel containing 0.212 acres, more or less.

Route: I-55

Limits: at Weber Road

County: Will

Job No.: R-91-015-15

Parcel: 1LQ0065PE

Stations: 239+12.20 to 239+65.00

P.I.N.: 12-02-32-303-041

That part of Lot 1 in Dalrymple Resubdivision, being a subdivision in the West Half of Section 32, Township 37 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded October 25, 2006 as document R2006-178269, in Will County, Illinois, described as follows:

Beginning at the northwest corner of said Lot 1; thence South 01 degree 20 minutes 45 seconds East on a bearing based on the Illinois State Plane Coordinate System, NAD "83 (2011), East Zone, along the west line of said Lot 1, a distance of 18.54 feet; thence North 88 degrees 11 minutes 19 seconds East, 22.80 feet; thence North 61 degrees 37 minutes 24 seconds East, 11.18 feet; thence North 88 degrees 11 minutes 19 seconds East, 20.00 feet; thence North 01 degree 48 minutes 41 seconds West, 13.54 feet to the north line of said Lot 1; thence South 88 degrees 11 minutes 32 seconds West along said north line, 52.65 feet to the to the Point of Beginning.

Said parcel containing 0.020 acres, more or less.

HISTORY:
2016 P.A. 99-594, § 5, effective July 22, 2016.

735 ILCS 30/25-5-70 (As added by P.A. 100-446) Quick-take; McHenry County; Randall Road. [Renumbered]

HISTORY:
2017 P.A. 100-446, § 5, effective August 25, 2017; renumbered to § 735 ILCS 30/25-5-72 by 2018 P.A. 100-863, § 595, effective August 14, 2018.

735 ILCS 30/25-5-72 Quick-take; McHenry County; Randall Road.

Quick-take proceedings under Article 20 [735 ILCS 30/20-5-5 et seq.] may be used for a period of no more than one year after August 25, 2017 (the effective date of Public Act 100-446) by McHenry County for the acquisition of the following described property for the purpose of construction on Randall Road:

RANDALL ROAD, McHENRY COUNTY, ILLINOIS

LEGAL DESCRIPTIONS

That part of Lot 3, except the West 10.0 feet thereof conveyed to McHenry County, Illinois, by quit claim deed recorded July 30, 2008 as document number 2008R0041806, in Rosen Rosen Rosen Subdivision, being a subdivision of part of the Northwest Quarter of Section 32, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded July 26, 2001 as document number 2001R0052702, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southwest corner of said Lot 3; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 87 degrees 20 minutes 06 seconds East along the south line of said Lot 3, a distance of 10.00 feet to the east right of way line of Randall Road recorded July 30, 2008 as document number 2008R0041806 and the point of beginning; thence North 2 degrees 40 minutes 02 seconds East along the said east right of way line of Randall Road, a distance of 227.85 feet to the northerly line of said Lot 3; thence North 81 degrees 39 minutes 50 seconds East along the northerly line of said Lot 3, a distance of 3.52 feet; thence South 2 degrees 47 minutes 42 seconds West, a distance of 228.52 feet to the south line of said Lot 3; thence North 87 degrees 20 minutes 06 seconds West along the south line of said Lot 3, a distance of 2.94 feet to the point of beginning.

Said parcel containing 0.017 acre, more or less.

That part of Lot 3, except the West 10.0 feet thereof conveyed to McHenry County, Illinois, by quit claim deed recorded July 30, 2008 as document number 2008R0041806, in Rosen Rosen Rosen Subdivision, being a subdivision of part of the Northwest Quarter of Section 32, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded July 26, 2001 as document number 2001R0052702, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southwest corner of said Lot 3; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 87 degrees 20 minutes 06 seconds East along the south line of said Lot 3, a distance of 10.00 feet to the east right of way line of Randall Road recorded July 30, 2008 as document number 2008R0041806; thence North 2 degrees 40 minutes 02 seconds East along the said east right of way line of Randall Road, a distance of 227.85 feet to the northerly line of said Lot 3; thence North 81 degrees 39 minutes 50 seconds East along the northerly line of said Lot 3, a distance of 3.52 feet to the point of beginning; thence South 2 degrees 47 minutes 42 seconds West, a distance of 228.52 feet to the south line of said Lot 3; thence South 87 degrees 20 minutes 06 seconds East along the south line of said Lot 3, a distance of 8.00 feet; thence North 2 degrees 47 minutes 42 seconds East, a distance of 230.08 feet to the northerly line of said Lot 3; thence South 81 degrees 39 minutes 50 seconds West along the northerly line of said Lot 3, a distance of 8.15 feet to the point of beginning.

Said temporary easement containing 0.043 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 3 in Rubloff Oakridge Resubdivision, being a resubdivision of Lots 4, 5 and "A" in Olsen's Second Resubdivision in the Northeast Quarter of Section 31, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Rubloff Oakridge Resubdivision recorded November 1, 2002 as document number 2002R0100964, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northeast corner of said Lot 3; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 2 degrees 40 minutes 02 seconds West along the east line of said Lot 3, a distance of 22.73 feet to an angle point on said east line of Lot 3; thence South 5 degrees 31 minutes 46 seconds West along the east line of said Lot 3, a distance of 100.12 feet to an angle point on said east line of Lot 3; thence South 2 degrees 40 minutes 02 seconds West along the east line of said Lot 3, a distance of 288.24 feet to the southeast corner of Lot 3; thence North 89 degrees 27 minutes 18 seconds West along the south line of said Lot 3, a distance of 5.81 feet; thence North 2 degrees 47 minutes 42 seconds East, a distance of 170.94 feet; thence North 87 degrees 12 minutes 18 seconds West, a distance of 22.00 feet; thence North 2 degrees 47 minutes 42 seconds East, a distance of 40.00 feet; thence South 87 degrees 12 minutes 18 seconds East, a distance of 15.00 feet; thence North 2 degrees 47

minutes 42 seconds East, a distance of 200.22 feet to the north line of said Lot 3; thence South 87 degrees 20 minutes 16 seconds East along the north line of said Lot 3, a distance of 16.89 feet to the point of beginning.

Said parcel containing 0.111 acre, more or less.

That part of Lot 3 in Rubloff Oakridge Resubdivision, being a resubdivision of Lots 4, 5 and "A" in Olsen's Second Resubdivision in the Northeast Quarter of Section 31, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Rubloff Oakridge Resubdivision recorded November 1, 2002 as document number 2002R0100964, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northeast corner of said Lot 3; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 2 degrees 40 minutes 02 seconds West along the east line of said Lot 3, a distance of 22.73 feet to an angle point on said east line of Lot 3; thence South 5 degrees 31 minutes 46 seconds West along the east line of said Lot 3, a distance of 100.12 feet to an angle point on said east line of Lot 3; thence South 2 degrees 40 minutes 02 seconds West along the east line of said Lot 3, a distance of 288.24 feet to the southeast corner of Lot 3; thence North 89 degrees 27 minutes 18 seconds West along the south line of said Lot 3, a distance of 5.81 feet; thence North 2 degrees 47 minutes 42 seconds East, a distance of 170.94 feet; thence North 87 degrees 12 minutes 18 seconds West, a distance of 22.00 feet; thence North 2 degrees 47 minutes 42 seconds East, a distance of 40.00 feet to the point of beginning; thence South 87 degrees 12 minutes 18 seconds East, a distance of 15.00 feet; thence North 2 degrees 47 minutes 42 seconds East, a distance of 200.22 feet to the north line of said Lot 3; thence North 87 degrees 20 minutes 16 seconds West along the north line of said Lot 3, a distance of 15.00 feet; thence South 2 degrees 47 minutes 42 seconds West, a distance of 200.18 feet to the point of beginning.

Said temporary easement containing 0.069 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 1 in Olsen's Subdivision, being a subdivision of part of the East Half of the Northeast Quarter of Section 31, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded August 17, 1995 as document number 95R033749 and that part of Lot 3 in Olsen's Second Resubdivision, being a resubdivision of Lot 3 in Olsen's Subdivision recorded August 17, 1995 as document number 95R033749 and Lot 4 in Olsen's First Resubdivision of Lot 2 and part of Lot 3 in Olsen's Subdivision recorded August 14, 1996 as document number 96R042075 of part of the East Half of the Northeast Quarter of Section 31, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Olsen's Second Resubdivision recorded November 5, 1999 as document number 1999R0076925, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southeast corner of said Lot 3; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 87 degrees 20 minutes 16 seconds West along a south line of said Lot 3, a distance of 16.89 feet; thence North 2 degrees 47 minutes 42 seconds East, a distance of 154.86 feet to a point of curvature; thence northerly 437.88 feet along a curve to the left having a radius of 17159.52 feet, the chord of said curve bears North 2 degrees 03 minutes 51 seconds East, 437.87 feet; thence North 88 degrees 40 minutes 01 second West along a radial line, a distance of 15.00 feet; thence northerly 412.44 feet along a curve to the left having a radius of 17144.52 feet, the chord of said curve bears North 0 degrees 38 minutes 38 seconds East, 412.43 feet; thence North 45 degrees 12 minutes 48 seconds West, a distance of 21.16 feet; thence South 89 degrees 38 minutes 36 seconds West, a distance of 332.84 feet; thence North 83 degrees 51 minutes 10 seconds West, a distance of 197.73 feet to the west line of said Lot 1; thence North 1 degree 52 minutes 34 seconds East along the west line of said Lot 1, a distance of 12.43 feet to the northwest corner of Lot 1; thence North 89 degrees 21 minutes 14 seconds East along the north line of said Lot 1, a distance of 551.12 feet to the northeasterly line of Lot 1; thence South 45 degrees 19 minutes 13 seconds East along the northeasterly line of said Lot 1, a distance of 35.15 feet to east line of Lot 1; thence South 0 degrees 00 minutes 21 seconds West along the east line of said Lot 1, a distance of 430.58 feet (430.63 feet, recorded) to an angle point on the east line of Lot 1; thence South 2 degrees 40 minutes 02 seconds West along the east line of said Lot 1 and along the east line of said Lot 3, a distance of 603.78 feet to the point of beginning.

Said parcel containing 0.993 acre, more or less.

That part of Lot 1 in Olsen's Subdivision, being a subdivision of part of the East Half of the Northeast Quarter of Section 31, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded August 17, 1995 as document number 95R033749 and that part of Lot 3 in Olsen's Second Resubdivision, being a resubdivision of Lot 3 in Olsen's Subdivision recorded August 17, 1995 as document number 95R033749 and Lot 4 in Olsen's First Resubdivision of Lot 2 and part of Lot 3 in Olsen's Subdivision recorded August 14, 1996 as document number 96R042075 of part of the East Half of the Northeast Quarter of Section 31, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Olsen's Second Resubdivision recorded November 5, 1999 as document number 1999R0076925, in McHenry County,

Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of said Lot 3; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 87 degrees 20 minutes 16 seconds West along a south line of said Lot 3, a distance of 16.89 feet to the point of beginning; thence North 2 degrees 47 minutes 42 seconds East, a distance of 154.86 feet to a point of curvature; thence northerly 437.88 feet along a curve to the left having a radius of 17159.52 feet, the chord of said curve bears North 2 degrees 03 minutes 51 seconds East, 437.87 feet; thence North 88 degrees 40 minutes 01 second West along a radial line, a distance of 15.00 feet; thence southerly 437.50 feet along a curve to the right having a radius of 17144.52 feet, the chord of said curve bears South 2 degrees 03 minutes 51 seconds West, 437.49 feet to a point of tangency; thence South 2 degrees 47 minutes 42 seconds West, a distance of 154.89 feet to a south line of said Lot 3; thence South 87 degrees 20 minutes 16 seconds East along a south line of said Lot 3, a distance of 15.00 to the point of beginning.

Said temporary easement containing 0.204 acre, more or less.

Said temporary easement to be used for construction purposes.

That part of Lot 1 in Olsen's Subdivision, being a subdivision of part of the East Half of the Northeast Quarter of Section 31, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded August 17, 1995 as document number 95R033749, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of Lot 3 in Olsen's Second Resubdivision according to the plat thereof recorded November 5, 1999 as document number 1999R0076925; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 87 degrees 20 minutes 16 seconds West along a south line of Lot 3 in said Olsen's Second Resubdivision, a distance of 16.89 feet; thence North 2 degrees 47 minutes 42 seconds East, a distance of 154.86 feet to a point of curvature; thence northerly 437.88 feet along a curve to the left having a radius of 17159.52 feet, the chord of said curve bears North 2 degrees 03 minutes 51 seconds East, 437.87 feet; thence North 88 degrees 40 minutes 01 second West along a radial line, a distance of 15.00 feet; thence northerly 35.00 feet along a curve to the left having a radius of 17144.52 feet, the chord of said curve bears North 1 degree 16 minutes 28 seconds East, 35.00 feet to the point of beginning; thence northerly 377.44 feet along a curve to the left having a radius of 17144.52 feet, the chord of said curve bears North 0 degrees 35 minutes 07 second East, 377.43 feet; thence North 45 degrees 12 minutes 48 seconds West, a distance of 21.16 feet; thence South 89 degrees 38 minutes 36 seconds West, a distance of 332.84 feet; thence North 83 degrees 51 minutes 10 seconds West, a distance of 197.73 feet to the west line of said Lot 1; thence South 1 degree 52 minutes 34 seconds West along the west line of said Lot 1, a distance of 6.02 feet; thence South 83 degrees 51 minutes 10 second East, a distance of 197.62 feet; thence North 89 degrees 38 minutes 36 seconds East, a distance of 338.15 feet; thence southerly 326.14 feet along a curve to the right having a radius of 17134.52 feet, the chord of said curve bears South 0 degrees 28 minutes 12 seconds West, 326.14 feet; thence North 88 degrees 40 minutes 01 second West, a distance of 30.00 feet; thence southerly 60.00 feet along a curve to the right having a radius of 17104.52 feet, the chord of said curve bears South 1 degree 06 minutes 55 seconds West, 60.00 feet; thence South 88 degrees 40 minutes 01 second East, a distance of 40.00 feet to the point of beginning.

Said temporary easement containing 0.203 acre, more or less.

Said temporary easement to be used for grading and driveway construction purposes.

That part of the Northwest Quarter of Section 32, Township 43 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of the Northwest Quarter of said Section 32; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 47 minutes 34 seconds East along the north line of the Northwest Quarter of said Section 32, a distance of 23.41 feet to a point of intersection with the Northerly extension of the east right of way line of Randall Road recorded May 20, 1971 as document number 543017; thence South 0 degrees 00 minutes 21 seconds West along the Northerly extension of the said east right of way line of Randall Road, a distance of 70.00 feet to the south right of way line of Huntington Drive recorded July 23, 1990 as document number 90R026911; thence South 89 degrees 47 minutes 34 seconds East along the said south right of way line of Huntington Drive, a distance of 99.99 feet to a point of curvature on said south right of way line; thence easterly 114.98 feet (111.67 feet, recorded) along the southerly right of way line of said Huntington Drive on a curve to the left having a radius of 334.98 feet, the chord of said curve bears North 80 degrees 22 minutes 26 seconds East, 114.42 feet to a point of reverse curvature on said southerly right of way line; thence easterly 90.96 feet (88.34 feet, recorded) along the said southerly right of way line of Huntington Drive on a curve to the right having a radius of 264.98 feet, the chord of said curve bears North 80 degrees 22 minutes 26 seconds East, 90.51 feet to a point of tangency on the

said south right of way line of Huntington Drive; thence South 89 degrees 47 minutes 34 seconds East along the said south right of way line of Huntington Drive, a distance of 319.64 feet; thence South 81 degrees 12 minutes 30 seconds West, a distance of 225.11 feet; thence South 8 degrees 47 minutes 30 seconds East, a distance of 5.00 feet; thence South 81 degrees 12 minutes 30 seconds West, a distance of 128.86 feet; thence South 89 degrees 38 minutes 36 seconds West, a distance of 172.42 feet; thence South 64 degrees 03 minutes 37 seconds West, a distance of 69.23 feet; thence southerly 582.56 feet along a curve to the right having a radius of 17334.52 feet, the chord of said curve bears South 0 degrees 56 minutes 37 seconds West, 582.53 feet to the south line of the grantor according to warranty deed recorded March 9, 1910 as document number 15359; thence North 89 degrees 35 minutes 06 seconds West along the south line of the grantor according to said warranty deed, a distance of 77.27 feet to the west line of the Northwest Quarter of said Section 32; thence North 2 degrees 03 minutes 28 seconds East along the west line of the Northwest Quarter of said Section 32, a distance of 710.08 feet (710 feet, recorded) to the point of beginning.

Said parcel containing 1.559 acres, more or less, of which 0.571 acre, more or less, was previously dedicated or used for highway purposes.

That part of the Northwest Quarter of Section 32, Township 43 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of the Northwest Quarter of said Section 32; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 47 minutes 34 seconds East along the north line of the Northwest Quarter of said Section 32, a distance of 23.41 feet to a point of intersection with the Northerly extension of the east right of way line of Randall Road recorded May 20, 1971 as document number 543017; thence South 0 degrees 00 minutes 21 seconds West along the Northerly extension of the said east right of way line of Randall Road, a distance of 70.00 feet to the south right of way line of Huntington Drive recorded July 23, 1990 as document number 90R026911; thence South 89 degrees 47 minutes 34 seconds East along the said south right of way line of Huntington Drive, a distance of 99.99 feet to a point of curvature on said south right of way line; thence easterly 114.98 feet (111.67 feet, recorded) along the southerly right of way line of said Huntington Drive on a curve to the left having a radius of 334.98 feet, the chord of said curve bears North 80 degrees 22 minutes 26 seconds East, 114.42 feet to a point of reverse curvature on said southerly right of way line; thence easterly 90.96 feet (88.34 feet, recorded) along the said southerly right of way line of Huntington Drive on a curve to the right having a radius of 264.98 feet, the chord of said curve bears North 80 degrees 22 minutes 26 seconds East, 90.51 feet to a point of tangency on the said south right of way line of Huntington Drive; thence South 89 degrees 47 minutes 34 seconds East along the said south right of way line of Huntington Drive, a distance of 319.64 feet to the point of beginning; thence South 81 degrees 12 minutes 30 seconds West, a distance of 225.11 feet; thence South 8 degrees 47 minutes 30 seconds East, a distance of 5.00 feet; thence South 81 degrees 12 minutes 30 seconds West, a distance of 128.86 feet; thence South 89 degrees 38 minutes 36 seconds West, a distance of 172.42 feet; thence South 64 degrees 03 minutes 37 seconds West, a distance of 69.23 feet; thence southerly 582.56 feet along a curve to the right having a radius of 17334.52 feet, the chord of said curve bears South 0 degrees 56 minutes 37 seconds West, 582.53 feet to the south line of the grantor according to warranty deed recorded March 9, 1910 as document number 15359; thence South 89 degrees 35 minutes 06 seconds East along the south line of the grantor according to said warranty deed, a distance of 10.00 feet; thence northerly 102.10 feet along a curve to the left having a radius of 17344.52 feet, the chord of said curve bears North 1 degree 44 minutes 12 seconds East, 102.10 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 70.03 feet; thence northerly 295.03 feet along a curve to the left having a radius of 17414.52 feet, the chord of said curve bears North 1 degree 04 minutes 35 seconds East, 295.03 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 50.00 feet; thence northerly 125.49 feet along a curve to the left having a radius of 17464.52 feet, the chord of said curve bears North 0 degrees 23 minutes 01 second East, 125.49 feet; thence North 50 degrees 24 minutes 29 seconds East, a distance of 29.58 feet; thence North 89 degrees 38 minutes 36 seconds East, a distance of 87.71 feet; thence North 81 degrees 12 minutes 30 seconds East, a distance of 164.10 feet; thence North 65 degrees 08 minutes 08 seconds East, a distance of 133.64 feet; thence North 8 degrees 47 minutes 30 seconds West, a distance of 25.00 feet; thence North 81 degrees 12 minutes 30 seconds East, a distance of 112.61 feet; thence North 0 degrees 18 minutes 19 seconds East, a distance of 7.64 feet to the said south right of way line of Huntington Drive; thence North 89 degrees 47 minutes 34 seconds West along the said south right of way line of Huntington Drive, a distance of 47.64 feet to the point of beginning.

Said temporary easement containing 1.849 acres, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 1 in Meijer Store #206 Subdivision, being a resubdivision of part of Lot 6 in Eagle Commercial Center in the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Meijer #206 Subdivision recorded September 25,

2002 as document number 2002R0084811, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 21 minutes 14 seconds West along the south line of said Lot 1, a distance of 281.80 feet (281.83 feet, recorded) to a southwest corner of Lot 1; thence northeasterly 10.29 feet along a northwesterly line of said Lot 1 on a curve to the left having a radius of 49.00 feet, the chord of said curve bears North 30 degrees 40 minutes 11 seconds East, 10.27 feet; thence North 89 degrees 38 minutes 36 seconds East, a distance of 160.24 feet; thence South 0 degrees 21 minutes 24 seconds East, a distance of 5.00 feet; thence North 89 degrees 38 minutes 36 seconds East, a distance of 54.47 feet; thence North 44 degrees 48 minutes 06 seconds East, a distance of 87.77 feet to the east line of said Lot 1; thence South 0 degrees 01 minute 40 seconds West along the east line of said Lot 1, a distance of 64.27 feet to the point of beginning.

Said parcel containing 0.082 acre, more or less.

That part of Lot 1 in Meijer Store #206 Subdivision, being a resubdivision of part of Lot 6 in Eagle Commercial Center in the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Meijer #206 Subdivision recorded September 25, 2002 as document number 2002R0084811, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at a southeast corner of said Lot 1, being also the southwest corner of Lot 5 in said Meijer Store #206 Subdivision; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 21 minutes 14 seconds West along the south line of said Lot 1, a distance of 74.24 feet; thence North 0 degrees 21 minutes 24 seconds West, a distance of 39.98 feet; thence North 89 degrees 24 minutes 27 seconds East, a distance of 63.85 feet to an east line of said Lot 1; thence South 0 degrees 21 minutes 27 seconds East along an east line of said Lot 1, a distance of 9.70 feet to a northeasterly line of Lot 1; thence southeasterly 32.50 feet along a northeasterly line of said Lot 1 on a curve to the left having a radius of 49.00 feet, the chord of said curve bears South 19 degrees 22 minutes 16 seconds East, 31.91 feet to the point of beginning.

Said temporary easement containing 0.061 acre, more or less.

Said temporary easement to be used for construction purposes.

That part of Lot 1 in Meijer Store #206 Subdivision, being a resubdivision of part of Lot 6 in Eagle Commercial Center in the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Meijer #206 Subdivision recorded September 25, 2002 as document number 2002R0084811, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 21 minutes 14 seconds West along the south line of said Lot 1, a distance of 281.80 feet (281.83 feet, recorded) to a southwest corner of Lot 1; thence northeasterly 10.29 feet along a northwesterly line of said Lot 1 on a curve to the left having a radius of 49.00 feet, the chord of said curve bears North 30 degrees 40 minutes 11 seconds East, 10.27 feet to the point of beginning; thence North 89 degrees 38 minutes 36 seconds East, a distance of 78.24 feet; thence North 0 degrees 21 minutes 24 seconds West, a distance of 27.00 feet; thence South 89 degrees 38 minutes 36 seconds West, a distance of 73.61 feet to a west line of said Lot 1; thence South 0 degrees 06 minutes 47 seconds East along a west line of said Lot 1, a distance of 6.50 feet to a northwesterly line of Lot 1; thence southwesterly 21.18 feet along a northwesterly line of said Lot 1 on a curve to the right having a radius of 49.00 feet, the chord of said curve bears South 12 degrees 16 minutes 19 seconds West, 21.01 feet to the point of beginning.

Said temporary easement containing 0.046 acre, more or less.

Said temporary easement to be used for construction purposes.

That part of Lot 1 in Meijer Store #206 Subdivision, being a resubdivision of part of Lot 6 in Eagle Commercial Center in the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Meijer #206 Subdivision recorded September 25, 2002 as document number 2002R0084811, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 21 minutes 14 seconds West along the south line of said Lot 1, a distance of 281.80 feet (281.83 feet, recorded) to a southwest corner of Lot 1; thence northeasterly 10.29 feet along a northwesterly line of said Lot 1 on a curve to the left having a radius of 49.00 feet, the chord of said curve bears North 30 degrees 40 minutes 11 seconds East, 10.27 feet; thence North 89 degrees 38 minutes 36 seconds East, a distance of 160.24 feet; thence South 0 degrees 21 minutes 24 seconds East, a distance of 5.00 feet; thence North 89 degrees 38 minutes 36 seconds East, a distance of 35.00 feet to the point of beginning; thence continuing North 89 degrees 38 minutes 36 seconds East, a

distance of 19.47 feet; thence North 44 degrees 48 minutes 06 seconds East, a distance of 87.77 feet to the east line of said Lot 1; thence North 0 degrees 01 minute 40 seconds East along the east line of said Lot 1, a distance of 391.21 feet to a northeast corner of Lot 1; thence southwesterly 49.51 feet along a northeasterly line of said Lot 1 on a curve to the right having a radius of 98.99 feet, the chord of said curve bears South 62 degrees 09 minutes 20 seconds West, 48.99 feet; thence South 1 degree 09 minutes 06 seconds West, a distance of 56.02 feet; thence North 89 degrees 58 minutes 13 seconds East, a distance of 36.65 feet; thence South 0 degrees 01 minute 47 seconds East, a distance of 312.74 feet; thence South 44 degrees 48 minutes 06 seconds West, a distance of 80.18 feet; thence South 89 degrees 38 minutes 36 seconds West, a distance of 17.40 feet; thence South 0 degrees 21 minutes 24 seconds East, a distance of 5.00 feet to the point of beginning.

Said temporary easement containing 0.132 acre, more or less.

Said temporary easement to be used for construction purposes.

That part of Lot 1 in Meijer Store #206 Subdivision, being a resubdivision of part of Lot 6 in Eagle Commercial Center in the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Meijer #206 Subdivision recorded September 25, 2002 as document number 2002R0084811, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northeast corner of Lot 3 in said Meijer Store #206 Subdivision, being also a southeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 0 degrees 01 minute 40 seconds East along an east line of said Lot 1, a distance of 18.24 feet; thence northerly 47.70 feet along an east line of said Lot 1 on a curve to the left having a radius of 31851.48 feet, the chord of said curve bears North 0 degrees 00 minutes 38 seconds West, 47.70 feet to a northwesterly line of Lot 1; thence southwesterly 73.12 feet (73.16 feet, recorded) along a northwesterly line of said Lot 1 on a curve to the right having a radius of 98.99 feet, the chord of said curve bears South 68 degrees 49 minutes 52 seconds West, 71.47 feet to a north line of Lot 1; thence North 89 degrees 59 minutes 09 seconds West along a north line of said Lot 1, a distance of 1.65 feet; thence South 0 degrees 04 minutes 51 seconds East, a distance of 30.98 feet to a south line of said Lot 1; thence South 89 degrees 58 minutes 47 seconds East along a south line of said Lot 1, a distance of 36.76 feet to a southwesterly line of Lot 1; thence southeasterly 33.23 feet (33.24 feet, recorded) along a southwesterly line of said Lot 1 on a curve to the right having a radius of 59.00 feet, the chord of said curve bears South 73 degrees 49 minutes 27 seconds East, 32.79 feet to the point of beginning.

Said temporary easement containing 0.063 acre, more or less.

Said temporary easement to be used for construction purposes.

That part of Lot 5 in Meijer Store #206 Subdivision, being a resubdivision of part of Lot 6 in Eagle Commercial Center in the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Meijer #206 Subdivision recorded September 25, 2002 as document number 2002R0084811, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southeast corner of said Lot 5; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 21 minutes 14 seconds West along the south line of said Lot 5, a distance of 176.22 feet; thence North 0 degrees 00 minutes 00 seconds East, a distance of 3.32 feet; thence North 85 degrees 39 minutes 34 seconds East, a distance of 91.74 feet; thence North 89 degrees 38 minutes 36 seconds East, a distance of 89.97 feet to the southeasterly line of said Lot 5; thence southwesterly 10.29 feet along the southeasterly line of said Lot 5 on a curve to the right having a radius of 49.00 feet, the chord of said curve bears South 30 degrees 40 minutes 11 seconds West, 10.27 feet to the point of beginning.

Said parcel containing 0.031 acre, more or less.

That part of Lot 5 in Meijer Store #206 Subdivision, being a resubdivision of part of Lot 6 in Eagle Commercial Center in the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Meijer #206 Subdivision recorded September 25, 2002 as document number 2002R0084811, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southwest corner of said Lot 5; thence northwesterly 32.50 feet along the southwesterly line of said Lot 5 on a curve to the right having a radius of 49.00 feet, the chord of said curve bears on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 19 degrees 22 minutes 16 seconds West, 31.91 feet to the west line of Lot 5; thence North 0 degrees 21 minutes 27 seconds West along the west line of said Lot 5, a distance of 9.70 feet; thence North 89 degrees 24 minutes 27 seconds East, a distance of 19.31 feet; thence South 0 degrees 35 minutes 33 seconds East, a distance of 39.90 feet to the south line of said Lot 5; thence South 89 degrees 21 minutes 14 seconds West along the south line of said Lot 5, a distance of 9.08 feet to the point of beginning.

Said temporary easement containing 0.015 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 5 in Meijer Store #206 Subdivision, being a resubdivision of part of Lot 6 in Eagle Commercial Center in the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Meijer #206 Subdivision recorded September 25, 2002 as document number 2002R0084811, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of said Lot 5; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 21 minutes 14 seconds West along the south line of said Lot 5, a distance of 176.22 feet; thence North 0 degrees 00 minutes 00 seconds East, a distance of 3.32 feet; thence North 85 degrees 39 minutes 34 seconds East, a distance of 91.74 feet; thence North 89 degrees 38 minutes 36 seconds East, a distance of 84.21 feet to the point of beginning; thence continuing North 89 degrees 38 minutes 36 seconds East, a distance of 5.76 feet to the southeasterly line of said Lot 5; thence northeasterly 21.18 feet along the southeasterly line of said Lot 5 on a curve to the left having a radius of 49.00 feet, the chord of said curve bears North 12 degrees 16 minutes 19 seconds East, 21.01 feet to the east line of said Lot 5; thence North 0 degrees 06 minutes 47 seconds West along the east line of said Lot 5, a distance of 6.50 feet; thence South 89 degrees 38 minutes 36 seconds West, a distance of 10.39 feet; thence South 0 degrees 21 minutes 24 seconds East, a distance of 27.00 feet to the point of beginning.

Said temporary easement containing 0.006 acre, more or less, or 249 square feet, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 11 in Kaper's Business Center Unit 1, being a subdivision of part of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third

Principal Meridian, according to the plat thereof recorded June 4, 1997 as document number 97R025826, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 11; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 04 minutes 06 seconds East along the west line of said Lot 11, a distance of 118.49 feet to the southwest corner of special warranty deed recorded December 28, 2015 as document number 2015R0047895, being also the northwest corner of the grantor and the point of beginning; thence South 89 degrees 47 minutes 46 seconds East along the north line of the grantor according to said special warranty deed, a distance of 33.20 feet; thence South 0 degrees 01 minute 47 seconds East, a distance of 81.58 feet to the south line of said Lot 11; thence North 89 degrees 48 minutes 02 seconds West along the south line of said Lot 11, a distance of 33.14 feet to the southwest corner of Lot 11; thence North 0 degrees 04 minutes 06 seconds West along the west line of said Lot 11, a distance of 81.58 feet to the point of beginning.

Said parcel containing 0.062 acre, more or less.

That part of Lot 11 in Kaper's Business Center Unit 1, being a subdivision of part of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded June 4, 1997 as document number 97R025826, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 11; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 04 minutes 06 seconds East along the west line of said Lot 11, a distance of 118.49 feet to the southwest corner of special warranty deed recorded December 28, 2015 as document number 2015R0047895, being also the northwest corner of the grantor; thence South 89 degrees 47 minutes 46 seconds East along the north line of the grantor according to said special warranty deed, a distance of 33.20 feet to the point of beginning; thence South 0 degrees 01 minute 47 seconds East, a distance of 81.58 feet to the south line of said Lot 11; thence South 89 degrees 48 minutes 02 seconds East along the south line of said Lot 11, a distance of 10.00 feet; thence North 0 degrees 01 minute 47 seconds West, a distance of 81.58 feet to the north line of the grantor according to said special warranty deed; thence North 89 degrees 47 minutes 46 seconds West along the north line of the grantor according to said special warranty deed, a distance of 10.00 feet to the point of beginning.

Said temporary easement containing 0.019 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 2 in Randall Rolls Second Resubdivision, being a resubdivision of Lots 2 and 3 of Randall Rolls Resubdivision in the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Randall Rolls Second Resubdivision recorded June 7, 2001 as document number 2001R0038572, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of said Lot 2; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 58 minutes 44 seconds East along the north line of said Lot 2, a distance of 23.38 feet; thence South 0 degrees 01 minute 47 seconds East, a distance of 145.25 feet

to the south line of said Lot 2; thence North 89 degrees 47 minutes 46 seconds West along the south line of said Lot 2, a distance of 23.28 feet to the southwest corner of Lot 2; thence North 0 degrees 04 minutes 06 seconds West along the west line of said Lot 2, a distance of 145.17 feet (145.12 feet, recorded) to the point of beginning.

Said parcel containing 0.078 acre, more or less.

That part of Lot 2 in Randall Rolls Second Resubdivision, being a resubdivision of Lots 2 and 3 of Randall Rolls Resubdivision in the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Randall Rolls Second Resubdivision recorded June 7, 2001 as document number 2001R0038572, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 2; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 58 minutes 44 seconds East along the north line of said Lot 2, a distance of 23.38 feet to the point of beginning; thence South 0 degrees 01 minute 47 seconds East, a distance of 145.25 feet to the south line of said Lot 2; thence South 89 degrees 47 minutes 46 seconds East along the south line of said Lot 2, a distance of 10.00 feet; thence North 0 degrees 01 minute 47 seconds West, a distance of 145.28 feet to the north line of said Lot 2; thence North 89 degrees 58 minutes 44 seconds West along the north line of said Lot 2, a distance of 10.00 feet to the point of beginning.

Said temporary easement containing 0.033 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 3 in Meijer Store #206 Subdivision, being a resubdivision of part of Lot 6 in Eagle Commercial Center in the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Meijer #206 Subdivision recorded September 25, 2002 as document number 2002R0084811, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southeast corner of said Lot 3; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 89 degrees 58 minute 47 seconds West along the south line of said Lot 3, a distance of 8.02 feet; thence North 0 degrees 01 minute 47 seconds West, a distance of 190.10 feet; thence South 89 degrees 58 minutes 13 seconds West, a distance of 60.00 feet; thence North 0 degrees 04 minutes 51 seconds West, a distance of 20.21 feet to the north line of said Lot 3; thence South 89 degrees 58 minutes 47 seconds East along the north line of said Lot 3, a distance of 36.76 feet to the northeasterly line of Lot 3; thence southeasterly 33.23 feet (33.24 feet, recorded) along the northeasterly line of said Lot 3 on a curve to the right having a radius of 59.00 feet, the chord of said curve bears South 73 degrees 49 minutes 27 seconds East, 32.79 feet to the east line of Lot 3; thence South 0 degrees 01 minute 40 seconds West along the east line of said Lot 3, a distance of 201.14 feet to the point of beginning.

Said temporary easement containing 0.065 acre, more or less.

Said temporary easement to be used for construction purposes.

That part of Lot 1 in Randall Rolls Second Resubdivision, being a resubdivision of Lots 2 and 3 of Randall Rolls Resubdivision in the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Randall Rolls Second Resubdivision recorded June 7, 2001 as document number 2001R0038572, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 47 minutes 16 seconds East along the north line of said Lot 1, a distance of 23.33 feet; thence southerly 69.10 feet along a curve to the right having a radius of 11550.00 feet, the chord of said curve bears South 0 degrees 12 minutes 04 seconds East, 69.10 feet to a point of tangency; thence South 0 degrees 01 minute 47 seconds East, a distance of 162.89 feet to the south line of said Lot 1; thence North 89 degrees 58 minutes 44 seconds West along the south line of said Lot 1, a distance of 23.28 feet to the southwest corner of Lot 1; thence North 0 degrees 04 minutes 06 seconds West along the west line of said Lot 1, a distance of 232.06 feet (231.98 feet, recorded) to the point of beginning.

Said parcel containing 0.125 acre, more or less.

That part of Lot 1 in Randall Rolls Second Resubdivision, being a resubdivision of Lots 2 and 3 of Randall Rolls Resubdivision in the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Randall Rolls Second Resubdivision recorded June 7, 2001 as document number 2001R0038572, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 47 minutes 16 seconds East along the north line of said Lot 1, a distance of 23.33 feet to the point of beginning; thence southerly 69.10 feet along a curve to the

right having a radius of 11550.00 feet, the chord of said curve bears South 0 degrees 12 minutes 04 seconds East, 69.10 feet to a point of tangency; thence South 0 degrees 01 minute 47 seconds East, a distance of 162.89 feet to the south line of said Lot 1; thence South 89 degrees 58 minutes 44 seconds East along the south line of said Lot 1, a distance of 10.00 feet; thence North 0 degrees 01 minute 47 seconds West, a distance of 231.95 feet to the north line of said Lot 1; thence North 89 degrees 47 minutes 16 seconds West along the north line of said Lot 1, a distance of 10.21 feet to the point of beginning.

Said temporary easement containing 0.053 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 2 in Meijer Store #206 Subdivision, being a resubdivision of part of Lot 6 in Eagle Commercial Center in the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Meijer #206 Subdivision recorded September 25, 2002 as document number 2002R0084811, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southeast corner of said Lot 2; thence southwesterly 10.76 feet along the southeasterly line of said Lot 2 on a curve to the right having a radius of 98.99 feet, the chord of said curve bears on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 50 degrees 47 minute 09 seconds West, 10.76 feet; thence northerly 301.58 feet along a curve to the left having a radius of 11370.00 feet, the chord of said curve bears North 1 degree 00 minutes 14 seconds West, 301.57 feet to the northeasterly line of said Lot 2; thence South 54 degrees 53 minutes 52 seconds East along the northeasterly line of said Lot 2, a distance 14.75 feet to the east line of Lot 2; thence southerly 286.24 feet along the east line of said Lot 2 on a curve to the right having a radius of 31851.48 feet, the chord of said curve bears South 0 degrees 18 minutes 39 seconds East, 286.24 feet to the point of beginning.

Said parcel containing 0.066 acre, more or less.

That part of Lot 2 in Meijer Store #206 Subdivision, being a resubdivision of part of Lot 6 in Eagle Commercial Center in the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Meijer #206 Subdivision recorded September 25, 2002 as document number 2002R0084811, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of said Lot 2; thence southwesterly 22.96 feet along the southeasterly line of said Lot 2 on a curve to the right having a radius of 98.99 feet, the chord of said curve bears on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 54 degrees 18 minute 54 seconds West, 22.91 feet to the point of beginning; thence southwesterly 50.16 feet along the southeasterly line of said Lot 2 on a curve to the right having a radius of 98.99 feet, the chord of said curve bears South 75 degrees 28 minutes 32 seconds West, 49.63 feet to the south line of Lot 2; thence North 89 degrees 59 minutes 09 seconds West along the south line of said Lot 2, a distance of 1.65 feet; thence North 0 degrees 04 minutes 51 seconds West, a distance of 12.19 feet; thence North 89 degrees 42 minutes 18 seconds East, a distance of 49.70 feet to the point of beginning.

Said temporary easement containing 0.010 acre, more or less, or 418 square feet, more or less.

Said temporary easement to be used for construction purposes.

That part of Lot 1 in Re-Subdivision of Lot 14 in Kaper's Business Center Unit 2, being a resubdivision of Kaper's Business Center Unit 2, being a subdivision of part of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Re-Subdivision of Lot 14 in Kaper's Business Center Unit 2 recorded August 24, 2001 as document number 2001R0061761, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southwest corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 1 degree 04 minutes 41 seconds West along the west line of said Lot 1, a distance of 121.99 feet to a point of curvature on said west line of Lot 1; thence northeasterly 47.12 feet (47.13 feet, recorded) along the northwesterly line of said Lot 1 on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 43 degrees 55 minutes 08 seconds East, 42.42 feet to a point of tangency on the north line of Lot 1; thence North 88 degrees 54 minutes 57 seconds East along the north line of said Lot 1, a distance of 35.61 feet; thence South 43 degrees 53 minutes 35 seconds West, a distance of 48.85 feet; thence southerly 117.43 feet along a curve to the right having a radius of 11550.00 feet, the chord of said curve bears South 1 degree 29 minutes 53 seconds East, 117.43 feet to the south line of said Lot 1; thence South 88 degrees 54 minutes 57 seconds West along the south line of said Lot 1, a distance of 31.95 feet to the point of beginning.

Said parcel containing 0.119 acre, more or less.

That part of Lot 1 in Re-Subdivision of Lot 14 in Kaper's Business Center Unit 2, being a resubdivision of Kaper's Business Center Unit 2, being a subdivision of part of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Re-Subdivision of Lot 14 in Kaper's

Business Center Unit 2 recorded August 24, 2001 as document number 2001R0061761, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southwest corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 1 degree 04 minutes 41 seconds West along the west line of said Lot 1, a distance of 121.99 feet to a point of curvature on said west line of Lot 1; thence northeasterly 47.12 feet (47.13 feet, recorded) along the northwesterly line of said Lot 1 on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 43 degrees 55 minutes 08 seconds East, 42.42 feet to a point of tangency on the north line of Lot 1; thence North 88 degrees 54 minutes 57 seconds East along the north line of said Lot 1, a distance of 35.61 feet; thence South 43 degrees 53 minutes 35 seconds West, a distance of 27.90 feet to the point of beginning; thence continuing South 43 degrees 53 minutes 35 seconds West, a distance of 20.95 feet; thence southerly 117.43 feet along a curve to the right having a radius of 11550.00 feet, the chord of said curve bears South 1 degree 29 minutes 53 seconds East, 117.43 feet to the south line of said Lot 1; thence North 88 degrees 54 minutes 57 seconds East along the south line of said Lot 1, a distance of 15.00 feet; thence northerly 132.25 feet along a curve to the left having a radius of 11565.00 feet, the chord of said curve bears North 1 degree 32 minutes 03 seconds West, 132.25 feet to the point of beginning.

Said temporary easement containing 0.043 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 5 in Kaper's East Subdivision, being a subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded February 28, 1989 as document number 89R005770, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of said Lot 5; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 88 degrees 54 minutes 55 seconds East along the north line of said Lot 5, a distance of 28.15 feet; thence southerly 97.22 feet along a curve to the left having a radius of 11365.00 feet, the chord of said curve bears South 2 degrees 41 minutes 33 seconds East, 97.22 feet to a point of reverse curvature; thence southerly 89.95 feet along a curve to the right having a radius of 11555.00 feet, the chord of said curve bears South 2 degrees 42 minutes 53 seconds East, 89.95 feet; thence South 40 degrees 49 minutes 13 seconds East, a distance of 48.27 feet to the south line of said Lot 5; thence South 88 degrees 54 minutes 57 seconds West along the south line of said Lot 5, a distance of 34.32 feet to a point of curvature on said south line of Lot 5; thence northwesterly 47.12 feet along the southwesterly line of said Lot 5 on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 46 degrees 04 minutes 52 seconds West, 42.43 feet to a point of tangency on the west line of Lot 5; thence North 1 degree 04 minutes 41 seconds West along the west line of said Lot 5, a distance of 194.21 feet (194.23 feet, recorded) to the point of beginning.

Said parcel containing 0.169 acre, more or less.

That part of Lot 5 in Kaper's East Subdivision, being a subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded February 28, 1989 as document number 89R005770, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 5; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 88 degrees 54 minutes 55 seconds East along the north line of said Lot 5, a distance of 28.15 feet to the point of beginning; thence southerly 97.22 feet along a curve to the left having a radius of 11365.00 feet, the chord of said curve bears South 2 degrees 41 minutes 33 seconds East, 97.22 feet to a point of reverse curvature; thence southerly 89.95 feet along a curve to the right having a radius of 11555.00 feet, the chord of said curve bears South 2 degrees 42 minutes 53 seconds East, 89.95 feet; thence South 40 degrees 49 minutes 13 seconds East, a distance of 16.11; thence northerly 102.66 feet along a curve to the left having a radius of 11565.00 feet, the chord of said curve bears North 2 degrees 41 minutes 00 seconds West, 102.66 feet to a point of reverse curvature; thence northerly 96.90 feet along a curve to the right having a radius of 11355.00 feet, the chord of said curve bears North 2 degrees 41 minutes 36 seconds West, 96.90 feet to the north line of said Lot 5; thence South 88 degrees 54 minutes 55 seconds West along the north line of said Lot 5, a distance of 10.00 feet to the point of beginning.

Said temporary easement containing 0.044 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 4 in Kaper's East Subdivision, being a subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded February 28, 1989 as document number 89R005770, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of said Lot 4; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 88 degrees 54 minutes 50 seconds East along the north line of said Lot 4, a distance of 25.00 feet; thence southerly 225.01 feet along a curve to the left having a radius of 11365.00 feet, the chord of said curve bears South 1 degree 52 minutes 49 seconds East, 225.01 feet to the south line of said Lot 4; thence South 88 degrees 54 minutes 55 seconds West along the south line of said Lot 4, a distance of 28.15 feet to the southwest corner of Lot 4; thence North 1 degree 04 minutes 41 seconds West along the west line of said Lot 4, a distance of 224.98 feet (225.00 feet, recorded) to the point of beginning.

Said parcel containing 0.135 acre, more or less.

That part of Lot 4 in Kaper's East Subdivision, being a subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded February 28, 1989 as document number 89R005770, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 4; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 88 degrees 54 minutes 50 seconds East along the north line of said Lot 4, a distance of 25.00 feet to the point of beginning; thence southerly 225.01 feet along a curve to the left having a radius of 11365.00 feet, the chord of said curve bears South 1 degree 52 minutes 49 seconds East, 225.01 feet to the south line of said Lot 4; thence North 88 degrees 54 minutes 55 seconds East along the south line of said Lot 4, a distance of 10.00 feet; thence northerly 225.01 feet along a curve to the right having a radius of 11355.00 feet, the chord of said curve bears North 1 degree 52 minutes 52 seconds West, 225.01 feet to the north line of said Lot 4; thence South 88 degrees 54 minutes 50 seconds West along the north line of said Lot 4, a distance 10.00 feet to the point of beginning.

Said temporary easement containing 0.052 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 2 in Eagle Commercial Center, being a resubdivision of Lot 3 in Kaper's West Subdivision, being a subdivision of part of the East Half of the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Eagle Commercial Center recorded November 4, 1993 as document number 93R067593, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northeast corner of said Lot 2; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 1 degree 29 minutes 18 seconds East along the east line of said Lot 2, a distance of 240.40 feet (240.45 feet, recorded) to the southeast corner of Lot 2; thence South 88 degrees 53 minutes 44 seconds West along the south line of said Lot 2, a distance of 38.09 feet; thence northerly 182.71 feet along a curve to the right having a radius of 11545.00 feet, the chord of said curve bears North 0 degrees 51 minutes 15 seconds West, 182.71 feet to a point of tangency; thence North 0 degrees 24 minutes 03 seconds West, a distance of 57.70 feet to the north line of said Lot 2; thence North 88 degrees 54 minutes 00 seconds East along the north line of said Lot 2, a distance of 34.97 feet to the point of beginning.

Said parcel containing 0.204 acre, more or less.

That part of Lot 2 in Eagle Commercial Center, being a resubdivision of Lot 3 in Kaper's West Subdivision, being a subdivision of part of the East Half of the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Eagle Commercial Center recorded November 4, 1993 as document number 93R067593, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northeast corner of said Lot 2; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 1 degree 29 minutes 18 seconds East along the east line of said Lot 2, a distance of 240.40 feet (240.45 feet, recorded) to the southeast corner of Lot 2; thence South 88 degrees 53 minutes 44 seconds West along the south line of said Lot 2, a distance of 38.09 feet to the point of beginning; thence northerly 182.71 feet along a curve to the right having a radius of 11545.00 feet, the chord of said curve bears North 0 degrees 51 minutes 15 seconds West, 182.71 feet to a point of tangency; thence North 0 degrees 24 minutes 03 seconds West, a distance of 57.70 feet to the north line of said Lot 2; thence South 88 degrees 54 minutes 00 seconds West along the north line of said Lot 2, a distance of 42.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 7.88 feet; thence North 89 degrees 35 minutes 57 seconds East, a distance of 17.56 feet; thence South 32 degrees 28 minutes 48 seconds East, a distance of 27.24 feet; thence southerly 209.06 feet along a curve to the left having a radius of 11555.00 feet, the chord of said curve bears South 0 degrees 47 minutes 21 seconds East, 209.05 feet to the south line of said Lot 2; thence North 88 degrees 53 minutes 44 seconds East along the south line of said Lot 2, a distance of 10.00 feet to the point of beginning.

Said temporary easement containing 0.065 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 3 in Kaper's East Subdivision, being a subdivision of the West Half of the Southwest

Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded February 28, 1989 as document number 89R005770, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of said Lot 3; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 88 degrees 54 minutes 45 seconds East along the north line of said Lot 3, a distance of 26.34 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 54.02 feet to a point of tangency; thence southerly 180.97 feet along a curve to the left having a radius of 11365.00 feet, the chord of said curve bears South 0 degrees 51 minutes 25 seconds East, 180.97 feet to the south line of said Lot 3; thence South 88 degrees 54 minutes 50 seconds West along the south line of said Lot 3, a distance of 25.00 feet to the southwest corner of Lot 3; thence North 1 degree 04 minutes 41 seconds West along the west line of said Lot 3, a distance of 234.98 feet (235.00 feet, recorded) to the point of beginning.

Said parcel containing 0.137 acre, more or less.

That part of Lot 3 in Kaper's East Subdivision, being a subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded February 28, 1989 as document number 89R005770, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 3; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 88 degrees 54 minutes 45 seconds East along the north line of said Lot 3, a distance of 26.34 feet to the point of beginning; thence South 0 degrees 24 minutes 03 seconds East, a distance of 54.02 feet to a point of tangency; thence southerly 180.97 feet along a curve to the left having a radius of 11365.00 feet, the chord of said curve bears South 0 degrees 51 minutes 25 seconds East, 180.97 feet to the south line of said Lot 3; thence North 88 degrees 54 minutes 50 seconds East along the south line of said Lot 3, a distance of 10.00 feet; thence northerly 180.85 feet along a curve to the right having a radius of 11355.00 feet, the chord of said curve bears North 0 degrees 51 minutes 26 seconds West, 180.85 feet to a point of tangency; thence North 0 degrees 24 minutes 03 seconds West, a distance of 54.14 feet to the north line of said Lot 3; thence South 88 degrees 54 minutes 45 seconds West along the north line of said Lot 3, a distance of 10.00 feet to the point of beginning.

Said temporary easement containing 0.054 acre, more or less.

Said temporary easement to be used for grading and driveway construction purposes.

That part of Lot 1, except that part conveyed the County of McHenry, a body politic, by trustee's deed recorded April 7, 2003 as document number 2003R0044153, in River Pointe Subdivision, being a resubdivision of Lots 1 and 6 in Kaper's East Subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said River Pointe Subdivision recorded May 6, 1992 as document number 92R024749, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southwest corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 1 degree 04 minutes 41 seconds West along the west line of said Lot 1, a distance of 5.81 feet (5.86 feet, recorded) to an angle point on said west line of Lot 1; thence North 1 degree 22 minutes 56 seconds West along the west line of said Lot 1, a distance of 60.19 feet (60.15 feet, recorded) to a north line of Lot 1; thence North 88 degrees 54 minutes 45 seconds East along a north line of said Lot 1, a distance of 32.44 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 66.00 feet to the south line of said Lot 1; thence South 88 degrees 54 minutes 45 seconds West along the south line of said Lot 1, a distance of 31.34 feet to the point of beginning.

Said parcel containing 0.048 acre, more or less.

That part of Lot 1, except that part conveyed the County of McHenry, a body politic, by trustee's deed recorded April 7, 2003 as document number 2003R0044153, in River Pointe Subdivision, being a resubdivision of Lots 1 and 6 in Kaper's East Subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said River Pointe Subdivision recorded May 6, 1992 as document number 92R024749, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 1 degree 06 minutes 06 seconds East along the east line of said Lot 1, a distance of 37.18 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 702.82 feet; thence South 53 degrees 08 minutes 32 seconds West, a distance of 69.22 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 188.86 feet to a south line of said Lot 1; thence South 88 degrees 55 minutes 17 seconds West along a south line of said Lot 1, a distance of 36.46 feet to the west line of Lot 1; thence North 1 degree 22 minutes 56 seconds West along the west line of said Lot 1, a distance of 169.25 feet to the easterly right of way line of Randall Road recorded April 7, 2003 as docu-

ment number 2003R0044153; thence North 11 degrees 32 minutes 05 seconds East along the said easterly right of way line of Randall Road, a distance of 48.39 feet to the southeasterly right of way line of Algonquin Road recorded April 7, 2003 as document number 2003R0044153; thence North 53 degrees 08 minutes 32 seconds East along the said southeasterly right of way line of Algonquin Road, a distance of 54.21 feet to the south right of way line of said Algonquin Road; thence South 89 degrees 54 minutes 57 seconds East along the said south right of way line of Algonquin Road, a distance of 549.97 feet to an angle point on said south right of way line; thence North 0 degrees 05 minutes 03 seconds East along said right of way line, a distance of 20.71 feet (20.00 feet, recorded) to the north line of said Lot 1; thence South 89 degrees 57 minutes 40 seconds East along the north line of said Lot 1, a distance of 193.66 feet to the point of beginning.

Said parcel containing 0.609 acre, more or less.

That part of Lot 1, except that part conveyed the County of McHenry, a body politic, by trustee's deed recorded April 7, 2003 as document number 2003R0044153, in River Pointe Subdivision, being a resubdivision of Lots 1 and 6 in Kaper's East Subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said River Pointe Subdivision recorded May 6, 1992 as document number 92R024749, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southwest corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 1 degree 04 minutes 41 seconds West along the west line of said Lot 1, a distance of 5.81 feet (5.86 feet, recorded) to an angle point on said west line of Lot 1; thence North 1 degree 22 minutes 56 seconds West along the west line of said Lot 1, a distance of 60.19 feet (60.15 feet, recorded) to a north line of Lot 1; thence North 88 degrees 54 minutes 45 seconds East along a north line of said Lot 1, a distance of 32.44 feet to the point of beginning; thence South 0 degrees 24 minutes 03 seconds East, a distance of 66.00 feet to the south line of said Lot 1; thence North 88 degrees 54 minutes 45 seconds East along the south line of said Lot 1, a distance of 35.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 66.00 feet to a north line of said Lot 1; thence South 88 degrees 54 minutes 45 seconds West along a north line of said Lot 1, a distance of 35.00 feet to the point of beginning.

Said temporary easement containing 0.053 acre, more or less.

Said temporary easement to be used for grading and driveway construction purposes.

That part of Lot 1, except that part conveyed the County of McHenry, a body politic, by trustee's deed recorded April 7, 2003 as document number 2003R0044153, in River Pointe Subdivision, being a resubdivision of Lots 1 and 6 in Kaper's East Subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said River Pointe Subdivision recorded May 6, 1992 as document number 92R024749, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 1 degree 06 minutes 06 seconds East along the east line of said Lot 1, a distance of 37.18 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 702.82 feet; thence South 53 degrees 08 minutes 32 seconds West, a distance of 56.79 feet to the point of beginning; thence continuing South 53 degrees 08 minutes 32 seconds West, a distance of 12.43 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 188.86 feet to a south line of said Lot 1; thence North 88 degrees 55 minutes 17 seconds East along a south line of said Lot 1, a distance of 10.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 196.12 feet to the point of beginning.

Said temporary easement containing 0.044 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 1, except that part conveyed the County of McHenry, a body politic, by trustee's deed recorded April 7, 2003 as document number 2003R0044153, in River Pointe Subdivision, being a resubdivision of Lots 1 and 6 in Kaper's East Subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said River Pointe Subdivision recorded May 6, 1992 as document number 92R024749, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 1 degree 06 minutes 06 seconds East along the east line of said Lot 1, a distance of 37.18 feet to the point of beginning; thence South 89 degrees 56 minutes 44 seconds West, a distance of 702.82 feet; thence South 53 degrees 08 minutes 32 seconds West, a distance of 33.38 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 92.13 feet; thence South 0 degrees 03 minutes 16 seconds East, a distance of 15.00 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 106.31 feet; thence North 0 degrees 03 minutes 16 seconds West, a distance of

25.00 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 174.66 feet; thence South 0 degrees 00 minutes 00 seconds East, a distance of 15.00 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 98.61 feet; thence North 0 degrees 00 minutes 00 seconds East, a distance of 15.09 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 184.92 feet; thence South 0 degrees 03 minutes 16 seconds East, a distance of 25.00 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 73.56 feet to the east line of said Lot 1; thence North 1 degree 06 minutes 06 seconds West along the east line of said Lot 1, a distance of 35.01 feet to the point of beginning.

Said temporary easement containing 0.320 acre, more or less.

Said temporary easement to be used for grading, parking lot and driveway construction purposes.

That part of Lot 2 in Kaper's West Subdivision, being a subdivision of the East Half of the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded August 6, 1992 as document number 92R042897, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southeast corner of said Lot 2; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 88 degrees 53 minutes 12 seconds West along the south line of said Lot 2, a distance of 33.84 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 287.36 feet to the north line of said Lot 2; thence South 89 degrees 59 minutes 52 seconds East along the north line of said Lot 2, a distance of 28.39 feet to the northeast corner of Lot 2; thence South 1 degree 29 minutes 18 seconds East along the east line of said Lot 2, a distance of 286.79 feet (286.85 feet, recorded) to the point of beginning.

Said parcel containing 0.205 acre, more or less.

That part of Lot 2 in Kaper's West Subdivision, being a subdivision of the East Half of the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded August 6, 1992 as document number 92R042897, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of said Lot 2; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 88 degrees 53 minutes 12 seconds West along the south line of said Lot 2, a distance of 33.84 feet to the point of beginning; thence North 0 degrees 24 minutes 03 seconds West, a distance of 287.36 feet to the north line of said Lot 2; thence North 89 degrees 59 minutes 52 seconds West along the north line of said Lot 2, a distance of 40.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 40.77 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 30.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 227.38 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 32.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 20.03 feet to the south line of said Lot 2; thence North 88 degrees 53 minutes 12 seconds East along the south line of said Lot 2, a distance of 42.00 feet to the point of beginning.

Said temporary easement containing 0.109 acre, more or less.

Said temporary easement to be used for grading and driveway construction purposes.

That part of Lot 2 in Kaper's East Subdivision, being a subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded February 28, 1989 as document number 89R005770, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of said Lot 2; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 88 degrees 55 minutes 17 seconds East along the north line of said Lot 2, a distance of 36.46 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 235.02 feet to the south line of said Lot 2; thence South 88 degrees 54 minutes 45 seconds West along the south line of said Lot 2, a distance of 32.44 feet to the southwest corner of Lot 2; thence North 1 degree 22 minutes 56 seconds West along the west line of said Lot 2, a distance of 235.01 feet to the point of beginning.

Said parcel containing 0.186 acre, more or less.

That part of Lot 2 in Kaper's East Subdivision, being a subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded February 28, 1989 as document number 89R005770, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 2; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 88 degrees 55 minutes 17 seconds East along the north line of said Lot 2, a distance of 36.46 feet to the point of beginning; thence South 0 degrees 24 minutes 03 seconds East, a distance of 235.02 feet to the south line of said Lot 2; thence North 88 degrees 54 minutes 45 seconds East along the south line of said Lot 2, a distance of 35.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 19.81 feet;

thence South 89 degrees 35 minutes 57 seconds West, a distance of 25.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 214.90 feet to the north line of said Lot 2; thence South 88 degrees 55 minutes 17 seconds West along the north line of said Lot 2, a distance of 10.00 feet to the point of beginning.

Said temporary easement containing 0.065 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 1, except that part of Lot 1 conveyed to the County of McHenry by trustee's deed recorded July 24, 2000 as document number 2000R0039474 and also except that part of Lot 1 conveyed to the County of McHenry by warranty deed recorded April 10, 2008 as document number 2008R0020772, in Montero's Subdivision, being a resubdivision of Lot 4 in Eagle Commercial Center, a subdivision of the East Half of the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Montero's Subdivision recorded February 1, 1996 as document number 96R005406 and corrected by certificates of correction recorded February 27, 1996 as document number 96R009437 and recorded March 20, 1996 as document number 96R013391, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 06 minutes 33 seconds East along the east line of said Lot 1, a distance of 18.40 feet to the southerly right of way line of Algonquin Road recorded July 24, 2000 as document number 2000R0039474 and the point of beginning; thence continuing South 0 degrees 06 minutes 33 seconds East along the east line of said Lot 1, a distance of 15.16 feet to the southerly right of way line of Algonquin Road recorded April 10, 2008 as document number 2008R0020772; thence North 85 degrees 46 minutes 02 seconds West along the said southerly right of way line of Algonquin Road recorded as document number 2008R0020772, a distance of 161.94 feet (162.34 feet, recorded) to the west line of said Lot 1; thence North 0 degrees 06 minutes 24 seconds West along the west line of said Lot 1, a distance of 16.64 feet to the said southerly right of way line of Algonquin Road recorded as document number 2000R0039474; thence South 85 degrees 14 minutes 54 seconds East along the said southerly right of way line of Algonquin Road recorded as document number 2000R0039474, a distance of 162.06 feet (162.34 feet, recorded) to the point of beginning.

Said parcel containing 0.059 acre, more or less.

That part of Lot 1, except that part of Lot 1 conveyed to the County of McHenry by trustee's deed recorded July 24, 2000 as document number 2000R0039474 and also except that part of Lot 1 conveyed to the County of McHenry by warranty deed recorded April 10, 2008 as document number 2008R0020772, in Montero's Subdivision, being a resubdivision of Lot 4 in Eagle Commercial Center, a subdivision of the East Half of the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Montero's Subdivision recorded February 1, 1996 as document number 96R005406 and corrected by certificates of correction recorded February 27, 1996 as document number 96R009437 and recorded March 20, 1996 as document number 96R013391, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 06 minutes 33 seconds East along the east line of said Lot 1, a distance of 33.56 feet to the south right of way line of Algonquin Road recorded April 10, 2008 as document number 2008R0020772 and the point of beginning; thence continuing South 0 degrees 06 minutes 33 seconds East along the east line of said Lot 1, a distance of 8.97 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 161.48 feet to the west line of said Lot 1; thence North 0 degrees 06 minutes 24 seconds West along the west line of said Lot 1, a distance of 6.14 feet to the said south right of way line of Algonquin Road; thence North 88 degrees 56 minutes 36 seconds East along the said south right of way line of Algonquin Road, a distance of 161.50 feet (161.22 feet, recorded) to the point of beginning;

Said parcel containing 0.028 acre, more or less.

That part of Lot 1, except that part of Lot 1 conveyed to the County of McHenry by trustee's deed recorded July 24, 2000 as document number 2000R0039474 and also except that part of Lot 1 conveyed to the County of McHenry by warranty deed recorded April 10, 2008 as document number 2008R0020772, in Montero's Subdivision, being a resubdivision of Lot 4 in Eagle Commercial Center, a subdivision of the East Half of the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Montero's Subdivision recorded February 1, 1996 as document number 96R005406 and corrected by certificates of correction recorded February 27, 1996 as document number 96R009437 and recorded March 20, 1996 as document number 96R013391, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 06 minutes 33 seconds East along the east line of said

Lot 1, a distance of 33.56 feet to the south right of way line of Algonquin Road recorded April 10, 2008 as document number 2008R0020772; thence continuing South 0 degrees 06 minutes 33 seconds East along the east line of said Lot 1, a distance of 8.97 feet to the point of beginning; thence South 89 degrees 56 minutes 44 seconds West, a distance of 161.48 feet to the west line of said Lot 1; thence South 0 degrees 06 minutes 24 seconds East along the west line of said Lot 1, a distance of 12.00 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 161.48 feet to the east line of said Lot 1; thence North 0 degrees 06 minutes 33 seconds West along the east line of said Lot 1, a distance of 12.00 feet to the point of beginning;

Said temporary easement containing 0.044 acre, more or less.

Said temporary easement to be used for grading and driveway construction purposes.

That part of Lot 1 in Resubdivision of Lot 1 - Eagle Commercial Center, being a subdivision of part of the East Half of the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded November 30, 1995 as document number 95R052639 and corrected by affidavits recorded July 11, 1996 as document number 96R035878 and recorded December 17, 1996 as document number 96R063597, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 58 minutes 48 seconds East along the east line of said Lot 1, a distance of 28.90 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 94.33 feet; thence South 0 degrees 00 minutes 00 seconds East, a distance of 6.41 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 69.42 feet; thence North 0 degrees 00 minutes 00 seconds East, a distance of 15.17 feet; thence South 89 degrees 11 minutes 30 seconds West, a distance 216.28 feet to the west line of said Lot 1; thence North 1 degree 30 minutes 47 seconds West along the west line of said Lot 1, a distance of 23.35 feet to the northwest corner of Lot 1; thence South 89 degrees 59 minutes 28 seconds East along the north line of said Lot 1, a distance of 380.14 feet (380.19 feet, recorded) to the point of beginning.

Said parcel containing 0.227 acre, more or less.

That part of Lot 1 in Resubdivision of Lot 1 - Eagle Commercial Center, being a subdivision of part of the East Half of the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded November 30, 1995 as document number 95R052639 and corrected by affidavits recorded July 11, 1996 as document number 96R035878 and recorded December 17, 1996 as document number 96R063597, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 58 minutes 48 seconds East along the east line of said Lot 1, a distance of 28.90 feet to the point of beginning; thence South 89 degrees 56 minutes 44 seconds West, a distance of 94.33 feet; thence South 0 degrees 00 minutes 00 seconds East, a distance of 6.41 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 69.42 feet; thence North 0 degrees 00 minutes 00 seconds East, a distance of 15.17 feet; thence South 89 degrees 11 minutes 30 seconds West, a distance 216.28 feet to the west line of said Lot 1; thence South 1 degree 30 minutes 47 seconds East along the west line of said Lot 1, a distance of 56.12 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 34.77 feet; thence North 0 degrees 03 minutes 16 seconds West, a distance of 30.16 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 344.13 feet to the east line of said Lot 1; thence North 0 degrees 58 minutes 48 seconds West along the east line of said Lot 1, a distance of 20.00 feet to the point of beginning.

Said temporary easement containing 0.225 acre, more or less.

Said temporary easement to be used for grading and parking lot construction purposes.

That part of Lot 1, except that part of Lot 1 conveyed to the County of McHenry by special warranty deed recorded February 26, 2001 as document number 2001R0010880, in Kaper's West Subdivision, being a subdivision of the East Half of the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded August 6, 1992 as document number 92R042897, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 89 degrees 59 minutes 52 seconds West along the south line of said Lot 1, a distance of 28.39 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 144.19 feet; thence North 41 degrees 13 minutes 58 seconds West, a distance of 76.89 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 133.22 feet to the west line of said Lot 1; thence North 1 degree 29 minutes 39 seconds West along the west line of said Lot 1, a distance of 8.05 feet to the south right of way line of Algonquin Road recorded February 26, 2001 as document number 2001R0010880; thence South 89 degrees 59 minutes 28 seconds East along the said south right of way line of Algonquin Road, a distance of 152.35 feet (152.37

feet, recorded) to the northeasterly line of said Lot 1; thence South 42 degrees 40 minutes 15 seconds East along the northeasterly line of said Lot 1, a distance of 84.56 feet to the east line of Lot 1; thence South 1 degree 29 minutes 18 seconds East along the east line of said Lot 1, a distance of 147.77 feet (147.80 feet, recorded) to the point of beginning.

Said parcel containing 0.154 acre, more or less.

That part of Lot 1, except that part of Lot 1 conveyed to the County of McHenry by special warranty deed recorded February 26, 2001 as document number 2001R0010880, in Kaper's West Subdivision, being a subdivision of the East Half of the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded August 6, 1992 as document number 92R042897, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 89 degrees 59 minutes 52 seconds West along the south line of said Lot 1, a distance of 28.39 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 144.19 feet; thence North 41 degrees 13 minutes 58 seconds West, a distance of 55.46 feet to the point of beginning; thence continuing North 41 degrees 13 minutes 58 seconds West, a distance of 21.43 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 133.22 feet to the west line of said Lot 1; thence South 1 degree 29 minutes 39 seconds East along the west line of said Lot 1, a distance of 12.56 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 125.35 feet to a point of curvature; thence easterly 10.22 feet along a curve to the right having a radius of 48.02 feet, the chord of said curve bears South 83 degrees 57 minutes 29 seconds East, 10.20 feet to a point of tangency; thence South 77 degrees 51 minutes 42 seconds East, a distance of 11.78 feet to the point of beginning.

Said permanent easement containing 0.041 acre, more or less.

Said permanent easement to be used for highway purposes.

That part of Lot 1, except that part of Lot 1 conveyed to the County of McHenry by special warranty deed recorded February 26, 2001 as document number 2001R0010880, in Kaper's West Subdivision, being a subdivision of the East Half of the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded August 6, 1992 as document number 92R042897, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 89 degrees 59 minutes 52 seconds West along the south line of said Lot 1, a distance of 28.39 feet to the point of beginning; thence North 0 degrees 24 minutes 03 seconds West, a distance of 144.19 feet; thence North 41 degrees 13 minutes 58 seconds West, a distance of 15.29 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 106.76 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 30.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 48.90 feet to the south line of said Lot 1; thence South 89 degrees 59 minutes 52 seconds East along the south line of said Lot 1, a distance of 40.00 feet to the point of beginning.

Said temporary easement containing 0.068 acre, more or less.

Said temporary easement to be used for grading and driveway construction purposes.

That part of Lot 1, except that part of Lot 1 conveyed to the County of McHenry by special warranty deed recorded February 26, 2001 as document number 2001R0010880, in Kaper's West Subdivision, being a subdivision of the East Half of the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded August 6, 1992 as document number 92R042897, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 89 degrees 59 minutes 52 seconds West along the south line of said Lot 1, a distance of 28.39 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 144.19 feet; thence North 41 degrees 13 minutes 58 seconds West, a distance of 49.56 feet to the point of beginning; thence South 89 degrees 56 minutes 44 seconds West, a distance of 150.69 feet to the west line of said Lot 1; thence North 1 degree 29 minutes 39 seconds West along the west line of said Lot 1, a distance of 8.01 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 125.35 feet to a point of curvature; thence easterly 10.22 feet along a curve to the right having a radius of 48.02 feet, the chord of said curve bears South 83 degrees 57 minutes 29 seconds East, 10.20 feet to a point of tangency; thence South 77 degrees 51 minutes 42 seconds East, a distance of 11.78 feet; thence South 41 degrees 13 minutes 58 seconds East, a distance of 5.90 feet to the point of beginning.

Said temporary easement containing 0.027 acre, more or less.

Said temporary easement to be used for construction purposes.

That part of Lot 1 in Oakridge Business Center, being a resubdivision of Lot 7 and that part of vacated Crystal Lake Road adjacent to said Lot 7 lying North of the south line extended East, in

Kaper's East Subdivision, being a subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Oakridge Business Center recorded September 15, 1998 as document number 1998R0061102, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 57 minutes 40 seconds East along the north line of said Lot 1, a distance of 177.11 feet (177.13 feet, recorded) to the northeast corner of Lot 1; thence South 0 degrees 01 minute 48 seconds West along the east line of said Lot 1, a distance of 21.88 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 176.67 feet to the west line of said Lot 1; thence North 1 degree 06 minutes 06 seconds West along the west line of said Lot 1, a distance of 22.18 feet to the point of beginning.

Said parcel containing 0.089 acre, more or less.

That part of Lot 1 in Oakridge Business Center, being a resubdivision of Lot 7 and that part of vacated Crystal Lake Road adjacent to said Lot 7 lying North of the south line extended East, in Kaper's East Subdivision, being a subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Oakridge Business Center recorded September 15, 1998 as document number 1998R0061102, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 57 minutes 40 seconds East along the north line of said Lot 1, a distance of 177.11 feet (177.13 feet, recorded) to the northeast corner of Lot 1; thence South 0 degrees 01 minute 48 seconds West along the east line of said Lot 1, a distance of 21.88 feet to the point of beginning; thence South 89 degrees 56 minutes 44 seconds West, a distance of 176.67 feet to the west line of said Lot 1; thence South 1 degree 06 minutes 06 seconds East along the west line of said Lot 1, a distance of 6.86 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 145.33 feet; thence South 0 degrees 00 minutes 00 seconds East, a distance of 25.00 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 31.19 feet to the east line of said Lot 1; thence North 0 degrees 01 minutes 48 seconds East along the east line of said Lot 1, a distance of 32.02 feet to the point of beginning.

Said temporary easement containing 0.046 acre, more or less.

Said temporary easement to be used for grading and parking lot construction purposes.

That part of Lot 2 in Oakridge Business Center, being a resubdivision of Lot 7 and that part of vacated Crystal Lake Road adjacent to said Lot 7 lying North of the south line extended East, in Kaper's East Subdivision, being a subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Oakridge Business Center recorded September 15, 1998 as document number 1998R0061102, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northeast corner of said Lot 2; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 01 minute 46 seconds West along the east line of said Lot 2, a distance of 21.65 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 140.68 feet to the west line of said Lot 2; thence North 0 degrees 01 minute 48 seconds East along the west line of said Lot 2, a distance of 21.88 feet to the northwest corner of Lot 2; thence South 89 degrees 57 minutes 40 seconds East along the north line of said Lot 2, a distance of 140.68 feet (140.70 feet, recorded) to the point of beginning.

Said parcel containing 0.070 acre, more or less.

That part of Lot 2 in Oakridge Business Center, being a resubdivision of Lot 7 and that part of vacated Crystal Lake Road adjacent to said Lot 7 lying North of the south line extended East, in Kaper's East Subdivision, being a subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Oakridge Business Center recorded September 15, 1998 as document number 1998R0061102, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northeast corner of said Lot 2; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 01 minute 46 seconds West along the east line of said Lot 2, a distance of 21.65 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 67.72 feet to the point of beginning; thence South 0 degrees 00 minutes 00 seconds East, a distance of 32.10 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 72.98 feet to the west line of said Lot 2; thence North 0 degrees 01 minute 48 seconds East along the west line of said Lot 2, a distance of 32.02 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 72.96 feet to the point of beginning.

Said temporary easement containing 0.054 acre, more or less.

Said temporary easement to be used for grading, driveway and parking lot construction.

That part of Lot 3 in Oakridge Business Center, being a resubdivision of Lot 7 and that part of vacated Crystal Lake Road adjacent to said Lot 7 lying North of the south line extended East, in Kaper's East Subdivision, being a subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Oakridge Business Center recorded September 15, 1998 as document number 1998R0061102, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northeast corner of said Lot 3; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 1 degree 42 minutes 22 seconds West along the east line of said Lot 3, a distance of 21.36 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 183.76 feet to the west line of said Lot 3; thence North 0 degrees 01 minute 46 seconds East along the west line of said Lot 3, a distance of 21.65 feet to the northwest corner of Lot 3; thence South 89 degrees 57 minutes 40 seconds East along the north line of said Lot 3, a distance of 184.38 feet (184.40 feet, recorded) to the point of beginning.

Said parcel containing 0.091 acre, more or less.

That part of Lot 3 in Oakridge Business Center, being a resubdivision of Lot 7 and that part of vacated Crystal Lake Road adjacent to said Lot 7 lying North of the south line extended East, in Kaper's East Subdivision, being a subdivision of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Oakridge Business Center recorded September 15, 1998 as document number 1998R0061102, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northeast corner of said Lot 3; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 1 degree 42 minutes 22 seconds West along the east line of said Lot 3, a distance of 21.36 feet to the point of beginning; thence South 89 degrees 56 minutes 44 seconds West, a distance of 67.41 feet; thence South 0 degrees 03 minutes 16 seconds East, a distance of 59.60 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 24.76 feet; thence South 0 degrees 03 minutes 16 seconds East, a distance of 143.35 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 36.42 feet to the east line of said Lot 3; thence North 1 degree 42 minutes 22 seconds East along the east line of said Lot 3, a distance of 203.05 feet to the point of beginning.

Said temporary easement containing 0.218 acre, more or less.

Said temporary easement to be used for grading and driveway construction purposes.

That part of the Southeast Quarter of the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at a point on the west right of way line of Randall Road recorded October 31, 1969 as document number 516648, said point being 1979.91 feet (1980.02 feet, recorded) South of the north line of the Northeast Quarter of said Section 30, being also the southeast corner of Lot 1 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 40 minutes 50 seconds West along the south line of Lot 1 in said Govnors Subdivision, a distance of 502.96 feet to a point of intersection with the Northerly extension of the east line of a special warranty deed recorded October 16, 2001 as document 2001R0077343; thence South 0 degrees 15 minutes 16 seconds East along the east line of said special warranty deed and along the Northerly extension thereof, a distance of 567.70 feet to the point of beginning; thence continuing South 0 degrees 15 minutes 16 seconds East along the east line of the grantor according to said special warranty deed, a distance of 20.08 feet to the north right of way line of Algonquin Road recorded August 20, 1999 as document number 1999R0059231; thence South 89 degrees 38 minutes 26 seconds West along the said north right of way line of Algonquin Road, a distance of 318.62 feet to the northerly right of way line of Algonquin Road recorded November 16, 2006 as document number 2006R0084532; thence North 87 degrees 05 minutes 48 seconds West along the said northerly right of way line of Algonquin Road, a distance of 173.29 feet (172.76 feet, recorded) to the west line of the grantor according to said special warranty deed; thence North 0 degrees 07 minutes 52 seconds East along the west line of the grantor according to said special warranty deed, a distance of 12.84 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 491.57 feet to the point of beginning.

Said parcel containing 0.222 acre, more or less.

That part of the Southeast Quarter of the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at a point on the west right of way line of Randall Road recorded October 31, 1969 as document number 516648, said point being 1979.91 feet (1980.02 feet, recorded) South of the north line of the Northeast Quarter of said Section 30, being also

the southeast corner of Lot 1 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 40 minutes 50 seconds West along the south line of Lot 1 in said Govnors Subdivision, a distance of 502.96 feet to a point of intersection with the Northerly extension of the east line of a special warranty deed recorded October 16, 2001 as document 2001R0077343; thence South 0 degrees 15 minutes 16 seconds East along the east line of said special warranty deed and along the Northerly extension thereof, a distance of 587.78 feet to the north right of way line of Algonquin Road recorded August 20, 1999 as document number 1999R0059231; thence South 89 degrees 38 minutes 26 seconds West along the said north right of way line of Algonquin Road, a distance of 318.62 feet to the northerly right of way line of Algonquin Road recorded November 16, 2006 as document number 2006R0084532; thence North 87 degrees 05 minutes 48 seconds West along the said northerly right of way line of Algonquin Road, a distance of 173.29 feet (172.76 feet, recorded) to the west line of the grantor according to said special warranty deed; thence North 0 degrees 07 minutes 52 seconds East along the west line of the grantor according to said special warranty deed, a distance of 12.84 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 335.39 feet to the point of beginning; thence continuing North 89 degrees 56 minutes 44 seconds East, a distance of 120.00 feet; thence North 0 degrees 03 minutes 16 seconds West, a distance of 50.00 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 120.00 feet; thence South 0 degrees 03 minutes 16 seconds East, a distance of 50.00 feet to the point of beginning.

Said temporary easement containing 0.138 acre, more or less.

Said temporary easement to be used for grading and driveway construction purposes.

That part of the Southeast Quarter of the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at a point on the west right of way line of Randall Road recorded October 31, 1969 as document number 516648, said point being 1979.91 feet (1980.02 feet, recorded) South of the north line of the Northeast Quarter of said Section 30, being also the southeast corner of Lot 1 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624 and the northeast corner of trustee's deed and deed in trust recorded October 17, 1994 as document number 94R059510; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 23 minutes 56 seconds East along the said west right of way line of Randall Road, a distance of 542.00 feet to the northwesterly right of way line of Algonquin Road according to Judgment Order, Case Number 00 ED 9, filed April 22, 2003 in the Circuit Court of the Nineteenth Judicial Circuit, McHenry County, Illinois; thence South 63 degrees 24 minutes 49 seconds West along the said northwesterly right of way line of Algonquin Road, a distance of 82.45 feet (82.05 feet, recorded) to the north right of way line of Algonquin Road; thence South 89 degrees 38 minutes 26 seconds West along the north right of way line of Algonquin Road according to said Judgment Order, Case Number 00 ED 9, a distance of 161.98 feet to an angle point on said north right of way line; thence South 0 degrees 21 minutes 34 seconds East, a distance of 9.00 feet to an angle point on the north right of way line of Algonquin Road; thence South 89 degrees 38 minutes 26 seconds West along the north right of way line of Algonquin Road according to said Judgment Order, Case Number 00 ED 9, a distance of 268.47 feet to west line of the grantor according to said trustee's deed and deed in trust recorded October 17, 1994 as document number 94R059510; thence North 0 degrees 15 minutes 16 seconds West along the west line of the grantor according to said trustee's deed and deed in trust, a distance of 18.08 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 228.82 feet; thence North 0 degrees 03 minutes 16 seconds West, a distance of 3.00 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 191.00 feet; thence North 0 degrees 03 minutes 16 seconds West, a distance of 16.00 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 29.00 feet; thence North 42 degrees 08 minutes 13 seconds East, a distance of 26.57 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 395.00 feet; thence North 89 degrees 35 minutes 57 seconds East, a distance of 17.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 138.15 feet to the north line of the grantor according to said trustee's deed and deed in trust; thence North 89 degrees 40 minutes 50 seconds East along the north line of the grantor according to said trustee's deed and deed in trust, a distance of 20.53 feet to the point of beginning.

Said parcel containing 0.591 acre, more or less.

That part of the Southeast Quarter of the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at a point on the west right of way line of Randall Road recorded October 31, 1969 as document number 516648, said point being 1979.91 feet (1980.02 feet, recorded) South of the north line of the Northeast Quarter of said Section 30, being also the southeast corner of Lot 1 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624 and the north-

east corner of trustee's deed and deed in trust recorded October 17, 1994 as document number 94R059510; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 23 minutes 56 seconds East along the said west right of way line of Randall Road, a distance of 542.00 feet to the northwesterly right of way line of Algonquin Road according to Judgment Order, Case Number 00 ED 9, filed April 22, 2003 in the Circuit Court of the Nineteenth Judicial Circuit, McHenry County, Illinois; thence South 63 degrees 24 minutes 49 seconds West along the said northwesterly right of way line of Algonquin Road, a distance of 82.45 feet (82.05 feet, recorded) to the north right of way line of Algonquin Road; thence South 89 degrees 38 minutes 26 seconds West along the north right of way line of Algonquin Road according to said Judgment Order, Case Number 00 ED 9, a distance of 161.98 feet to an angle point on said north right of way line; thence South 0 degrees 21 minutes 34 seconds East, a distance of 9.00 feet to an angle point on the north right of way line of Algonquin Road; thence South 89 degrees 38 minutes 26 seconds West along the north right of way line of Algonquin Road according to said Judgment Order, Case Number 00 ED 9, a distance of 268.47 feet to west line of the grantor according to said trustee's deed and deed in trust recorded October 17, 1994 as document number 94R059510; thence North 0 degrees 15 minutes 16 seconds West along the west line of the grantor according to said trustee's deed and deed in trust, a distance of 18.08 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 183.82 feet to the point of beginning; thence continuing North 89 degrees 56 minutes 44 seconds East, a distance of 45.00 feet; thence North 0 degrees 03 minutes 16 seconds West, a distance of 3.00 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 9.00 feet; thence North 0 degrees 03 minutes 16 seconds West, a distance of 19.00 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 54.00 feet; thence South 0 degrees 03 minutes 16 seconds East, a distance of 22.00 feet to the point of beginning.

Said temporary easement containing 0.027 acre, more or less.

Said temporary easement to be used for driveway construction purposes.

That part of the Southeast Quarter of the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at a point on the west right of way line of Randall Road recorded October 31, 1969 as document number 516648, said point being 1979.91 feet (1980.02 feet, recorded) South of the north line of the Northeast Quarter of said Section 30, being also the southeast corner of Lot 1 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624 and the northeast corner of trustee's deed and deed in trust recorded October 17, 1994 as document number 94R059510; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 23 minutes 56 seconds East along the said west right of way line of Randall Road, a distance of 542.00 feet to the northwesterly right of way line of Algonquin Road according to Judgment Order, Case Number 00 ED 9, filed April 22, 2003 in the Circuit Court of the Nineteenth Judicial Circuit, McHenry County, Illinois; thence South 63 degrees 24 minutes 49 seconds West along the said northwesterly right of way line of Algonquin Road, a distance of 82.45 feet (82.05 feet, recorded) to the north right of way line of Algonquin Road; thence South 89 degrees 38 minutes 26 seconds West along the north right of way line of Algonquin Road according to said Judgment Order, Case Number 00 ED 9, a distance of 161.98 feet to an angle point on said north right of way line; thence South 0 degrees 21 minutes 34 seconds East, a distance of 9.00 feet to an angle point on the north right of way line of Algonquin Road; thence South 89 degrees 38 minutes 26 seconds West along the north right of way line of Algonquin Road according to said Judgment Order, Case Number 00 ED 9, a distance of 268.47 feet to west line of the grantor according to said trustee's deed and deed in trust recorded October 17, 1994 as document number 94R059510; thence North 0 degrees 15 minutes 16 seconds West along the west line of the grantor according to said trustee's deed and deed in trust, a distance of 18.08 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 228.82 feet; thence North 0 degrees 03 minutes 16 seconds West, a distance of 3.00 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 173.00 feet to the point of beginning; thence continuing North 89 degrees 56 minutes 44 seconds East, a distance of 18.00 feet; thence North 0 degrees 03 minutes 16 seconds West, a distance of 16.00 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 29.00 feet; thence North 42 degrees 08 minutes 13 seconds East, a distance of 26.57 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 395.00 feet; thence North 89 degrees 35 minutes 57 seconds East, a distance of 17.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 138.15 feet to the north line of the grantor according to said trustee's deed and deed in trust; thence South 89 degrees 40 minutes 50 seconds West along the north line of the grantor according to said trustee's deed and deed in trust, a distance of 20.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 63.01 feet; thence South 89 degrees 35 minutes 57 seconds West, a distance of 18.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 86.84 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 11.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 379.36 feet; thence South 42 degrees 08 minutes 13 seconds West,

a distance of 27.69 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 36.22 feet; thence South 0 degrees 03 minutes 16 seconds East, a distance of 19.00 feet to the point of beginning.

Said temporary easement containing 0.203 acre, more or less.

Said temporary easement to be used for grading, driveway and parking lot construction purposes.

That part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southwest corner of the Northwest Quarter of said Section 29; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 0 degrees 13 minutes 26 seconds West along the west line of the Northwest Quarter of said Section 29, a distance of 82.82 feet to the northeasterly right of way line of Algonquin Road recorded October 17, 2002 as document number 2002R0093574 and the point of beginning; thence continuing North 0 degrees 13 minutes 26 seconds West along the west line of the Northwest Quarter of said Section 29, a distance of 152.17 feet to a point of intersection with the Westerly extension of the south line of Lot 5 in The Centre at Lake in the Hills, according to the plat thereof recorded November 8, 1996 as document number 96R057546, being also the northwest corner of the grantor; thence South 89 degrees 54 minutes 57 seconds East along the south line of Lot 5 in said The Centre at Lake in the Hills and along the Westerly extension thereof, being also the north line of the grantor, a distance of 30.78 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 108.07 feet; thence South 21 degrees 11 minutes 16 seconds East, a distance of 48.34 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 151.58 feet to a west line of Lot 1 in said The Centre at Lake in Hills, being also the east line of the grantor; thence South 0 degrees 13 minutes 26 seconds East along a west line of Lot 1 in said The Centre at Lake in the Hills, being also the east line of the grantor, a distance of 17.24 feet to the north right of way line of Algonquin Road recorded October 17, 2002 as document number 2002R0093574; thence North 89 degrees 54 minutes 57 seconds West along the said north right of way line of Algonquin Road, a distance of 181.86 feet (182.15 feet, recorded) to the said northeasterly right of way line of Algonquin Road; thence North 45 degrees 33 minutes 26 seconds West along the said northeasterly right of way line of Algonquin Road, a distance of 25.48 feet to the point of beginning.

Said parcel containing 0.192 acre, more or less.

That part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southwest corner of the Northwest Quarter of said Section 29; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 0 degrees 13 minutes 26 seconds West along the west line of the Northwest Quarter of said Section 29, a distance of 82.82 feet to the northeasterly right of way line of Algonquin Road recorded October 17, 2002 as document number 2002R0093574; thence continuing North 0 degrees 13 minutes 26 seconds West along the west line of the Northwest Quarter of said Section 29, a distance of 152.17 feet to a point of intersection with the Westerly extension of the south line of Lot 5 in The Centre at Lake in the Hills, according to the plat thereof recorded November 8, 1996 as document number 96R057546, being also the northwest corner of the grantor; thence South 89 degrees 54 minutes 57 seconds East along the south line of Lot 5 in said The Centre at Lake in the Hills and along the Westerly extension thereof, being also the north line of the grantor, a distance of 30.78 feet to the point of beginning; thence South 0 degrees 24 minutes 03 seconds East, a distance of 108.07 feet; thence South 21 degrees 11 minutes 16 seconds East, a distance of 48.34 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 151.58 feet to a west line of Lot 1 in said The Centre at Lake in Hills, being also the east line of the grantor; thence North 0 degrees 13 minutes 26 seconds West along a west line of Lot 1 in said The Centre at Lake in the Hills, being also the east line of the grantor, a distance of 120.00 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 5.49 feet; thence South 0 degrees 13 minutes 26 seconds East, a distance of 110.00 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 143.27 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 133.97 feet; thence South 89 degrees 54 minutes 57 seconds East, a distance of 15.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 9.14 feet to the south line of Lot 5 in said The Centre at Lake in the Hills, being also the north line of the grantor; thence North 89 degrees 54 minutes 57 seconds West along the south line of Lot 5 in said The Centre at Lake in the Hills, being also the north line of the grantor, a distance of 35.00 feet to the point of beginning.

Said temporary easement containing 0.113 acre, more or less.

Said temporary easement to be used for grading, driveway and parking lot construction purposes.

That part of Lots 1 and 2, except that part of Lot 1 conveyed to the County of McHenry by warranty deed recorded February 17, 2000 as document number 2000R0008642, in The Centre of Lake in the Hills, being a subdivision of part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian,

according to the plat thereof recorded November 8, 1996 as document number 96R057546, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 89 degrees 54 minutes 57 seconds West along the south line of said Lots 1 and 2, a distance of 523.09 feet to the east right of way line of Algonquin Road according to warranty deed recorded February 17, 2000 as document number 2000R0008642; thence North 0 degrees 04 minutes 53 seconds East along the said east right of way line of Algonquin Road, a distance of 10.00 feet to the north right of way line of Algonquin Road according to said warranty deed; thence North 89 degrees 54 minutes 57 seconds West along the said north right of way line of Algonquin Road, a distance of 191.44 feet (191.50 feet, recorded) to a west line of said Lot 1; thence North 0 degrees 13 minutes 26 seconds West along a west line of said Lot 1, a distance of 7.24 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 608.74 feet; thence North 0 degrees 01 minute 56 seconds East, a distance of 15.00 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 106.02 feet to the east line of said Lot 1; thence South 0 degrees 22 minutes 43 seconds West along the east line of said Lot 1, a distance of 33.97 feet to the point of beginning.

Said parcel containing 0.290 acre, more or less.

That part of Lot 1, except that part of Lot 1 conveyed to the County of McHenry by warranty deed recorded February 17, 2000 as document number 2000R0008642, in The Centre of Lake in the Hills, being a subdivision of part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded November 8, 1996 as document number 96R057546, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the most westerly corner of said Lot 1, being also the southwest corner of Lot 1 in The Centre Resubdivision, according to the plat thereof recorded January 14, 1998 as document number 98R002400; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 89 degrees 46 minutes 40 seconds East along a north line of said Lot 1, being also the south line of Lot 1 in said The Centre Resubdivision, a distance of 19.45 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 35.00 feet to a south line of said Lot 1, being also the north line of Lot 4 in said The Centre of Lake in the Hills; thence South 89 degrees 46 minutes 40 seconds West along a south line of said Lot 1, being also the north line of Lot 4 in said The Centre of Lake in the Hills, a distance of 19.56 feet to the west line of Lot 1; thence North 0 degrees 13 minutes 26 seconds West along the west line of said Lot 1, a distance of 35.00 feet to the point of beginning.

Said parcel containing 0.016 acre, more or less.

That part of Lots 1 and 2, except that part of Lot 1 conveyed to the County of McHenry by warranty deed recorded February 17, 2000 as document number 2000R0008642, in The Centre of Lake in the Hills, being a subdivision of part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded November 8, 1996 as document number 96R057546, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 89 degrees 54 minutes 57 seconds West along the south line of said Lots 1 and 2, a distance of 523.09 feet to the east right of way line of Algonquin Road according to warranty deed recorded February 17, 2000 as document number 2000R0008642; thence North 0 degrees 04 minutes 53 seconds East along the said east right of way line of Algonquin Road, a distance of 10.00 feet to the north right of way line of Algonquin Road according to said warranty deed; thence North 89 degrees 54 minutes 57 seconds West along the said north right of way line of Algonquin Road, a distance of 191.44 feet (191.50 feet, recorded) to a west line of said Lot 1; thence North 0 degrees 13 minutes 26 seconds West along a west line of said Lot 1, a distance of 7.24 feet to the point of beginning; thence North 89 degrees 56 minutes 44 seconds East, a distance of 608.74 feet; thence North 0 degrees 01 minute 56 seconds East, a distance of 15.00 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 106.02 feet to the east line of said Lot 1; thence North 0 degrees 22 minutes 43 seconds East along the east line of said Lot 1, a distance of 15.00 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 106.02 feet; thence South 0 degrees 39 minutes 20 seconds West, a distance of 10.00 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 259.52 feet; thence North 0 degrees 03 minutes 16 seconds West, a distance of 115.00 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 95.00 feet; thence South 0 degrees 03 minutes 16 seconds East, a distance of 115.00 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 175.00 feet; thence North 0 degrees 03 minutes 16 seconds West, a distance of 110.00 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 79.61 feet to a west line of said Lot 1; thence South 0 degrees 13 minutes 26 seconds East along a west line of said Lot 1, a distance of 130.00 feet to the point of beginning.

Said temporary easement containing 0.768 acre, more or less.

Said temporary easement to be used for grading, driveway and parking lot construction purposes.

That part of Lot 1, except that part of Lot 1 conveyed to the County of McHenry by warranty deed recorded February 17, 2000 as document number 2000R0008642, in The Centre of Lake in the Hills, being a subdivision of part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded November 8, 1996 as document number 96R057546, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the most westerly corner of said Lot 1, being also the southwest corner of Lot 1 in The Centre Resubdivision, according to the plat thereof recorded January 14, 1998 as document number 98R002400; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 89 degrees 46 minutes 40 seconds East along a north line of said Lot 1, being also the south line of Lot 1 in said The Centre Resubdivision, a distance of 19.45 feet to the point of beginning; thence South 0 degrees 24 minutes 03 seconds East, a distance of 35.00 feet to a south line of said Lot 1, being also the north line of Lot 4 in said The Centre of Lake in the Hills; thence North 89 degrees 46 minutes 40 seconds West along a south line of said Lot 1, being also the north line of Lot 4 in said The Centre of Lake in the Hills, a distance of 45.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 35.00 feet to a north line of said Lot 1, being also the south line of Lot 1 in said The Centre Resubdivision; thence South 89 degrees 46 minutes 40 seconds West along a north line of said Lot 1, being also the south line of Lot 1 in said The Centre Resubdivision, a distance of 45.00 feet to the point of beginning.

Said temporary easement containing 0.036 acre, more or less.

Said temporary easement to be used for grading and driveway construction purposes.

That part of Lot 3 in Algonquin Plaza, being a subdivision of part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded January 23, 2006 as document number 2006R0005048, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southwest corner of said Lot 3; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 0 degrees 22 minutes 43 seconds East along the west line of said Lot 3, a distance of 8.97 feet; thence North 89 degrees 56 minutes 44 seconds East, a distance of 169.19 feet to the east line of said Lot 3; thence South 0 degrees 21 minutes 22 seconds West along the east line of said Lot 3, a distance of 9.38 feet to the southeast corner of Lot 3; thence North 89 degrees 54 minutes 57 seconds West along the south line of said Lot 3, a distance of 169.19 feet (168.98 feet, recorded) to the point of beginning.

Said parcel containing 0.036 acre, more or less.

That part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southwest corner of the Northwest Quarter of said Section 29; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 54 minutes 57 seconds East along the south line of the Northwest Quarter of said Section 29, a distance of 1304.08 feet to the southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 29, as monumented and occupied, and the point of beginning; thence North 0 degrees 18 minutes 42 seconds East along the west line of the Southeast Quarter of the Northwest Quarter of said Section 29, as monumented and occupied, a distance of 96.95 feet; thence North 89 degrees 41 minutes 18 seconds East, a distance of 20.36 feet to the east right of way line of Crystal Lake Road, as monumented and occupied; thence South 45 degrees 00 minutes 00 seconds East, a distance of 45.39 feet; thence easterly 259.39 feet along a curve to the right having a radius of 10060.00 feet, the chord of said curve bears South 89 degrees 21 minutes 42 seconds East, 259.38 feet to a point of reverse curvature; thence easterly 42.82 feet along a curve to the left having a radius of 9940.00 feet, the chord of said curve bears South 88 degrees 44 minutes 47 seconds East, 42.82 feet to the west line of Lot 5 in First Addition to Cedar Ridge Subdivision, according to the plat thereof recorded January 11, 1980 as document number 788054; thence South 0 degrees 50 minutes 44 seconds West along the west line of Lot 5 in said First Addition to Cedar Ridge Subdivision, a distance of 61.66 feet to the south line of the Northwest Quarter of said Section 29; thence North 89 degrees 54 minutes 57 seconds West along the south line of the Northwest Quarter of said Section 29, a distance of 354.25 feet to the point of beginning, except the parcel which is described as follows:

Commencing at the southwest corner of the Northwest Quarter of said Section 29; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 54 minutes 57 seconds East along the south line of the Northwest Quarter of said Section 29, a distance of 1304.08 feet to the southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 29, as monumented and occupied; thence North 0 degrees 18 minutes 42 seconds East along the west line of the Southeast

Quarter of the Northwest Quarter of said Section 29, as monumented as occupied, a distance of 96.95 feet; thence North 89 degrees 41 minutes 18 seconds East, a distance of 20.36 feet to the east right of way line of Crystal Lake Road, as monumented and occupied; thence South 0 degrees 23 minutes 32 seconds West along the said east right of way line of Crystal Lake Road, as monumented and occupied, a distance of 47.31 feet to the north right of way line of Algonquin Road recorded January 22, 1990 as document number 90R002714 and the point of beginning; thence South 89 degrees 32 minutes 00 seconds East along the said north right of way line of Algonquin Road, a distance of 214.98 feet (214.19 feet, recorded) to an angle point on said north right of way line; thence South 0 degrees 38 minutes 00 seconds East, a distance of 15.00 feet to the former north right of way line of Algonquin Road recorded January 25, 1950 as document number 227880; thence North 89 degrees 32 minutes 00 seconds West along the said former north right of way line of Algonquin Road, a distance of 214.92 feet (214.19 feet, recorded) to the east right of way line of Crystal Lake Road, as monumented and occupied; thence North 0 degrees 23 minutes 32 seconds East along the said east right of way line of Crystal Lake Road, a distance of 15.00 feet to the point of beginning.

Said parcel containing 0.475 acre, more or less, of which 0.304 acre, more or less, was previously dedicated or used for highway purposes.

That part of the Southeast Quarter of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southwest corner of the Northwest Quarter of said Section 29; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 54 minutes 57 seconds East along the south line of the Northwest Quarter of said Section 29, a distance of 1304.08 feet to the southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 29, as monumented and occupied; thence North 0 degrees 18 minutes 42 seconds East along the west line of the Southeast Quarter of the Northwest Quarter of said Section 29, as monumented and occupied, a distance of 96.95 feet; thence North 89 degrees 41 minutes 18 seconds East, a distance of 20.36 feet to the east right of way line of Crystal Lake Road, as monumented and occupied; thence South 45 degrees 00 minutes 00 seconds East, a distance of 45.39 feet; thence easterly 117.93 feet along a curve to the right having a radius of 10060.00 feet, the chord of said curve bears South 89 degrees 45 minutes 52 seconds East, 117.93 feet to the point of beginning; thence easterly 85.00 feet along a curve to the right having a radius of 10060.00 feet, the chord of said curve bears South 89 degrees 11 minutes 12 seconds East, 85.00 feet; thence North 0 degrees 56 minutes 29 seconds East, a distance of 40.00 feet; thence westerly 85.00 feet along a curve to the left having a radius of 10100.00 feet, the chord of said curve bears North 89 degrees 11 minutes 10 seconds West, 85.00 feet; thence South 0 degrees 56 minutes 29 seconds West, a distance of 40.00 feet to the point of beginning.

Said temporary easement containing 0.078 acre, more or less.

Said temporary easement to be used for driveway removal and parking lot construction.

That part of Lot 5 in The Centre of Lake in the Hills, being a subdivision of part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded November 8, 1996 as document number 96R057546, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of said Lot 5; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 89 degrees 46 minutes 33 seconds East along the north line of said Lot 5, a distance of 20.12 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 215.05 feet to the south line of said Lot 5; thence North 89 degrees 54 minutes 57 seconds West along the south line of said Lot 5, a distance of 20.78 feet to the southwest corner of Lot 5; thence North 0 degrees 13 minutes 26 seconds West along the west line of said Lot 5, a distance of 214.93 feet (214.96 feet, recorded) to the point of beginning.

Said parcel containing 0.101 acre, more or less.

That part of Lot 5 in The Centre of Lake in the Hills, being a subdivision of part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded November 8, 1996 as document number 96R057546, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 5; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 89 degrees 46 minutes 33 seconds East along the north line of said Lot 5, a distance of 20.12 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 153.42 feet to the point of beginning; thence continuing South 0 degrees 24 minutes 03 seconds East, a distance of 61.63 feet to the south line of said Lot 5; thence South 89 degrees 54 minutes 57 seconds East along the south line of said Lot 5, a distance of 35.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 61.68 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 35.00 feet to the point of beginning.

Said temporary easement containing 0.050 acre, more or less.

Said temporary easement to be used for driveway construction purposes.

That part of Lot 4 in The Centre of Lake in the Hills, being a subdivision of part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded November 8, 1996 as document number 96R057546, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of said Lot 4; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 89 degrees 46 minutes 40 seconds East along the north line of said Lot 4, a distance of 19.56 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 179.98 feet to the south line of said Lot 4; thence South 89 degrees 46 minutes 33 seconds West along the south line of said Lot 4, a distance of 20.12 feet to the southwest corner of Lot 4; thence North 0 degrees 13 minutes 26 seconds West along the west line of said Lot 4, a distance of 179.98 feet (180.00 feet, recorded) to the point of beginning.

Said parcel containing 0.082 acre, more or less.

That part of Lot 4 in The Centre of Lake in the Hills, being a subdivision of part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded November 8, 1996 as document number 96R057546, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 4; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 89 degrees 46 minutes 40 seconds East along the north line of said Lot 4, a distance of 19.56 feet to the point of beginning; thence continuing North 89 degrees 46 minutes 40 seconds East along the north line of said Lot 4, a distance of 45.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 8.06 feet; thence South 89 degrees 35 minutes 57 seconds West, a distance of 45.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 8.21 feet to the point of beginning.

Said temporary easement containing 0.008 acre, more or less, or 366 square feet, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 1 in Govnors Subdivision, being a subdivision of part of the East Half of the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 40 minutes 50 seconds West along the south line of said Lot 1, a distance of 23.53 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 305.15 feet to the north line of said Lot 1; thence North 89 degrees 40 minutes 50 seconds East along the north line of said Lot 1, a distance of 23.54 feet to the northeast corner of Lot 1; thence South 0 degrees 23 minutes 56 seconds East along the east line of said Lot 1, a distance of 305.15 feet to the point of beginning.

Said parcel containing 0.165 acre, more or less.

That part of Lot 1 in Govnors Subdivision, being a subdivision of part of the East Half of the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 40 minutes 50 seconds West along the south line of said Lot 1, a distance of 23.53 feet to the point of beginning; thence North 0 degrees 24 minutes 03 seconds West, a distance of 305.15 feet to the north line of said Lot 1; thence South 89 degrees 40 minutes 50 seconds West along the north line of said Lot 1, a distance of 30.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 180.06 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 20.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 124.98 feet to the south line of said Lot 1; thence North 89 degrees 40 minutes 50 seconds East along the south line of said Lot 1, a distance of 10.00 feet to the point of beginning.

Said temporary easement containing 0.153 acre, more or less.

Said temporary easement to be used for grading and driveway construction purposes.

That part of Lot 1 in The Centre Resubdivision, being a resubdivision of Lot 3 in The Centre at Lake in the Hills, a subdivision of part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Centre Resubdivision recorded January 14, 1998 as document number 98R002400, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of said Lot 1; thence on an Illinois Coordinate System NAD

83(2011) East Zone bearing of North 89 degrees 46 minutes 42 seconds East along the north line of said Lot 1, a distance of 19.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 145.81 feet to the south line of said Lot 1; thence South 89 degrees 46 minutes 40 seconds West along the south line of said Lot 1, a distance of 19.45 feet to the southwest corner of Lot 1; thence North 0 degrees 13 minutes 26 seconds West along the west line of said Lot 1, a distance of 145.81 feet (145.83 feet, recorded) to the point of beginning.

Said parcel containing 0.064 acre, more or less.

That part of Lot 1 in The Centre Resubdivision, being a resubdivision of Lot 3 in The Centre at Lake in the Hills, a subdivision of part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Centre Resubdivision recorded January 14, 1998 as document number 98R002400, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 89 degrees 46 minutes 42 seconds East along the north line of said Lot 1, a distance of 19.00 feet to the point of beginning; thence South 0 degrees 24 minutes 03 seconds East, a distance of 145.81 feet to the south line of said Lot 1; thence North 89 degrees 46 minutes 40 seconds East along the south line of said Lot 1, a distance of 45.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 6.76 feet; thence North 89 degrees 28 minutes 46 seconds West, a distance of 40.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 138.53 feet to the north line of said Lot 1; thence South 89 degrees 46 minutes 42 seconds West along the north line of said Lot 1, a distance of 5.00 feet to the point of beginning.

Said temporary easement containing 0.023 acre, more or less.

Said temporary easement to be used for grading and sidewalk removal purposes.

That part of Lot 4 in The Meadows Commercial Subdivision, being a resubdivision of part Lot 8 in The Meadows, according to the plat thereof recorded October 23, 2001 as document number 2001R0079191 and part of Lot 2 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Meadows Commercial Subdivision recorded January 31, 2003 as document number 2003R0013439, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southeast corner of said Lot 4; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 40 minutes 50 seconds West along the south line of said Lot 4, a distance of 18.54 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 251.68 feet; thence North 57 degrees 05 minutes 21 seconds West, a distance of 27.52 feet to the north line of said Lot 4; thence North 89 degrees 36 minutes 04 seconds East along the north line of said Lot 4, a distance of 26.55 feet to the northeasterly line of Lot 4; thence South 45 degrees 23 minutes 56 seconds East along the northeasterly line of said Lot 4, a distance of 21.21 feet to the east line of Lot 4; thence South 0 degrees 23 minutes 56 seconds East along the east line of said Lot 4, a distance of 251.82 feet to the point of beginning.

Said parcel containing 0.115 acre, more or less.

That part of Lot 4 in The Meadows Commercial Subdivision, being a resubdivision of part Lot 8 in The Meadows, according to the plat thereof recorded October 23, 2001 as document number 2001R0079191 and part of Lot 2 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Meadows Commercial Subdivision recorded January 31, 2003 as document number 2003R0013439, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of said Lot 4; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 40 minutes 50 seconds West along the south line of said Lot 4, a distance of 18.54 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 251.68 feet; thence North 57 degrees 05 minutes 21 seconds West, a distance of 27.52 feet to the north line of said Lot 4; thence South 89 degrees 36 minutes 04 seconds West along the north line of said Lot 4, a distance of 162.01 feet to the point of beginning; thence South 63 degrees 37 minutes 36 seconds West, a distance of 46.09 feet the west line of said Lot 4; thence North 0 degrees 23 minutes 56 seconds West along the west line of said Lot 4, a distance of 5.19 feet to the northwesterly line of Lot 4; thence North 44 degrees 36 minutes 04 seconds East along the northwesterly line of said Lot 4, a distance of 21.21 feet to the north line of Lot 4; thence North 89 degrees 36 minutes 04 seconds East along the north line of said Lot 4, a distance of 26.43 feet to the point of beginning.

Said parcel containing 0.007 acre, more or less, or 306 square feet, more or less.

That part of Lot 4 in The Meadows Commercial Subdivision, being a resubdivision of part Lot 8 in The Meadows, according to the plat thereof recorded

October 23, 2001 as document number 2001R0079191 and part of Lot 2 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Meadows Commercial Subdivision recorded January 31, 2003 as document number 2003R0013439, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of said Lot 4; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 40 minutes 50 seconds West along the south line of said Lot 4, a distance of 18.54 feet to the point of beginning; thence North 0 degrees 24 minutes 03 seconds West, a distance of 251.68 feet; thence North 57 degrees 05 minutes 21 seconds West, a distance of 27.52 feet to the north line of said Lot 4; thence South 89 degrees 36 minutes 04 seconds West along the north line of said Lot 4, a distance of 162.01 feet; thence South 63 degrees 37 minutes 36 seconds West, a distance of 46.09 feet to the west line of said Lot 4; thence North 89 degrees 36 minutes 20 seconds East, a distance of 216.44 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 246.58 feet to the south line of said Lot 4; thence North 89 degrees 40 minutes 50 seconds East along the south line of said Lot 4, a distance of 10.00 feet to the point of beginning.

Said temporary easement containing 0.148 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 5 in Lake in the Hills Entertainment Park, being a subdivision of part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded June 28, 1996 as document number 96R033436, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of said Lot 5; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 36 minutes 44 seconds East along the north line of said Lot 5, a distance of 17.74 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 259.98 feet to the south line of said Lot 5; thence North 89 degrees 36 minutes 54 seconds West along the south line of said Lot 5, a distance of 18.54 feet to the southwest corner of Lot 5; thence North 0 degrees 13 minutes 26 seconds West along the west line of said Lot 5, a distance of 259.97 feet (260.00 feet, recorded) to the point of beginning.

Said parcel containing 0.108 acre, more or less.

That part of Lot 5 in Lake in the Hills Entertainment Park, being a subdivision of part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded June 28, 1996 as document number 96R033436, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 5; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 36 minutes 44 seconds East along the north line of said Lot 5, a distance of 17.74 feet to the point of beginning; thence continuing South 89 degrees 36 minutes 44 seconds East along the north line of said Lot 5, a distance of 40.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 13.87 feet; thence South 89 degrees 35 minutes 57 seconds West, a distance of 36.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 11.00 feet; thence South 89 degrees 35 minutes 57 seconds West, a distance of 4.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 25.42 feet to the point of beginning.

Said temporary easement containing 0.014 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 5 in The Meadows Commercial Subdivision, being a resubdivision of part Lot 8 in The Meadows, according to the plat thereof recorded October 23, 2001 as document number 2001R0079191 and part of Lot 2 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Meadows Commercial Subdivision recorded January 31, 2003 as document number 2003R0013439, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northeast corner of said Lot 5; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 23 minutes 56 seconds East along the east line of said Lot 5, a distance of 203.14 feet to the southerly line of Lot 5; thence South 74 degrees 54 minutes 28 seconds West along the southerly line of said Lot 5, a distance of 19.18 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 38.64 feet; thence North 90 degrees 00 minutes 00 seconds East, a distance of 10.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 169.43 feet to the north line of said Lot 5; thence North 89 degrees 36 minutes 04 seconds East along the north line of said Lot 5, a distance of 8.56 feet to the point of beginning.

Said parcel containing 0.049 acre, more or less.

That part of Lot 5 in The Meadows Commercial Subdivision, being a resubdivision of part Lot 8 in The Meadows, according to the plat thereof recorded October 23, 2001 as document number 2001R0079191 and part of Lot 2 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Meadows Commercial Subdivision recorded January 31, 2003 as document number 2003R0013439, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northeast corner of said Lot 5; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 23 minutes 56 seconds East along the east line of said Lot 5, a distance of 203.14 feet to the southerly line of Lot 5; thence South 74 degrees 54 minutes 28 seconds West along the southerly line of said Lot 5, a distance of 19.18 feet to the point of beginning; thence North 0 degrees 24 minutes 03 seconds West, a distance of 38.64 feet; thence South 89 degrees 35 minutes 57 seconds West, a distance of 70.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 39.89 feet to the south line of said Lot 5; thence North 89 degrees 36 minutes 04 seconds East along the south line of said Lot 5, a distance of 65.24 feet to the southerly line of Lot 5; thence North 74 degrees 54 minutes 28 seconds East along the southerly line of said Lot 5, a distance of 4.92 feet to the point of beginning.

Said temporary easement containing 0.064 acre, more or less.

Said temporary easement to be used for grading and driveway construction purposes.

That part of Lot 5 in The Meadows Commercial Subdivision, being a resubdivision of part Lot 8 in The Meadows, according to the plat thereof recorded October 23, 2001 as document number 2001R0079191 and part of Lot 2 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Meadows Commercial Subdivision recorded January 31, 2003 as document number 2003R0013439, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northeast corner of said Lot 5; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 23 minutes 56 seconds East along the east line of said Lot 5, a distance of 203.14 feet to the southerly line of Lot 5; thence South 74 degrees 54 minutes 28 seconds West along the southerly line of said Lot 5, a distance of 19.18 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 38.64 feet to the point of beginning; thence North 90 degrees 00 minutes 00 seconds East, a distance of 10.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 169.43 feet to the north line of said Lot 5; thence South 89 degrees 36 minutes 04 seconds West along the north line of said Lot 5, a distance of 10.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 169.36 feet to the point of beginning.

Said temporary easement containing 0.039 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lots 3 and 4 in Lake in the Hills Entertainment Park, being a subdivision of part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded June 28, 1996 as document number 96R033436, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of said Lot 3; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 37 minutes 01 second East along the north line of said Lot 3, a distance of 16.57 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 164.99 feet to the south line of said Lot 3; thence North 89 degrees 36 minutes 47 seconds West along the south line of said Lot 3, a distance of 4.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 149.45 feet; thence North 89 degrees 35 minutes 57 seconds East, a distance of 4.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 15.59 feet to the south line of said Lot 4; thence North 89 degrees 36 minutes 44 seconds West along the south line of said Lot 4, a distance of 17.59 feet to the southwest corner of Lot 4; thence North 0 degrees 13 minutes 26 seconds West along the west line of said Lots 3 and 4, a distance of 329.96 feet to the point of beginning.

Said parcel containing 0.116 acre, more or less.

That part of Lots 3 and 4 in Lake in the Hills Entertainment Park, being a subdivision of part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded June 28, 1996 as document number 96R033436, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 3; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 37

minutes 01 second East along the north line of said Lot 3, a distance of 16.57 feet to the point of beginning; thence South 0 degrees 24 minutes 03 seconds East, a distance of 164.99 feet to the south line of said Lot 3; thence North 89 degrees 36 minutes 47 seconds West along the south line of said Lot 3, a distance of 4.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 149.45 feet; thence North 89 degrees 35 minutes 57 seconds East, a distance of 4.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 15.59 feet to the south line of said Lot 4; thence South 89 degrees 36 minutes 44 seconds East along the south line of said Lot 4, a distance of 40.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 26.13 feet; thence South 89 degrees 35 minutes 57 seconds West, a distance of 25.00 feet; thence North 0 degrees 24 minutes 03 seconds West, distance of 160.00 feet; thence South 89 degrees 35 minutes 57 seconds West, a distance of 6.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 144.26 feet to the north line of said Lot 3; thence North 89 degrees 37 minutes 01 second West along the north line of said Lot 3, a distance of 9.00 feet to the point of beginning.

Said temporary easement containing 0.122 acre, more or less.

Said temporary easement to be used for grading and parking lot construction purposes.

That part of Lot 6 in The Meadows Commercial Subdivision, being a resubdivision of part Lot 8 in The Meadows, according to the plat thereof recorded October 23, 2001 as document number 2001R0079191 and part of Lot 2 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Meadows Commercial Subdivision recorded January 31, 2003 as document number 2003R0013439, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southeast corner of said Lot 6; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 36 minutes 04 seconds West along the south line of said Lot 6, a distance of 8.56 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 218.99 feet to the north line of said Lot 6; thence North 89 degrees 36 minutes 04 seconds East along the north line of said Lot 6, a distance of 8.56 feet to the northeast corner of Lot 6; thence South 0 degrees 23 minutes 56 seconds East along the east line of said Lot 6, a distance of 218.99 feet to the point of beginning.

Said parcel containing 0.043 acre, more or less.

That part of Lot 6 in The Meadows Commercial Subdivision, being a resubdivision of part Lot 8 in The Meadows, according to the plat thereof recorded October 23, 2001 as document number 2001R0079191 and part of Lot 2 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Meadows Commercial Subdivision recorded January 31, 2003 as document number 2003R0013439, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of said Lot 6; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 36 minutes 04 seconds West along the south line of said Lot 6, a distance of 8.56 feet to the point of beginning; thence North 0 degrees 24 minutes 03 seconds West, a distance of 218.99 feet to the north line of said Lot 6; thence South 89 degrees 36 minutes 04 seconds West along the north line of said Lot 6, a distance of 10.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 218.99 feet to the south line of said Lot 6; thence North 89 degrees 36 minutes 04 seconds East along the south line of said Lot 6, a distance of 10.00 feet to the point of beginning.

Said temporary easement containing 0.050 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 2 in The Meadows Commercial Subdivision, being a resubdivision of part Lot 8 in The Meadows, according to the plat thereof recorded October 23, 2001 as document number 2001R0079191 and part of Lot 2 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Meadows Commercial Subdivision recorded January 31, 2003 as document number 2003R0013439, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at an easterly corner of said Lot 2, being also the northwest corner of Outlot A in said The Meadows Commercial Subdivision; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 23 minutes 56 seconds East along an east line of said Lot 2, a distance of 56.28 feet to the easterly line of Lot 2; thence South 7 degrees 12 minutes 42 seconds East along the easterly line of said Lot 2, a distance of 12.32 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 11.46 feet; thence North 0 degrees 23 minutes 56 seconds West, a distance of 71.90 feet to

the northeasterly line of said Lot 2; thence southeasterly 10.59 feet along the northeasterly line of said Lot 2 on a curve to the left having a radius of 264.98 feet, the chord of said curve bears South 71 degrees 15 minutes 44 seconds East, 10.59 feet to the point of beginning.

Said temporary easement containing 0.016 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 2 in Lake in the Hills Entertainment Park, being a subdivision of part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded June 28, 1996 as document number 96R033436, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of said Lot 2; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 37 minutes 15 seconds East along the north line of said Lot 2, a distance of 15.72 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 275.76 feet to the south line of said Lot 2; thence North 89 degrees 37 minutes 01 second West along the south line of said Lot 2, a distance of 16.57 feet to the southwest corner of Lot 2; thence North 0 degrees 13 minutes 26 seconds West along the west line of said Lot 2, a distance of 275.74 feet (275.78 feet, recorded) to the point of beginning.

Said parcel containing 0.102 acre, more or less.

That part of Lot 2 in Lake in the Hills Entertainment Park, being a subdivision of part of the West Half of the Northwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded June 28, 1996 as document number 96R033436, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 2; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 37 minutes 15 seconds East along the north line of said Lot 2, a distance of 15.72 feet to the point of beginning; thence South 0 degrees 24 minutes 03 seconds East, a distance of 275.76 feet to the south line of said Lot 2; thence South 89 degrees 37 minutes 01 second East along the south line of said Lot 2, a distance of 9.00 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 12.74 feet; thence South 89 degrees 35 minutes 57 seconds West, a distance of 6.50 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 263.11 feet to the north line of said Lot 2; thence North 89 degrees 37 minutes 15 seconds West along the north line of said Lot 2, a distance of 2.50 feet to the point of beginning.

Said temporary easement containing 0.018 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 7 in The Meadows Commercial Subdivision, being a resubdivision of part Lot 8 in The Meadows, according to the plat thereof recorded October 23, 2001 as document number 2001R0079191 and part of Lot 2 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Meadows Commercial Subdivision recorded January 31, 2003 as document number 2003R0013439, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southeast corner of said Lot 7; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 36 minutes 04 seconds West along the south line of said Lot 7, a distance of 18.56 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 218.99 feet to the north line of said Lot 7; thence North 89 degrees 36 minutes 04 seconds East along the north line of said Lot 7, a distance of 18.57 feet to the northeast corner of Lot 7; thence South 0 degrees 23 minutes 56 seconds East along the east line of said Lot 7, a distance of 218.99 feet to the point of beginning.

Said parcel containing 0.093 acre, more or less.

That part of Lot 8 in The Meadows Commercial Subdivision, being a resubdivision of part Lot 8 in The Meadows, according to the plat thereof recorded October 23, 2001 as document number 2001R0079191 and part of Lot 2 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Meadows Commercial Subdivision recorded January 31, 2003 as document number 2003R0013439, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southeast corner of said Lot 8; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 36 minutes 04 seconds West along the south line of said Lot 8, a distance of 18.57 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 194.87 feet; thence North 49 degrees 42 minutes 55 seconds West, a distance of 38.28 feet; thence South 89 degrees 36 minutes 04 seconds West, a distance of 181.35 feet to the northwesterly line of said Lot 8; thence North 44 degrees 38 minutes 16 seconds East

along the northwesterly line of said Lot 8, a distance of 9.91 feet to the north line of Lot 8; thence North 89 degrees 36 minutes 04 seconds East along the north line of said Lot 8, a distance of 194.58 feet to the northeasterly line of Lot 8; thence South 49 degrees 42 minutes 10 seconds East along the northeasterly line of said Lot 8, a distance of 36.11 feet to the east line of Lot 8; thence South 0 degrees 23 minutes 56 seconds East along the east line of said Lot 8, a distance of 203.28 feet to the point of beginning.

Said parcel containing 0.131 acre, more or less.

That part of Lot 8 in The Meadows Commercial Subdivision, being a resubdivision of part Lot 8 in The Meadows, according to the plat thereof recorded October 23, 2001 as document number 2001R0079191 and part of Lot 2 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Meadows Commercial Subdivision recorded January 31, 2003 as document number 2003R0013439, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of said Lot 8; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 36 minutes 04 seconds West along the south line of said Lot 8, a distance of 18.57 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 194.87 feet; thence North 49 degrees 42 minutes 55 seconds West, a distance of 21.46 feet to the point of beginning; thence continuing North 49 degrees 42 minutes 55 seconds West, a distance of 16.82 feet; thence South 89 degrees 36 minutes 04 seconds West, a distance of 181.35 feet to the northwesterly line of said Lot 8; thence South 44 degrees 38 minutes 16 seconds West along the northwesterly line of said Lot 8, a distance of 22.64 feet to the west line of Lot 8; thence South 0 degrees 23 minutes 56 seconds East along the west line of said Lot 8, a distance of 7.07 feet; thence North 44 degrees 38 minutes 16 seconds East, a distance of 17.12 feet; thence North 89 degrees 35 minutes 57 seconds East, a distance of 198.02 feet to the point of beginning.

Said temporary easement containing 0.050 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 9 in The Meadows Commercial Subdivision, being a resubdivision of part Lot 8 in The Meadows, according to the plat thereof recorded October 23, 2001 as document number 2001R0079191 and part of Lot 2 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Meadows Commercial Subdivision recorded January 31, 2003 as document number 2003R0013439, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northeast corner of said Lot 9; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 23 minutes 56 seconds East along the east line of said Lot 9, a distance of 167.70 feet to the southeasterly line of Lot 9; thence South 53 degrees 36 minutes 38 seconds West along the southeasterly line of said Lot 9, a distance of 10.61 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 173.94 feet to the north line of said Lot 9; thence North 89 degrees 36 minutes 04 seconds East along the north line of said Lot 9, a distance of 8.59 feet to the point of beginning.

Said parcel containing 0.034 acre, more or less.

That part of Lot 9 in The Meadows Commercial Subdivision, being a resubdivision of part Lot 8 in The Meadows, according to the plat thereof recorded October 23, 2001 as document number 2001R0079191 and part of Lot 2 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Meadows Commercial Subdivision recorded January 31, 2003 as document number 2003R0013439, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southwest corner of said Lot 9; thence easterly 15.04 feet (15.06 feet, recorded) along the southerly line of said Lot 9 on a curve to the left having a radius of 169.99 feet, the chord of said curve bears on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 87 degrees 51 minutes 52 seconds East, 15.03 feet to a point of tangency on the south line of Lot 9; thence North 89 degrees 36 minutes 04 seconds East along the south line of said Lot 9, a distance of 13.19 feet; thence North 0 degrees 00 minutes 00 seconds East, a distance of 38.80 feet; thence North 90 degrees 00 minutes 00 seconds West, a distance of 28.48 feet to the west line of said Lot 9; thence South 0 degrees 23 minutes 56 seconds East along the west line of said Lot 9, a distance of 38.34 feet to the point of beginning.

Said temporary easement containing 0.025 acre, more or less.

Said temporary easement to be used for driveway construction purposes.

That part of Lot 9 in The Meadows Commercial Subdivision, being a resubdivision of part Lot 8 in The Meadows, according to the plat thereof recorded

October 23, 2001 as document number 2001R0079191 and part of Lot 2 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Meadows Commercial Subdivision recorded January 31, 2003 as document number 2003R0013439, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northeast corner of said Lot 9; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 23 minutes 56 seconds East along the east line of said Lot 9, a distance of 167.70 feet to the southeasterly line of Lot 9; thence South 53 degrees 36 minutes 38 seconds West along the southeasterly line of said Lot 9, a distance of 10.61 feet to the point of beginning; thence North 0 degrees 24 minutes 03 seconds West, a distance of 173.94 feet to the north line of said Lot 9; thence South 89 degrees 36 minutes 04 seconds West along the north line of said Lot 9, a distance of 20.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 186.36 feet to the southerly line of said Lot 9; thence North 81 degrees 26 minutes 28 seconds East along the southerly line of said Lot 9, a distance of 3.65 feet to the southeasterly line of Lot 9; thence North 53 degrees 36 minutes 38 seconds East along the southeasterly line of said Lot 9, a distance of 20.26 feet to the point of beginning.

Said temporary easement containing 0.083 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 3 in Acorn Lane Commercial Center Unit 3, being a subdivision of part of the West Half of the Northwest Quarter of Section 29 and the Southwest Quarter of the Southwest Quarter of Section 20, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded March 21, 1997 as document number 97R012763, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southwest corner of said Lot 3; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 0 degrees 13 minutes 26 seconds West along the west line of said Lot 3, a distance of 10.50 feet; thence North 89 degrees 35 minutes 57 seconds East, a distance of 181.96 feet to the east line of said Lot 3; thence South 0 degrees 08 minutes 34 seconds East along the east line of said Lot 3, a distance of 12.98 feet to the southeast corner of Lot 3; thence North 89 degrees 37 minutes 15 seconds West along the south line of said Lot 3, a distance of 181.95 feet to the point of beginning.

Said parcel containing 0.049 acre, more or less.

That part of Lot 3 in Acorn Lane Commercial Center Unit 3, being a subdivision of part of the West Half of the Northwest Quarter of Section 29 and the Southwest Quarter of the Southwest Quarter of Section 20, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded March 21, 1997 as document number 97R012763, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southwest corner of said Lot 3; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 0 degrees 13 minutes 26 seconds West along the west line of said Lot 3, a distance of 10.50 feet to the point of beginning; thence North 89 degrees 35 minutes 57 seconds East, a distance of 85.99 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 10.00 feet; thence South 89 degrees 35 minutes 57 seconds West, a distance of 85.96 feet to the west line of said Lot 3; thence South 0 degrees 13 minutes 26 seconds East along the west line of said Lot 3, a distance of 10.00 feet to the point of beginning.

Said temporary easement containing 0.020 acre, more or less.

Said temporary easement to be used for grading and driveway construction purposes.

That part of Lot 10 in The Meadows Commercial Subdivision, being a resubdivision of part Lot 8 in The Meadows, according to the plat thereof recorded October 23, 2001 as document number 2001R0079191 and part of Lot 2 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Meadows Commercial Subdivision recorded January 31, 2003 as document number 2003R0013439, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southeast corner of said Lot 10; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 36 minutes 04 seconds West along the south line of said Lot 10, a distance of 8.59 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 175.93 feet to the north line of said Lot 10; thence North 89 degrees 27 minutes 07 seconds East along the north line of said Lot 10, a distance of 8.60 feet to the northeast corner of Lot 10; thence South 0 degrees 23 minutes 56 seconds East along the east line of said Lot 10, a distance of 175.95 feet to the point of beginning.

Said parcel containing 0.035 acre, more or less.

That part of Lot 10 in The Meadows Commercial Subdivision, being a resubdivision of part Lot 8 in

The Meadows, according to the plat thereof recorded October 23, 2001 as document number 2001R0079191 and part of Lot 2 in Govnors Subdivision, according to the plat thereof recorded March 20, 2001 as document number 2001R0016624, in the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said The Meadows Commercial Subdivision recorded January 31, 2003 as document number 2003R0013439, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of said Lot 10; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 36 minutes 04 seconds West along the south line of said Lot 10, a distance of 8.59 feet to the point of beginning; thence North 0 degrees 24 minutes 03 seconds West, a distance of 175.93 feet to the north line of said Lot 10; thence South 89 degrees 27 minutes 07 seconds West along the north line of said Lot 10, a distance of 20.00 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 175.88 feet to the south line of said Lot 10; thence North 89 degrees 36 minutes 04 seconds East along the south line of said Lot 10, a distance of 20.00 feet to the point of beginning.

Said temporary easement containing 0.081 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 25 in Northstar Phase 1, being a subdivision of part of the Southeast Quarter of Section 19 and the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded July 27, 1994 as document number 94R044959, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southeast corner of said Lot 25; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 27 minutes 07 seconds West along the south line of said Lot 25, a distance of 18.60 feet; thence North 0 degrees 24 minutes 03 seconds West, a distance of 120.63 feet to the north line of said Lot 25; thence North 89 degrees 27 minutes 07 seconds East along the north line of said Lot 25, a distance of 18.40 feet to the northeast corner of Lot 25; thence South 0 degrees 29 minutes 48 seconds East along the east line of said Lot 25, a distance of 120.63 feet to the point of beginning.

Said parcel containing 0.051 acre, more or less.

That part of Lot 25 in Northstar Phase 1, being a subdivision of part of the Southeast Quarter of Section 19 and the Northeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded July 27, 1994 as document number 94R044959, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the southeast corner of said Lot 25; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 89 degrees 27 minutes 07 seconds West along the south line of said Lot 25, a distance of 18.60 feet to the point of beginning; thence North 0 degrees 24 minutes 03 seconds West, a distance of 120.63 feet to the north line of said Lot 25; thence South 89 degrees 27 minutes 07 seconds West along the north line of said Lot 25, a distance of 1.45 feet to the northwesterly line of Lot 25; thence southwesterly 48.64 feet along the northwesterly line of said Lot 25 on a curve to the right having a radius of 60.00 feet, the chord of said curve bears South 22 degrees 40 minutes 38 seconds West, 47.32 feet; thence South 0 degrees 24 minutes 03 seconds East, a distance of 77.15 feet to the south line of said Lot 25; thence North 89 degrees 27 minutes 07 seconds East, along the south line of said Lot 25, a distance of 20.00 feet to the point of beginning.

Said temporary easement containing 0.043 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 1 in Winding Creek Center, being a subdivision of part of the Southeast Quarter of Section 30, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded December 6, 2004 as document number 2004R0107449, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northeast corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 06 minutes 24 seconds East along the east line of said Lot 1, a distance of 24.90 feet; thence South 89 degrees 56 minutes 44 seconds West, a distance of 73.44 feet; thence North 0 degrees 01 minute 01 second East, a distance of 24.98 feet to the north line of said Lot 1; thence South 89 degrees 59 minutes 08 seconds East along the north line of said Lot 1, a distance of 73.38 feet to the point of beginning.

Said temporary easement containing 0.042 acre, more or less.

Said temporary easement to be used for grading and construction purposes.

That part of Lot 1 in Re-Subdivision of Outlot A, Acorn Lane Commercial Center Unit 3, being a subdivision of part of the West Half of the Northwest Quarter of Section 29 and the Southwest Quarter of the Southwest Quarter of Section 20, Township 43 North, Range 8 East of the Third Principal Meridian,

according to the plat thereof recorded January 31, 2007 as document number 2007R007482, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the most westerly southwest corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 0 degrees 24 minutes 36 seconds West along the west line of said Lot 1, a distance of 289.95 feet; thence North 89 degrees 28 minutes 33 seconds East, a distance of 310.00 feet; thence North 0 degrees 24 minutes 36 seconds West, a distance of 60.47 feet; thence North 89 degrees 28 minutes 33 seconds East, a distance of 165.45 feet to the easterly line of said Lot 1; thence along the easterly line of said Lot 1 the next 19 courses, South 35 degrees 39 minutes 50 seconds West, a distance of 31.19 feet; thence South 60 degrees 44 minutes 41 seconds West, a distance of 32.20 feet; thence South 45 degrees 25 minutes 01 second West, a distance of 21.19 feet; thence South 23 degrees 30 minutes 06 seconds West, a distance of 27.80 feet; thence South 6 degrees 47 minutes 17 seconds West, a distance of 30.19 feet; thence South 10 degrees 43 minutes 36 seconds West, a distance of 35.95 feet; thence South 21 degrees 27 minutes 52 seconds West, a distance of 41.40 feet; thence South 19 degrees 59 minutes 44 seconds West, a distance of 41.41 feet; thence South 16 degrees 10 minutes 56 seconds West, a distance of 54.07 feet; thence South 10 degrees 50 minutes 54 seconds West, a distance of 35.58 feet; thence South 23 degrees 47 minutes 21 seconds East, a distance of 29.22 feet; thence South 15 degrees 55 minutes 24 seconds West, a distance of 9.86 feet; thence South 35 degrees 43 minutes 39 seconds West, a distance of 44.87 feet; thence South 42 degrees 01 minute 14 seconds West, a distance of 45.34 feet; thence South 21 degrees 37 minutes 25 seconds West, a distance of 13.18 feet; thence South 21 degrees 51 minutes 34 seconds East, a distance of 15.04 feet; thence South 39 degrees 49 minutes 41 seconds East, a distance of 27.58 feet; thence South 5 degrees 34 minutes 09 seconds West, a distance of 5.75 feet; thence South 15 degrees 26 minutes 48 seconds West, a distance of 37.61 feet (37.60 feet, recorded) to the southeast corner of said Lot 1; thence North 89 degrees 37 minutes 15 seconds West along the most southerly line of said Lot 1, a distance of 50.98 feet to a west line of Lot 1; thence North 0 degrees 13 minutes 26 seconds West along a west line of said Lot 1, a distance of 149.98 feet to a south line of Lot 1; thence North 89 degrees 37 minutes 15 seconds West along a south line of said Lot 1, a distance of 247.95 feet to the point of beginning.

Said parcel containing 2.881 acres, more or less.

That part of Lot 1 in Oakridge Harnish Resubdivision, being a resubdivision of Lot 2 in Rosen Rosen Rosen Subdivision of part of the Northwest Quarter of Section 32, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Oakridge Harnish Resubdivision recorded October 20, 2005 as document number 2005R0089188, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 87 degrees 20 minutes 06 seconds East along the north line of said Lot 1, a distance of 15.76 feet; thence South 2 degrees 17 minutes 50 seconds West, a distance of 191.30 feet to the south line of said Lot 1; thence North 87 degrees 20 minutes 06 seconds West along the south line of said Lot 1, a distance of 16.99 feet to the southwest corner of Lot 1; thence North 2 degrees 40 minutes 02 seconds East along the west line of said Lot 1, a distance of 191.29 feet (191.32 feet, recorded) to the point of beginning.

Said temporary easement containing 0.072 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 7, except the West 10.0 feet thereof conveyed to McHenry County, Illinois, by quit claim deed recorded July 30, 2008 as document number 2008R0041806, in Rosen Rosen Rosen Subdivision, being a subdivision of part of the Northwest Quarter of Section 32, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded July 26, 2001 as document number 2001R0052702, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 7; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 64 degrees 39 minutes 47 seconds East along a northerly line of said Lot 7, a distance of 11.33 feet to the east right of way line of Randall Road recorded July 30, 2008 as document number 2008R0041806 and the point of beginning; thence continuing North 64 degrees 39 minutes 47 seconds East along a northerly line of said Lot 7, a distance of 4.03 feet; thence South 2 degrees 47 minutes 42 seconds West, a distance of 43.98 feet to a southerly line of said Lot 7; thence South 81 degrees 39 minutes 50 seconds West along a southerly line of said Lot 7, a distance of 3.52 feet to the said east right of way line of Randall Road; thence North 2 degrees 40 minutes 02 seconds East along the said east right of way line of Randall Road, a distance of 42.76 feet to the point of beginning.

Said parcel containing 0.003 acre, more or less, or 152 square feet, more or less.

That part of Lot 7, except the West 10.0 feet thereof conveyed to McHenry County, Illinois, by quit claim deed recorded July 30, 2008 as document number 2008R0041806, in Rosen Rosen Rosen Subdivision, being a subdivision of part of the Northwest Quarter of Section 32, Township 43 North, Range 8 East of the

Third Principal Meridian, according to the plat thereof recorded July 26, 2001 as document number 2001R0052702, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 7; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 64 degrees 39 minutes 47 seconds East along a northerly line of said Lot 7, a distance of 11.33 feet to the east right of way line of Randall Road recorded July 30, 2008 as document number 2008R0041806; thence continuing North 64 degrees 39 minutes 47 seconds East along a northerly line of said Lot 7, a distance of 4.03 feet to the point of beginning; thence South 2 degrees 47 minutes 42 seconds West, a distance of 43.98 feet to a southerly line of said Lot 7; thence North 81 degrees 39 minutes 50 seconds East along a southerly line of said Lot 7, a distance of 8.15 feet; thence North 2 degrees 47 minutes 42 seconds East, a distance of 46.68 feet to a northerly line of said Lot 7; thence South 64 degrees 39 minutes 47 seconds West along a northerly line of said Lot 7, a distance of 9.07 feet to the point of beginning.

Said temporary easement containing 0.008 acre, more or less, or 363 square feet, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 1, except that part conveyed to McHenry County, Illinois, by quit claim deed recorded July 30, 2008 as document number 2008R0041808, in Rubloff Oakridge Second Resubdivision, being a resubdivision of Lot 4 in Rubloff Oakridge Resubdivision in the Northeast Quarter of Section 31, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Rubloff Oakridge Second Resubdivision recorded November 1, 2002 as document number 2002R0100966, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the southwest corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of North 40 degrees 57 minutes 32 seconds East, a distance of 23.34 feet; thence North 2 degrees 09 minutes 13 seconds East, a distance of 7.31 feet to the north line of said Lot 1; thence South 89 degrees 47 minutes 46 seconds East along the north line of said Lot 1, a distance of 5.06 feet to the west right of way line of Randall Road recorded July 30, 2008 as document number 2008R0041810; thence South 1 degree 27 minutes 52 seconds West along the said west right of way line of Randall Road, a distance of 7.32 feet to a point of curvature on said west right of way line; thence southwesterly 19.87 feet (19.88 feet, recorded) along the westerly right of way line of said Randall Road on a curve to the right having a radius of 25.00 feet, the chord of said curve bears South 24 degrees 14 minutes 10 seconds West, 19.35 feet to the south line of said Lot 1; thence North 89 degrees 47 minutes 46 seconds West along the south line of said Lot 1, a distance of 12.50 feet to the point of beginning.

Said parcel containing 0.005 acre, more or less, or 219 square feet, more or less.

That part of Lot 1 in Rosen Rosen Rosen Subdivision, being a subdivision of part of the Northwest Quarter of Section 32, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded July 26, 2001 as document number 2001R0052702, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 1 degree 27 minutes 52 seconds West along the west line of said Lot 1, a distance of 159.55 feet to the point of beginning; thence South 43 degrees 09 minutes 55 seconds East, a distance of 70.65 feet; thence South 0 degrees 44 minutes 15 seconds West, a distance of 9.66 feet to the north right of way line of Harnish Drive recorded July 30, 2008 as document number 2008R0041817; thence North 89 degrees 20 minutes 21 seconds West along the said north right of way line of Harnish Drive, a distance of 14.88 feet to the northeasterly right of way line of Harnish Drive recorded July 30, 2008 as document number 2008R0041807; thence North 43 degrees 41 minutes 30 seconds West along the said northeasterly right of way line of Harnish Drive, a distance of 49.19 feet to the west line of said Lot 1; thence North 1 degree 27 minutes 52 seconds East along the west line of said Lot 1, a distance of 25.46 feet to the point of beginning.

Said parcel containing 0.026 acre, more or less.

That part of Lot 1 in Rosen Rosen Rosen Subdivision, being a subdivision of part of the Northwest Quarter of Section 32, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded July 26, 2001 as document number 2001R0052702, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of said Lot 1; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 1 degree 27 minutes 52 seconds West along the west line of said Lot 1, a distance of 159.55 feet; thence South 43 degrees 09 minutes 55 seconds East, a distance of 70.65 feet; thence South 0 degrees 44 minutes 15 seconds West, a distance of 9.66 feet to the north right of way line of Harnish Drive recorded July 30, 2008 as document number 2008R0041817; thence South 89 degrees 20 minutes 21 seconds East along the said north right of way line of Harnish Drive, a

distance of 4.13 feet; thence North 0 degrees 44 minutes 15 seconds East, a distance of 15.29 feet; thence North 43 degrees 41 minutes 30 seconds West, a distance of 68.41 feet; thence northerly 115.11 feet along a curve to the right having a radius of 24915.00 feet, the chord of said curve bears North 1 degree 49 minutes 12 seconds East, 115.11 feet; thence South 87 degrees 35 minutes 16 seconds East, a distance of 10.00 feet; thence North 2 degrees 17 minutes 50 seconds East, a distance of 40.96 feet to the north line of said Lot 1; thence North 88 degrees 32 minutes 23 seconds West along the north line of said Lot 1, a distance of 16.50 feet to the point of beginning.

Said temporary easement containing 0.042 acre, more or less.

Said temporary easement to be used for construction purposes.

That part of Lot 2 in Oakridge Harnish Resubdivision, being a resubdivision of Lot 2 in Rosen Rosen Rosen Subdivision of part of the Northwest Quarter of Section 32, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat of said Oakridge Harnish Resubdivision recorded October 20, 2005 as document number 2005R0089188, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of said Lot 2; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 2 degrees 40 minutes 02 seconds West along the west line of said Lot 2, a distance of 45.92 feet (45.49 feet, recorded) to an angle point on the west line of Lot 2; thence South 1 degree 27 minutes 52 seconds West along the west line of said Lot 2, a distance of 54.11 feet (54.52 feet, recorded) to the southwest corner of Lot 2; thence South 88 degrees 32 minutes 23 seconds East along the south line of said Lot 2, a distance of 16.50 feet; thence North 2 degrees 17 minutes 50 seconds East, a distance of 99.67 feet to the north line of said Lot 2; thence North 87 degrees 20 minutes 06 seconds West along the north line of said Lot 2, a distance of 16.99 feet to the point of beginning.

Said temporary easement containing 0.039 acre, more or less.

Said temporary easement to be used for grading purposes.

That part of Lot 11 in Kaper's Business Center Unit 1, being a subdivision of part of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded June 4, 1997 as document number 97R025826, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Beginning at the northwest corner of said Lot 11; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 04 minutes 06 seconds East along the west line of said Lot 11, a distance of 118.49 feet to the southwest corner of the grantor according to special warranty deed recorded December 28, 2015 as document number 2015R0047895; thence South 89 degrees 47 minutes 46 seconds East along the south line of the grantor according to said special warranty deed, a distance of 33.20 feet; thence North 0 degrees 01 minute 47 seconds East, a distance of 118.49 feet to the north line of said Lot 11; thence North 89 degrees 47 minutes 46 seconds West along the north line of said Lot 11, a distance of 33.28 feet to the point of beginning.

Said parcel containing 0.091 acre, more or less.

That part of Lot 11 in Kaper's Business Center Unit 1, being a subdivision of part of the West Half of the Southwest Quarter of Section 29, Township 43 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded June 4, 1997 as document number 97R025826, in McHenry County, Illinois, bearings and distances are based on the Illinois Coordinate System, NAD 83(2011) East Zone, with a combination factor of 0.9999373735, described as follows:

Commencing at the northwest corner of said Lot 11; thence on an Illinois Coordinate System NAD 83(2011) East Zone bearing of South 0 degrees 04 minutes 06 seconds East along the west line of said Lot 11, a distance of 118.49 feet to the southwest corner of the grantor according to special warranty deed recorded December 28, 2015 as document number 2015R0047895; thence South 89 degrees 47 minutes 46 seconds East along the south line of the grantor according to said special warranty deed, a distance of 33.20 feet to the point of beginning; thence North 0 degrees 01 minute 47 seconds West, a distance of 118.49 feet to the north line of said Lot 11; thence South 89 degrees 47 minutes 46 seconds East along the north line of said Lot 11, a distance of 10.00 feet; thence South 0 degrees 01 minute 47 seconds East, a distance of 118.49 feet to the south line of the grantor according to said special warranty deed; thence North 89 degrees 47 minutes 46 seconds West along the south line of the grantor according to said special warranty deed, a distance of 10.00 feet to the point of beginning.

Said temporary easement containing 0.027 acre, more or less.

Said temporary easement to be used for grading purposes.

HISTORY:

2017 P.A. 100-446, § 5, effective August 25, 2017; renumbered from § 735 ILCS 30/25-5-70 by 2018 P.A. 100-863, § 595, effective August 14, 2018.

735 ILCS 30/25-5-75 Quick-take; McHenry County; Dowell Road.

Quick-take proceedings under Article 20 [735 ILCS 30/20-5-5 et seq.] may be used for a period of no more than one year after the effective date of this amen-

datory Act of the 100th General Assembly by McHenry County for the acquisition of the following described property for the purpose of construction at the intersection of River Road and Dowell Road:

That part of the Northwest Quarter of Section 17, Township 44 North, Range 9 East of the Third Principal Meridian, described as follows; commencing at the intersection of the north line of said Northwest Quarter with the center line of highway (Lily Lake Road); thence East on the north line of said Northwest Quarter 1523.1 feet record, measured to the Northeast Corner thereof; thence South on the east line of said Northwest Quarter, 475 feet record, measured; thence Southwesterly with an angle of 29 degrees 26 minutes record, measured to the right of the last mentioned line 2152.19 feet to the intersection with the Northerly right of way line of Dowell Road; thence along the last described north line North 62 degrees 59 minutes 33 seconds West, 38.08 feet to the point of beginning; thence continuing along said north line North 62 degrees 59 minutes 33 seconds West, 122.46 feet to the intersection with the Northerly right of way line of River Road; thence Northwesterly along the last described Northerly right of way line 639.09 feet being an arc to the left, having a radius of 1322.87 feet and a chord that bears North 60 degrees 15 minutes 24 seconds West, 632.90 feet; thence perpendicular to the last described arc North 15 degrees 54 minutes 12 seconds East, 12.00 feet to a line 12.00 feet North of and parallel with said North right of way line of River Road; thence Southeasterly along the last described parallel line 263.98 feet being the arc to the right, having a radius of 1334.87 feet and whose chord bears South 68 degrees 25 minutes 53 seconds East, 263.55 feet; thence North 59 degrees 29 minutes 00 seconds East, 111.53 feet; thence South 61 degrees 00 minutes 16 seconds East, 108.15 feet to a bend point on the westerly line of the conservation easement per document 2015R0043210; thence South 00 degrees 37 minutes 29 seconds East, 83.34 feet to a line 45.00 feet North of and parallel with said Northerly right of way line of River Road as projected through the intersection right of way of Dowell Road right of way; thence Southeasterly along the last described parallel line 234.06 feet being an arc to the right, having a radius of 1367.87 feet and whose chord bears South 49 degrees 10 minutes 45 seconds East, 233.77 feet to a point on the westerly line of the conservation easement per document 2006R0095189 at a distance of 45.00 feet North of the said Northerly right of way River Road; thence South 28 degrees 59 minutes 44 seconds West, 5.22 feet to a point on a line 40.00 feet Northerly of and parallel with said Northerly right of way line of River Road; thence Southeasterly along the last described parallel line 65.19 feet being an arc to the right, having a radius of 1362.87 feet and whose chord bears South 42 degrees 50 minutes 47 seconds East, 65.12 feet to the point of beginning, in McHenry County, Illinois.

Said parcel containing 0.742 acres, more or less.

HISTORY:

2017 P.A. 100-446, § 5, effective August 25, 2017.

735 ILCS 30/25-5-80 Quick-take; City of Woodstock; Madison Street, South Street, and Lake Avenue. [Effective until April 2, 2024]

(a) Quick-take proceedings under Article 20 [735 ILCS 30/20-5-5 et seq.] may be used for a period of no more than 2 years after April 2, 2021 (the effective date of Public Act 101-665) by Will County for the acquisition of the following described property for the purpose of the 80th Avenue Improvements project:

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FB

County: Will

Job No.: R-55-001-97

Parcel No.: 0001A Station 76+09.95 To Station 80+90.00

Index No.: 19-09-02-400-012

Parcel 0001A

That part of the Southeast Quarter of the Southeast Quarter of Section 2, all in Township 35 North, Range 12 East of the Third Principal Meridian, in Will County, Illinois, bearings and distances based on the Illinois Sate Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Commencing at the southeast corner of said Section 2; thence North 01 degree 44 minutes 58 seconds West on the east line of said Southeast Quarter, 69.28 feet to the north right of way line of 191st Street as described in Document No. R94-114863; thence South 88 degrees 15 minutes 02 seconds West, on said north right of way line, 50.29 feet to the west right of way line of 80th Avenue per Document No. R66-13830, and to the Point of Beginning; thence continuing South 88 degrees 15 minutes 02 seconds West, on said north right of way line, 10.14 feet to an angle point in said north right of way line; thence South 43 degrees 24 minutes 14 seconds West, on said north right of way line, 27.67 feet to an angle point in said north right of way line; thence South 88 degrees 24 minutes 14 seconds West, on said north right of way line, 1038.30 feet; thence North 01 degree 36 minutes 18 seconds West, 6.27 feet; thence North 87 degrees 57 minutes 50 seconds East, 930.35 feet to a point 63.00 feet North of, as measured perpendicular to, the south line of said Southeast Quarter; thence North 50 degrees 35 minutes 39 seconds East, 117.47 feet to the west line of the East 95.00 feet of said Southeast Quarter; thence North 01 degree 44 minutes 58 seconds West, on said west line, 304.58 feet; thence North 88 degrees 15 minutes 28 seconds East, 10.00 feet to the west line of the East 85.00 feet of said Southeast Quarter; thence North 01 degree 44 minutes 58 seconds West, on said west line, 90.00 feet; thence North 88 degrees 15 minutes 26 seconds East, 20.89 feet to the west right of way line of 80th Avenue per Document No. R66-13830; thence South 03 degrees 28 minutes 04 seconds East, on said

west right of way line, 460.75 feet to the Point of Beginning.

Said parcel containing 0.706 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0001B Station 88+00.00 To Station 88+89.62

Index No.: 19-09-02-400-012

Parcel 0001B

That part of the Southeast Quarter of the Southeast Quarter of Section 2, all in Township 35 North, Range 12 East of the Third Principal Meridian, in Will County, Illinois, bearings and distances based on the Illinois Sate Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows: Beginning at the intersection of the north line of the Southeast Quarter of said Southeast Quarter with the west right of way line of 80th Avenue per Document No. R66-13830; thence South 01 degree 44 minutes 58 seconds East, on said west right of way line, 89.60 feet; thence South 88 degrees 15 minutes 29 seconds West, 6.78 feet; thence North 02 degrees 31 minutes 36 seconds West, 89.63 feet to the north line of the Southeast Quarter of said Southeast Quarter; thence North 88 degrees 26 minutes 40 seconds East, on said north line, 8.00 feet to the Point of Beginning.

Said parcel containing 0.015 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0001TE-A Station 88+00.00 To Station 88+89.64

Index No.: 19-09-02-400-012

Parcel 0001TE-A

That part of the Southeast Quarter of the Southeast Quarter of Section 2, all in Township 35 North, Range 12 East of the Third Principal Meridian, in Will County, Illinois, bearings and distances based on the Illinois Sate Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows: Beginning at a point on the north line of the Southeast Quarter of said Southeast Quarter that is 88.00 feet West of, the east line of said Southeast Quarter, as measured on said north line; thence South 02 degrees 31 minutes 36 seconds East, 89.63 feet; thence South 88 degrees 15 minutes 29 seconds West, 5.00 feet; thence North 02 degrees 31 minutes 36 seconds West, 89.65 feet to the north line of the Southeast Quarter of said Southeast Quarter; thence North 88 degrees 26 minutes 40 seconds East, on said north line, 5.00 feet to the Point of Beginning.

Said parcel containing 0.010 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0001TE-B Station 82+99.90 To Station 88+00.00

Index No.: 19-09-02-400-012

Parcel 0001TE-B

That part of the Southeast Quarter of the Southeast Quarter of Section 2, all in Township 35 North, Range 12 East of the Third Principal Meridian, in Will County, Illinois, bearings and distances based on the Illinois Sate Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows: Commencing at the Southeast corner of said Section 2; thence North 01 degree 44 minutes 58 seconds West, on the east line of said Southeast Quarter, 69.28 feet to the north right of way line of 191st Street as described in Document No. R94-114863; thence South 88 degrees 15 minutes 02 seconds West, on said north right of way line, 50.29 feet to the west right of way line of 80th Avenue per Document No. R66-13830; thence North 03 degrees 28 minutes 04 seconds West, on said west right of way line, 670.74 feet to the Point of Beginning; thence South 88 degrees 15 minutes 02 seconds West, 9.59 feet; thence North 02 degrees 31 minutes 36 seconds West, 500.15 feet; thence North 88 degrees 15 minutes 29 seconds East, 6.78 feet to said west right of way line; thence South 01 degree 44 minutes 58 seconds East, on said west right of way line, 180.42 feet to an angle point in said west right of way line; thence South 03 degrees 28 minutes 04 seconds East, on said west right of way line, 319.82 feet to the Point of Beginning.

Said parcel containing 0.074 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0001TE-C Station 76+91.56 To Station 81+34.98

Index No.: 19-09-02-400-012

Parcel 0001TE-C

That part of the Southeast Quarter of the Southeast Quarter of Section 2, all in Township 35 North, Range 12 East of the Third Principal Meridian, in Will County, Illinois, bearings and distances based on the Illinois Sate Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows: Commencing at the Southeast corner of said Section 2; thence North 01 degree 44 minutes 58 seconds West, on the east line of said Southeast Quarter, 69.28 feet to the north right of way line of 191st Street as described in Document No. R94-114863; thence South 88 degrees 15 minutes 02 seconds West, on said north right of way line, 50.29 feet to the west right of way line of 80th Avenue per Document No. R66-13830; thence North 03 degrees 28 minutes 04 seconds West, on said west right of way line, 460.75 feet to the Point of Beginning; thence South 88 degrees 15 minutes 26 seconds West, 20.89 feet to the

west line of the East 85.00 feet of said Southeast Quarter; thence South 01 degree 44 minutes 58 seconds East, on said west line, 90.00 feet; thence South 88 degrees 15 minutes 28 seconds West, 10.00 feet to the west line of the East 95.00 feet of said Southeast Quarter; thence South 01 degree 44 minutes 58 seconds East, on said west line, 304.58 feet; thence South 50 degrees 35 minutes 39 seconds West, 6.32 feet to the west line of the East 100.00 feet of said Southeast Quarter; thence North 01 degree 44 minutes 58 seconds West, on said west line, 313.44 feet; thence North 88 degrees 15 minutes 28 seconds East, 10.00 feet to the west line of the east 90.00 feet of said Southeast Quarter; thence North 01 degree 44 minutes 58 seconds West, on said west line, 96.19 feet; thence South 88 degrees 15 minutes 35 seconds West, 9.50 feet to the west line of the East 99.50 feet of said Southeast Quarter; thence North 01 degree 44 minutes 58 seconds West, on said west line, 33.80 feet; thence North 88 degrees 15 minutes 25 seconds East, 34.04 feet to the west right of way line of 80th Avenue per Document No. R66-13830; thence South 03 degrees 28 minutes 04 seconds East, on said west right of way line, 45.00 feet to the Point of Beginning.

Said parcel containing 0.080 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0002 Station 76+09.53 To Station 89+10.71

Index No.: 19-09-01-300-024

Parcel 0002

That part of the Southwest Quarter of the Southwest Quarter of Section 1, also 2/3rds of an acre off the south end of the Northwest Quarter of the Southwest Quarter of Section 1, Township 35 North, Range 12 East of the Third Principal Meridian, in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Commencing at the southwest corner of said Section 1; thence North 01 degree 44 minutes 58 seconds West, on the west line of said Southwest Quarter, 68.94 feet to the north right of way line of 191st Street as described in Document No. R94-114861; thence North 88 degrees 15 minutes 02 seconds East, on said north right of way line, 50.33 feet to the east right of way line of 80th Avenue per Document No. R66-13830, and to the Point of Beginning; thence North 00 degrees 15 minutes 19 seconds East, on said east right of way line, 991.07 feet to an angle point in said east right of way line; thence North 01 degree 44 minutes 58 seconds West, on said east right of way line, 291.11 feet to the north line of the South 2/3rd of an acre, of the northwest quarter of said Southwest Quarter; thence North 88 degrees 30 minutes 01 second East, on said north line, 27.00 feet to the east line of the West 112.00 feet of said Southwest Quarter; thence South 01 degree 44 minutes 58 seconds East, on said east line, 195.59 feet; thence South 88 degrees 15 minutes 27 seconds West, 16.00 feet to the east line of the West 96.00 feet of said Southwest Quarter; thence South 01 degree 44 minutes 58 seconds East, on said east line, 240.00 feet; thence South 88 degrees 15 minutes 27 seconds West, 5.00 feet to the east line of the West 91.00 feet of said Southwest Quarter; thence South 01 degree 44 minutes 58 seconds East, on said east line, 151.34 feet; thence South 88 degrees 15 minutes 36 seconds West, 11.00 feet to the east line of the West 80.00 feet of said Southwest Quarter; thence South 01 degree 44 minutes 58 seconds East, on said east line, 323.66 feet; thence North 88 degrees 15 minutes 29 seconds East, 5.00 feet to the east line of the West 85.00 feet of said Southwest Quarter; thence South 01 degree 44 minutes 58 seconds East, on said east line, 251.00 feet; thence North 88 degrees 15 minutes 08 seconds East, 6.00 feet; thence South 24 degrees 56 minute 10 seconds East, 124.46 feet to the north line of the South 75.00 feet of said Southwest Quarter; thence North 88 degrees 29 minutes 57 seconds East, on said north line, 376.67 feet; thence South 84 degrees 46 minutes 29 seconds East, 183.57 feet to a point 53.50 feet North of, as measured perpendicular to, the south line of said Southwest Quarter; thence South 01 degree 30 minutes 03 seconds East, 2.85 feet to the north right of way line of 191st Street as described in Document No. R94-114861; thence South 88 degrees 24 minutes 33 seconds West, on said north right of way line, 618.63 feet to an angle point in said north right of way line; thence North 46 degrees 35 minutes 28 seconds West, on said north right of way line, 27.66 feet to an angle point in said north right of way line; thence South 88 degrees 15 minutes 02 seconds West, on said north right of way line, 10.40 feet to the Point of Beginning.

Said parcel containing 0.951 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0002TE-A Station 77+49.00 To Station 81+30.94

Index No.: 19-09-01-300-024

Parcel 0002TE-A

That part of the Southwest Quarter of the Southwest Quarter of Section 1, also 2/3rds of an acre off the south end of the Northwest Quarter of the Southwest Quarter of Section 1, Township 35 North, Range 12 East of the Third Principal Meridian, in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Commencing at the southwest corner of said Section 1; thence North 01 degrees 44 minutes 58 seconds West, on the west line of said Southwest Quarter, 68.94 feet to the north right of way line of 191st Street as described in Document No. R94-114861; thence North 88 degrees 15 minutes 02 seconds East,

on said north right of way line, 50.33 feet to the east right of way line of 80th Avenue per Document No. R66-13830; thence North 00 degrees 15 minutes 19 seconds East, on said east right of way line, 502.11 feet; thence North 88 degrees 15 minutes 36 seconds East, 12.10 feet to the Point of Beginning; thence continuing North 88 degrees 15 minutes 36 seconds East, 11.00 feet to the west line of the East 91.00 feet of said Southwest Quarter; thence South 01 degree 44 minutes 58 seconds East, on said east line, 381.94 feet; thence South 88 degrees 15 minutes 08 seconds West, 6.00 feet to the east line of the West 85.00 feet of said Southwest Quarter; thence North 01 degree 44 minutes 58 seconds West, on said east line, 251.00 feet; thence South 88 degrees 15 minutes 29 seconds West, 5.00 feet to the east line of the West 80.00 feet of said Southwest Quarter; thence North 01 degree 44 minutes 58 seconds West, on said east line, 130.94 feet to the Point of Beginning.

Said parcel containing 0.068 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0002TE-B Station 3023+00.64 To Station 3025+99.98

Index No.: 19-09-01-300-024

Parcel 0002TE-B

That part of the Southwest Quarter of the Southwest Quarter of Section 1, also 2/3rds of an acre off the south end of the Northwest Quarter of the Southwest Quarter of Section 1, Township 35 North, Range 12 East of the Third Principal Meridian, in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Commencing at the southwest corner of said Section 1; thence North 88 degrees 29 minutes 57 seconds East, on the south line of said Southwest Quarter, 698.65 feet; thence North 01 degree 30 minutes 03 seconds West, perpendicular to said south line, 50.65 feet to the north right of way line of 191st Street as described in Document No. R94-114861, and to the Point of Beginning; thence continuing North 01 degree 30 minutes 03 seconds West, 2.85 feet; thence North 88 degrees 13 minutes 47 seconds East, 299.34 feet; thence South 01 degree 30 minutes 03 seconds East, 4.00 feet to the north right of way line of 191st Street per Document No. R2003-260494; thence South 88 degrees 29 minutes 57 seconds West, on said north right of way line, 133.46 feet to the west line of said Document No. R2003-260494; thence South 88 degrees 24 minutes 33 seconds West, on the north right of way line of 191st Street per Document No. R94-114861, a distance of 165.89 feet to the Point of Beginning.

Said parcel containing 0.023 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0003 Station 88+89.50 To Station 91+36.65

Index No.: 19-09-02-402-003

Parcel 0003

That part of Outlot A in 80th Avenue Industrial Center in the east half of the Southeast Quarter of Section 2, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded May 27, 1976 as Document No. R1976-015768, Township of Frankfort, Will County, Illinois, bearings and distances based on the Illinois Sate Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Beginning at the southeast corner of said Outlot A; thence South 88 degrees 26 minutes 40 seconds West, on the south line of said Outlot A, 38.00 feet; thence North 22 degrees 20 minutes 14 seconds East, 66.16 feet to the west line of the East 11.00 feet of said Outlot A; thence North 01 degree 44 minutes 58 seconds West, on said west line, 159.51 feet to a point 27.00 feet South of, as measured perpendicular to, the south right of way line of 189th Street; thence South 88 degrees 26 minutes 40 seconds West, parallel with said south right of way line, 39.00 feet; thence North 01 degree 44 minutes 58 seconds West, parallel with the east line of said Outlot A, 27.00 feet to the south right of way line of 189th Street; thence North 88 degrees 26 minutes 40 seconds East, on said south right of way line, 50.00 feet to the east line of said Outlot A; thence South 01 degree 44 minutes 58 seconds East, on said east line, 246.99 feet to the Point of Beginning.

Said parcel containing 0.105 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0003TE Station 88+89.62 To Station 91+09.54

Index No.: 19-09-02-402-003

Parcel 0003TE

That part of Outlot A in 80th Avenue Industrial Center in the east half of the Southeast Quarter of Section 2, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded May 27, 1976 as Document No. R1976-015768, Township of Frankfort, Will County, Illinois, bearings and distances based on the Illinois Sate Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Commencing at the southeast corner of said Outlot A; thence South 88 degrees 26 minutes 40 seconds West, on the south line of said Outlot A, 38.00 feet to the Point of Beginning; thence continuing South 88 degrees 26 minutes 40 seconds West, on said south line, 5.00 feet; thence North 01 degrees 44 minutes 58 seconds West, parallel with the east line of said Outlot A, a distance of 60.49 feet; thence North 88

degrees 26minutes 40 seconds East, 27.00 feet to the west line of the East 16.00 feet of said Outlot A; thence North 01 degree 44 minutes 58 seconds West, on said west line, 159.51 feet to a point 27.00 feet South of, as measured perpendicular to, the south right of way line of 189th Street; thence North 88 degrees 26 minutes 40 seconds East, parallel to said south right of way line, 5.00 feet to the west line of the East 11.00 feet of said Outlot A; thence South 01 degree 44 minutes 58 seconds East, on said west line, 159.51 feet; thence South 22 degrees 20 minutes 14 seconds West, 66.16 feet to the Point of Beginning.

Said parcel containing 0.044 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0004A Station 89+10.59 To Station 91+36.89

Index No.: 19-09-01-301-001

Parcel 0004A

That part of Lot 1 in Panduit Corp Planned Unit Development Subdivision, being a subdivision in part of the Southwest Quarter of Section 1, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded August 31, 2012 as Document No. R2012-096238, in Will County, Illinois, bearings and distances based on the Illinois Sate Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Beginning at the southwest corner of said lot; thence North 01 degree 44 minutes 58 seconds West, on the west line of said lot, 226.18 feet; thence North 88 degrees 15 minutes 33 seconds East, 10.00 feet to the east line of the West 10.00 feet of said lot; thence South 01 degree 44 minutes 58 seconds East, on said east line, 186.95 feet; thence North 88 degrees 15 minutes 28 seconds East, 17.00 feet to the east line of the West 27.00 feet of said lot; thence South 01 degree 44 minutes 58 seconds East, on said east line, 39.35 feet to the south line of said lot; thence South 88 degrees 30 minutes 01 second West, on said south line, 27.00 feet to the Point of Beginning.

Said parcel containing 0.067 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0004B Station 92+15.00 To Station 99+94.90

Index No.: 19-09-01-301-001

Parcel 0004B

That part of Lot 1 in Panduit Corp Planned Unit Development Subdivision, being a subdivision in part of the Southwest Quarter of Section 1, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded August 31, 2012 as Document No. R2012-096238, in Will County, Illinois, bearings and distances based on the Illinois Sate Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Beginning at the northwest corner of said lot; thence North 88 degrees 32 minutes 27 seconds East, on the north line of said lot, 53.09 feet; thence South 02 degrees 19 minutes 11 seconds West, 586.19 feet to a point 20.00 feet East of, as measured perpendicular to, the west line of said lot; thence South 88 degrees 15 minutes 02 seconds West, 11.00 feet to the east line of the West 9.00 feet of said lot; thence South 01 degree 44 minutes 58 seconds East, on said east line, 194.80 feet; thence South 88 degrees 15 minutes 02 seconds West, 9.00 feet to the west line of said lot; thence North 01 degree 44 minutes 58 seconds West, on said west line, 505.26 feet to an angle point in said west line; thence North 00 degrees 01 minute 33 seconds East, on said west line, 274.64 feet to the Point of Beginning.

Said parcel containing 0.561 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0004TE Station 89+49.94 To Station 92+15.00

Index No.: 19-09-01-301-001

Parcel 0004TE

That part of Lot 1 in Panduit Corp Planned Unit Development Subdivision, being a subdivision in part of the Southwest Quarter of Section 1, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded August 31, 2012 as Document No. R2012-096238, in Will County, Illinois, bearings and distances based on the Illinois Sate Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Commencing at the southwest corner of said lot; thence North 01 degree 44 minutes 58 seconds West, on the west line of said lot, 226.18 feet to the Point of Beginning; thence continuing North 01 degrees 44 minutes 58 seconds West, on said west line, 78.11 feet; thence North 88 degrees 15 minutes 02 seconds East, 9.00 feet; thence South 50 degrees 58 minutes 14 seconds East, 27.73 feet; thence North 88 degrees 15 minutes 33 seconds East, 25.00 feet to the east line of the West 55.00 feet of said lot; thence South 01 degree 44 minutes 58 seconds East, on said east line, 60.00 feet; thence South 88 degrees 15 minutes 33 seconds West, 40.00 feet to the east line of the West 15.00 feet of said lot; thence South 01 degree 44 minutes 58 seconds East, on said east line, 186.94 feet; thence South 88 degrees 15 minutes 28 second West, 5.00 feet to the east line of the West 10.00 feet of said lot; thence North 01 degree 44 minutes 58 seconds West, on said east line, 186.95 feet; thence South 88 degrees 15 minutes 33 seconds West, 10.00 feet to the Point of Beginning.

Said parcel containing 0.105 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will
Job No.: R-55-001-97
Parcel No.: 0005 Station 92+02.49 To Station 99+94.90
Index No.: 19-09-02-402-003
Parcel 0005
That part of Outlot A in 80th Avenue Industrial Center in the east half of the Southeast Quarter of Section 2, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded May 27, 1976 as Document No. R1976-015768, Township of Frankfort, Will County, Illinois, bearings and distances based on the Illinois Sate Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:
Beginning at the northeast corner of said Outlot A, said northeast corner being the intersection of the east line of said Outlot A with the south right of way line of Interstate 80; thence South 05 degrees 42 minutes 13 seconds East, on the east line of said Outlot A, 526.56 feet to an angle point in said east line; thence South 01 degree 44 minutes 58 seconds East, on said east line, 266.93 feet to the north right of way line of 189th Street; thence South 88 degrees 26 minutes 40 seconds West, on said north right of way line, 50.00 feet; thence North 01 degree 44 minutes 58 seconds West, parallel with said east line, 32.00 feet; thence North 88 degrees 26 minutes 40 seconds East, parallel with said north right of way line, 37.00 feet to the west line of the East 13.00 feet of said Outlot A; thence North 01 degree 44 minutes 58 seconds West, on said west line, 279.26 feet; thence South 88 degrees 15 minutes 02 seconds West, 22.00 feet; thence North 01 degree 43 minutes 58 seconds West, 238.59 feet; thence North 04 degrees 43 minutes 36 seconds West, 197.47 feet; thence North 01 degree 54 minutes 17 seconds West, 45.18 feet to the north line of said Outlot A; thence North 88 degrees 31 minutes 27 seconds East, on said north line, 9.00 feet to the Point of Beginning.
Said parcel containing 0.321 acre, more or less.
Route: 80th Avenue (CH 83)
Section: 06-00122-16-FP
County: Will
Job No.: R-55-001-97
Parcel No.: 0006 Station 102+41.97 To Station 115+07.14
Index No.: 19-09-01-100-013
Parcel 0006
The West 60 acres (Except the East 40 acres thereof) of the south half of the Northwest Quarter of Section 1, Township 35 North, Range 12 East of the Third Principal Meridian, in Will County, Illinois.
Excepting therefrom that part described for street purposes by Plat of Dedication and ordinance approving the same record as Document R2002-010141.
Also excepting therefrom that part taken for Interstate 80 in Case 66 G 1592H the Lis Pendes of which was recorded as Document R66-13830.
Said parcel containing 16.618 acres, more or less.
Route: 80th Avenue (CH 83)
Section: 06-00122-16-FP
County: Will
Job No.: R-55-001-97
Parcel No.: 0007TE Station 110+41.32 To Station 110+49.57
Index No.: 19-09-02-203-003
Parcel 0007TE
That part of Lot 9 in Mercury Business Center, being a subdivision of part of the Southeast Quarter of the Northeast Quarter of Section 2, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded August 26, 1994 as Document No. R94-82441, in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scaled factor of 0.9999641157 described as follows:
Commencing at the southeast corner of said lot; thence South 84 degrees 03 minutes 06 seconds West, on the south line of said lot, 74.77 feet to the Point of Beginning; thence continuing South 84 degrees 03 minutes 06 seconds West, on said south line, 44.50 feet; thence North 05 degrees 56 minutes 54 seconds West, perpendicular to said south line, 5.00 feet; thence North 84 degrees 03 minutes 06 seconds East, parallel with said south line, 44.50 feet; thence South 05 degrees 56 minutes 54 seconds East, perpendicular to said south line, 5.00 feet to the Point of Beginning.
Said parcel containing 0.005 acre (223 square feet), more or less.
Route: 80th Avenue (CH 83)
Section: 06-00122-16-FP
County: Will
Job No.: R-55-001-97
Parcel No.: 0008TE-A Station 118+98.39 To Station 120+86.46
Index No.: 19-09-02-205-034
Parcel 0008TE-A
That part of Lot 1 in Speedway Tinley Park Subdivision, being a consolidation of Parcels 1, 2 and 3 in the north half of Section 2, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded March 1, 2016, as Document No. R2016-015413, all in Will County, Illinois bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:
Commencing at the northeast corner of said lot; thence South 01 degree 45 minutes 01 seconds East, on the east line of said lot, 235.96 feet to the Point of Beginning; thence continuing South 01 degree 45 minutes 01 second East, on said east line, 106.00 feet to an angle point in said east line; thence South 88 degrees 30 minutes 13 seconds West, on said east line, 9.00 feet to an angle point in said east line; thence South 01 degree 45 minutes 01 second East, on said east line, 82.11 feet to an angle point in said east line; thence South 88 degrees 30 minutes 13

seconds West, on said east line, 5.00 feet; thence North 01 degree 45 minutes 01 second West, parallel with said east line, 82.11 feet; thence South 88 degrees 30 minutes 13 seconds West, 10.00 feet; thence North 01 degree 45 minutes 01 second West, parallel with said east line, 106.00 feet; thence North 88 degrees 14 minutes 59 seconds East, 24.00 feet to the Point of Beginning.

Said parcel containing 0.068 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0008TE-B Station 115+88.46 To Station 116+03.46

Index No.: 19-09-02-205-034

Parcel 0008TE-B

That part of Lot 1 in Speedway Tinley Park Subdivision, being a consolidation of Parcels 1, 2 and 3 in the north half of Section 2, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded March 1, 2016, as Document No. R2016-015413, all in Will County, Illinois bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Beginning at the southeast corner of said lot; thence South 88 degrees 30 minutes 13 seconds West, on the south line of said lot, 15.00 feet; thence North 43 degrees 22 minutes 36 seconds East, 21.17 feet to the east line of said lot; thence South 01 degree 45 minutes 01 second East, on said east line, 15.00 feet to the Point of Beginning.

Said parcel containing 0.003 acre (112 square feet), more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0009 Station 115+92.91 To Station 122+04.37

Index No.: 19-09-01-101-009

Parcel 0009

That part of Lot 9 in Hickory Creek Corporate Center Unit 2, being a subdivision of that part of the north half of the Northwest Quarter of Section 1, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded October 31, 2001 as Document No. R2001-148202 and amended by Certificate of Correction Numbers R2001- 157981, R2001-161607 and R2001-161608, in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Beginning at the northwest corner of said lot; thence North 88 degrees 36 minutes 17 seconds East, on the north line of said lot, 15.70 feet; thence South 01 degree 45 minutes 01 second East, 575.55 feet to a point 5.00 feet Northeasterly of, as measured perpendicular to, the southwesterly line of said lot; thence South 46 degrees 35 minutes 11 seconds East, parallel with said southwesterly line, 40.81 feet; thence South 00 degrees 00 minutes 00 seconds East, 6.88 feet to said southwesterly line; thence North 46 degrees 35 minutes 11 seconds West, on said southwesterly line, 62.92 feet to the west line of said lot; thence North 01 degree 44 minutes 24 seconds West, on said west line, 566.85 feet to the Point of Beginning.

Said parcel containing 0.212 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0009TE-A Station 115+86.83 To Station 115+98.12

Index No.: 19-09-01-101-009

Parcel 0009TE-A

That part of Lot 9 in Hickory Creek Corporate Center Unit 2, being a subdivision of that part of the north half of the Northwest Quarter of Section 1, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded October 31, 2001 as Document No. R2001-148202 and amended by Certificate of Correction Numbers R2001- 157981, R2001-161607 and R2001-161608, in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Commencing at the southeast corner of said lot; thence South 88 degrees 35 minutes 00 seconds West, 264.49 feet to the Point of Beginning; thence continuing South 88 degrees 35 minutes 00 seconds West, on said south line, 45.50 feet to the southwesterly line of said lot; thence North 46 degrees 35 minutes 11 seconds West, 8.21 feet; thence North 00 degrees 00 minutes 00 seconds East, 5.21 feet to a point 11.00 feet North of, as measured perpendicular to, the south line of said lot; thence North 88 degrees 35 minutes 00 seconds East, parallel with said south line, 48.31 feet; thence South 16 degrees 07 minutes 24 seconds East, 11.37 feet to the Point of Beginning.

Said parcel containing 0.012 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0009TE-B Station 2013+44.28 To Station 2013+90.28

Index No.: 19-09-01-101-009

Parcel 0009TE-B

That part of Lot 9 in Hickory Creek Corporate Center Unit 2, being a subdivision of that part of the north half of the Northwest Quarter of Section 1, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded October 31, 2001 as Document No. R2001-148202 and amended by Certificate of Correction Numbers R2001- 157981, R2001-161607 and R2001-161608, in

Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Commencing at the southeast corner of said lot; thence South 88 degrees 35 minutes 00 seconds West, on said south line, 35.00 feet to the Point of Beginning; thence continuing South 88 degrees 35 minutes 00 seconds West, on said south line, 46.00 feet; thence North 01 degrees 25 minutes 00 seconds West, 5.00 feet to the north line of the South 5.00 feet of said lot; thence North 88 degrees 35 minutes 00 seconds East, on said north line, 46.00 feet; thence South 01 degree 25 minutes 00 seconds East, 5.00 feet to the Point of Beginning.

Said parcel containing 0.005 acre (230 square feet), more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0010A Station 122+04.27 To Station 122+34.00

Index No.: 19-09-01-101-007

Parcel 0010A

That part of Lot 10 in Hickory Creek Corporate Center Unit 2, being a subdivision of that part of the north half of the Northwest Quarter of Section 1, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded October 31, 2001 as Document No. R2001-148202 and amended by Certificate of Correction Numbers R2001-157981, R2001-161607 and R2001-161608, in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Beginning at the southwest corner of said lot; thence North 01 degree 48 minutes 13 seconds West, on the west line of said lot, 29.63 feet; thence North 88 degrees 15 minutes 04 seconds East, 15.73 feet; thence South 01 degree 45 minutes 01 second East, 29.73 feet to the south line of said lot; thence South 88 degrees 36 minutes 17 seconds West, 15.70 feet to the Point of Beginning.

Said parcel containing 0.011 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0010B Station 122+93.00 To Station 128+25.81

Index No.: 19-09-01-101-007

Parcel 0010B

That part of Lot 10 in Hickory Creek Corporate Center Unit 2, being a subdivision of that part of the north half of the Northwest Quarter of Section 1, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded October 31, 2001 as Document No. R2001-148202 and amended by Certificate of Correction Numbers R2001-157981, R2001-161607 and R2001-161608, in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Commencing at the southwest corner of said lot; thence North 01 degree 48 minutes 13 seconds West, on the west line of said lot, 88.63 feet to the Point of Beginning; thence continuing North 01 degree 48 minutes 13 seconds West, on said west line, 127.27 feet to an angle point in said west line; thence North 01 degree 04 minutes 30 seconds East, on said west line, 199.86 feet to an angle point in said west line; thence North 01 degree 42 minutes 21 seconds West, on said west line, 156.34 feet to an angle point in said west line; thence North 43 degrees 31 minutes 05 seconds East, on a northwesterly line of said lot, 70.43 feet to the north line of said lot; thence North 88 degrees 39 minutes 56 seconds East, on said north line, 613.66 feet; thence South 01 degree 20 minutes 04 seconds East, perpendicular to said north line, 5.00 feet; thence South 87 degrees 05 minutes 13 seconds West, 232.71 feet; thence South 86 degrees 35 minutes 31 seconds West, 357.63 feet; thence South 50 degrees 50 minutes 19 seconds West, 56.86 feet; thence South 07 degrees 02 minutes 04 seconds West, 130.48 feet; thence South 00 degrees 00 minutes 30 seconds East, 344.94 feet; thence South 88 degrees 15 minutes 04 seconds West, 7.78 feet to the Point of Beginning.

Said parcel containing 0.376 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0010TE Station 122+29.00 To Station 127+72.90

Index No.: 19-09-01-101-007

Parcel 0010TE

That part of Lot 10 in Hickory Creek Corporate Center Unit 2, being a subdivision of that part of the north half of the Northwest Quarter of Section 1, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded October 31, 2001 as Document No. R2001-148202 and amended by Certificate of Correction Numbers R2001-157981, R2001-161607 and R2001-161608, in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Commencing at the southwest corner of said lot; thence North 01 degree 48 minutes 13 seconds West, on the west line of said lot, 29.63 feet to the Point of Beginning; thence continuing North 01 degree 48 minutes 13 seconds West, on said west line, 59.00 feet; thence North 88 degrees 15 minutes 04 seconds East, 7.78 feet; thence North 00 degree 00 minutes 30

seconds West, 344.94; thence North 07 degrees 02 minutes 04 seconds East, 130.48 feet; thence North 50 degrees 50 minutes 19 seconds East, 10.14 feet; thence South 01 degree 44 minutes 33 seconds East, 72.90 feet; thence South 18 degrees 40 minutes 18 seconds East, 68.68 feet; thence South 01 degree 44 minutes 34 seconds East, 134.29 feet; thence South 13 degrees 46 minutes 54 seconds West, 186.82 feet; thence South 01 degree 44 minutes 30 seconds East, 27.00 feet; thence North 88 degrees 15 minutes 04 seconds East, 39.81 feet; thence South 01 degree 48 minutes 13 seconds East, 64.00 feet; thence South 88 degrees 15 minutes 04 seconds West, 40.28 feet; thence North 01 degree 45 minutes 01 second West, 5.00 feet; thence South 88 degrees 15 minutes 04 seconds West, 15.73 feet to the Point of Beginning.

Said parcel containing 0.435 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0011TE Station 123+22.42 To Station 125+60.84

Index No.: 19-09-02-205-025

Parcel 0011TE

That part of Lot 31 in Tinley Crossings Corporate Center, Phase 3, a resubdivision of part of the north half of Section 2, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded February 27, 2001 as Document No. R2001-021137, all in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Beginning at the southeast corner of said lot, said southeast corner being on the west right of way line of 80th Avenue; thence South 88 degrees 15 minutes 09 seconds West, on a south line of said lot, 16.00 feet to the west line of the East 16.00 feet of said lot; thence North 01 degree 45 minutes 01 second West, on said west line, 47.30 feet; thence North 88 degrees 14 minutes 59 seconds East, 12.00 feet to the west line of the East 4.00 feet of said lot; thence North 01 degree 45 minutes 01 second West, on said west line, 142.42 feet; thence South 88 degrees 14 minutes 59 seconds West, 5.00 feet to the west line of the East 9.00 feet of said lot; thence North 01 degree 45 minutes 01 second West, on said west line, 48.70 feet; thence North 88 degrees 14 minutes 59 seconds East, 9.00 feet to the east line of said lot; thence South 01 degree 45 minutes 01 second East, on said east line, 238.42 feet to the Point of Beginning.

Said parcel containing 0.041 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0012 Station 126+69.25 To Station 128+28.53

Index No.: 19-09-02-205-010

Parcel 0012

That part of Lot 25 in Tinley Crossings Corporate Center Unit 1, being a subdivision of part of the North half of Section 2, Township 35 North, Range 12 East of the Third Principal Meridian, according to the Plat of Subdivision thereof recorded October 16, 1998 as Document R98-122885, in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Commencing at the southeast corner of said lot; thence North 01 degree 45 minutes 01 second West, on the east line of said lot, 98.41 feet to the Point of Beginning; thence South 88 degrees 15 minutes 50 seconds West, 6.00 feet; thence North 01 degree 45 minutes 01 second West, parallel with said east line, 31.47 feet to a point of curvature; thence Northwesterly, on a 110.00 foot radius curve, concave Southwesterly, 172.12 feet, the chord of said curve bears North 46 degrees 34 minutes 30 seconds West, 155.09 feet to the south line of the North 17.00 feet of said lot, and to a point of tangency; thence South 88 degrees 35 minutes 58 seconds West, on said south line, 119.66 feet; thence South 01 degree 45 minutes 01 second East, 7.00 feet; thence South 88 degrees 35 minutes 58 seconds West, parallel with said north line, 20.00 feet to the west line of said lot; thence North 01 degree 45 minutes 01 second West, on said west line, 24.00 feet to the northwest corner of said lot; thence North 88 degrees 35 minutes 58 seconds East, on the north line of said lot, 204.99 feet to the northeasterly line of said lot; thence South 46 degrees 34 minutes 31 seconds East, on said northeasterly line, 70.93 feet to the east line of said lot; thence South 01 degree 45 minutes 01 second East, on said east line, 107.77 feet to the Point of Beginning.

Said parcel containing 0.152 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0012TE Station 126+69.25 To Station 128+11.41

Index No.: 19-09-02-205-010

Parcel 0012TE

That part of Lot 25 in Tinley Crossings Corporate Center Unit 1, being a subdivision of part of the North half of Section 2, Township 35 North, Range 12 East of the Third Principal Meridian, according to the Plat of Subdivision thereof recorded October 16, 1998 as Document R98-122885, in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Commencing at the southeast corner of said lot; thence North 01 degree 45 minutes 01 second West, on the east line of said lot, 98.41 feet; thence South 88 degrees 15 minutes 50 seconds West, 6.00 feet to the Point of Beginning; thence continuing South 88 de-

grees 15 minutes 50 seconds West, 5.00 feet; thence North 01 degree 45 minutes 01 second West, parallel with the east line of said lot, 31.47 feet; thence North 28 degrees 47 minutes 08 seconds West, 72.92 feet; thence North 57 degrees 01 minute 36 seconds West, 57.77 feet to the south line of the North 29.00 feet of said lot; thence South 88 degrees 35 minutes 58 seconds West, on said south line, 143.37 feet; thence South 01 degree 45 minutes 01 second East, 10.00 feet; thence South 88 degrees 35 minutes 58 seconds West, parallel with the north line of said lot, 20.00 feet to the west line of said lot; thence North 01 degree 45 minutes 01 second West, on said west line, 15.00 feet; thence North 88 degrees 35 minutes 58 seconds East, parallel with the north line of said lot, 20.00 feet; thence North 01 degree 45 minutes 01 second West, 7.00 feet to the south line of the North 17.00 feet of said lot; thence North 88 degrees 35 minutes 58 seconds East, on said south line, 119.66 feet to a point of curvature; thence Southeasterly, on a 110.00 foot radius curve, concave Southwesterly, 172.12 feet, the chord of said curve bears South 46 degrees 34 minutes 30 seconds East, 155.09 feet to the west line of the East 6.00 feet of said lot, and to a point of tangency; thence South 01 degree 45 minutes 01 second East, on said west line, 31.47 feet to the Point of Beginning.

Said parcel containing 0.093 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0013 Station 95+54.70 To Station 98+85.07

Index No.: 19-09-02-205-028

Parcel 0013

All common areas in the 8021 Condominium, as delineated on a survey of the following described real estate: Lot 30 in Tinley Crossings Corporate Center, Phase 3, a resubdivision of part of the North half of Section 2, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded February 27, 2001 as Document No. R2001-021137, which survey is attached as Exhibit "B" to the Declaration of Condominium recorded as Document Number R2004-22962, and as amended, all in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Beginning at the northeast corner of said Lot 30; thence South 01 degree 45 minutes 01 second East, on the east line of said lot, 24.00 feet to the south line of the North 24.00 feet of said lot; thence South 88 degrees 35 minutes 58 seconds West, on said south line, 97.77 feet; thence North 87 degrees 12 minutes 48 seconds West, 136.96 feet; thence South 89 degrees 41 minutes 13 seconds West, 52.69 feet to a point of curvature; thence Westerly, on a 787.00 foot radius curve, concave Southerly, 39.84 feet, the chord of said curve bears South 87 degrees 08 minutes 58 seconds West, 39.83 feet to the west line of said lot; thence North 01 degree 45 minutes 03 seconds West, on said west line, 13.01 feet to the northwest corner of said lot; thence Easterly, on the north line of said lot, being an 800.00 foot radius curve, concave Southerly, 39.91 feet, the chord of said curve bears North 87 degrees 10 minutes 13 seconds East, 39.91 feet to a point of tangency in said north line; thence North 88 degrees 35 minutes 58 seconds East, on said north line, 286.90 feet to the Point of Beginning.

Said parcel containing 0.142 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0013TE-A Station 97+87.30 To Station 98+85.18

Index No.: 19-09-02-205-028

Parcel 0013TE-A

All common areas in the 8021 Condominium, as delineated on a survey of the following described real estate: Lot 30 in Tinley Crossings Corporate Center, Phase 3, a resubdivision of part of the North half of Section 2, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded February 27, 2001 as Document No. R2001-021137, which survey is attached as Exhibit "B" to the Declaration of Condominium recorded as Document Number R2004-22962, and as amended, all in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Commencing at the northeast corner of said Lot 30; thence South 01 degree 45 minutes 01 second East, on the east line of said lot, 24.00 feet to the Point of Beginning; thence continuing South 01 degree 45 minutes 01 second East, on said east line, 15.00 feet; thence South 88 degrees 35 minutes 58 seconds West, parallel with the north line of said lot, 30.17 feet; thence North 01 degree 24 minutes 02 seconds West, 10.00 feet to the south line of the North 29.00 feet of said lot; thence South 88 degrees 35 minutes 58 seconds West, on said south line, 67.70 feet; thence North 01 degree 24 minutes 02 seconds West, 5.00 feet to the south line of the North 24.00 feet of said lot; thence North 88 degrees 35 minutes 58 seconds East, on said south line, 97.77 feet to the Point of Beginning.

Said parcel containing 0.018 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0013TE-B Station 95+72.95 To Station 96+39.71

Index No.: 19-09-02-205-028

Parcel 0013TE-B

All common areas in the 8021 Condominium, as delineated on a survey of the following described real

estate: Lot 30 in Tinley Park Crossings Corporate Center, Phase 3, a resubdivision of part of the North half of Section 2, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded February 27, 2001 as Document No. R2001-021137, which survey is attached as Exhibit "B" to the Declaration of Condominium recorded as Document Number R2004-22962, and as amended, all in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Commencing at the northwest corner of said Lot 30; thence South 01 degree 45 minutes 03 seconds East, on the west line of said lot, 13.01 feet; thence Easterly, on a 787.00 foot radius curve, concave Southerly, 16.92 feet, the chord of said curve bears North 86 degrees 18 minutes 55 seconds East, 16.92 feet to the Point of Beginning; thence continuing Easterly, on said 787.00 foot radius curve, 22.92 feet, the chord of said curve bears North 87 degrees 45 minutes 55 seconds East, 22.92 feet; thence North 89 degrees 41 minutes 13 seconds East, 41.67 feet; thence South 01 degree 39 minutes 18 seconds East, 6.00 feet; thence South 89 degrees 41 minutes 10 seconds West, 41.70 feet to a point of curvature; thence Westerly, on a 781.00 foot radius curve, concave Southerly, 22.74 feet, the chord of said curve bears South 87 degrees 45 minutes 55 seconds West, 22.74 feet; thence North 03 degrees 04 minutes 08 seconds West, 6.00 feet to the Point of Beginning.

Said parcel containing 0.009 acre (387 square feet), more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0014 Station 93+10.05 To Station 95+55.36

Index No.: 19-09-02-205-023

Parcel 0014

That part of Lot 29 in Tinley Crossings Corporate Center Phase 3, being a subdivision of part of the North half of Section 2, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded February 27, 2001 as Document No. R2001-021137, all in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Beginning at the northeast corner of said Lot 29; thence South 01 degree 45 minutes 03 second East, 13.01 feet to the southerly line of the Northerly 13.00 feet of said lot; thence Southwesterly, on said southerly line, being a 787.00 foot radius curve, concave Southerly, 226.63 feet, the chord of said curve bears South 77 degrees 26 minutes 59 seconds West, 225.85 feet; thence North 20 degrees 48 minutes 00 seconds West, 13.00 feet to the northerly line of said lot; thence Northeasterly, on said northerly line, being a 800.00 foot radius curve, concave Southerly, 230.96 feet, the chord of said curve bears North 77 degrees 28 minutes 14 seconds East, 230.15 feet to the Point of Beginning.

Said parcel containing 0.068 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0014TE Station 92+71.20 To Station 93+10.05

Index No.: 19-09-02-205-023

Parcel 0014TE

That part of Lot 29 in Tinley Crossings Corporate Center Phase 3, being a subdivision of part of the North half of Section 2, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded February 27, 2001 as Document No. R2001-021137, all in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Commencing at the northeast corner of said Lot 29; thence Southwesterly, on the northerly line of said lot, being a 800.00 foot radius curve, concave Southerly, 230.96 feet, the chord of said curve bears South 77 degrees 28 minutes 14 seconds West, 230.15 feet to the Point of Beginning; thence South 20 degrees 48 minutes 00 seconds East, 13.00 feet to the southerly line of the Northerly 13.00 feet of said lot; thence Southwesterly, on said southerly line, being a 787.00 foot radius curve, concave Southerly, 35.99 feet, the chord of said curve bears South 67 degrees 53 minutes 24 seconds West, 35.98 feet; thence North 23 degrees 25 minutes 11 seconds West, 13.00 feet to the northerly line of said lot; thence Northeasterly, on said northerly line, being a 800.00 foot radius curve, concave Southerly, 36.58 feet, the chord of said curve bears North 67 degrees 53 minutes 24 seconds East, 36.58 feet to the Point of Beginning.

Said parcel containing 0.011 acre, more or less.

Route: 80th Avenue (CH 83)

Section: 06-00122-16-FP

County: Will

Job No.: R-55-001-97

Parcel No.: 0015TE Station 91+38.62 To Station 93+13.16

Index No.: 19-09-02-204-003

Parcel 0015TE

That part of Outlot A in Tinley Crossings Corporate Center Unit 1, being a subdivision of part of the North half of Section 2, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded October 16, 1998 as Document No. R98- 122885, all in Will County, Illinois, bearings and distances based on the Illinois State Plane Coordinate System, East Zone, NAD 83 (2011 Adjustment) with a combined scale factor of 0.9999641157 described as follows:

Beginning at the northeast corner of said Outlot A; thence Southwesterly, on the southerly line of said Outlot A, being a 900.00 foot radius curve, concave Southeasterly, 117.40 feet, the chord of said curve bears South 65 degrees 40 minutes 28 seconds West, 117.32 feet to a point of tangency in said southerly line; thence South 61 degrees 56 minutes 15 seconds West, on said southerly line, 63.70 feet; thence North 28 degrees 03 minutes 45 seconds West, 9.00 feet to the northerly line of the Southerly 9.00 feet of said Outlot A; thence North 61 degrees 56 minutes 15 seconds East, on said northerly line, 63.70 feet to a point of curvature; thence Northeasterly, on a 909.00 foot radius curve, concave Southeasterly, 93.69 feet, the chord of said curve bears North 64 degrees 53 minutes 25 seconds East, 93.65 feet to the north line of said Outlot A; thence North 88 degrees 35 minutes 58 seconds East, on said north line, 26.35 feet to the Point of Beginning.

Said parcel containing 0.035 acre, more or less.

(b) This Section is repealed April 2, 2024 (3 years after the effective date of Public Act 101-665).

HISTORY:

2020 P.A. 101-665, § 4-5, effective April 2, 2021; 2022 P.A. 102-813, § 680, effective May 13, 2022.

735 ILCS 30/25-5-80 Quick-take; City of Woodstock; Madison Street, South Street, and Lake Avenue. [As added by P.A. 102-53] [Repealed July 9, 2024]

HISTORY:

2021 P.A. 102-53, § 5, effective July 9, 2021; renumbered to § 735 ILCS 30/25-5-85 by 2022 P.A. 102-813, § 680, effective May 13, 2022.

735 ILCS 30/25-5-80 Quick-take; Moultrie County; Township Road 185A. [as added by P.A. 102-564] [Repealed August 20, 2024]

HISTORY:

2021 P.A. 102-564, § 5, effective August 20, 2021; renumbered to § 735 ILCS 30/25-5-90 by 2022 P.A. 102-813, § 680, effective May 13, 2022.

735 ILCS 30/25-5-80 Quick-take; City of Decatur; Brush College Road. [Repealed August 27, 2023]

HISTORY:

2021 P.A. 102-624, § 30, effective August 27, 2021; renumbered to § 735 ILCS 30/25-5-95 by 2022 P.A. 102-813, § 680, effective May 13, 2022.

735 ILCS 30/25-5-85. Quick-take; City of Woodstock; Madison Street, South Street, and Lake Avenue. [Effective until July 9, 2024]

(a) Quick-take proceedings under Article 20 may be used for a period of no more than 2 years after July 9, 2021 (the effective date of Public Act 102-53) by the City of Woodstock for the acquisition of the following described property for the purpose of widening the right-of-way proximate to the intersection of Madison Street, South Street, and Lake Avenue to construct a traffic roundabout:

That part of the north 47.5 feet of the south 87.5 feet of Lots 7 and 8 in Block 18 in the Original Town of Centerville, now City of Woodstock, a subdivision of part of the Southwest Quarter of Section 5, Township 44 North, Range 7 East of the Third Principal Meridian, according to the plat recorded June 10, 1844, in Book D of Deeds, page 201, in the City of Woodstock, McHenry County, Illinois, described as follows using bearings as referenced to Illinois State Plane Coordinate System, East Zone North American Datum 1983 (2011 Adjustment):

Commencing at a 5/8-inch iron pipe found at the southwest corner of said Lot 7; thence North 0 degrees 22 minutes 24 seconds West, 40.00 feet on the west line of said Lot 7 to the south line of said north 47.5 feet of the south 87.5 feet of Lots 7 and 8 for the Point of Beginning; thence North 89 degrees 14 minutes 44 seconds East, 15.06 feet along said south line; thence northwesterly, 27.31 feet on a curve to the right having a radius of 69.42 feet, the chord of said curve bears North 34 degrees 05 minutes 52 seconds West, 27.13 feet to the aforesaid west line of Lot 7; thence South 0 degrees 22 minutes 24 seconds East, 22.67 feet along said west line to the Point of Beginning.

Said parcel containing 0.003 acre or 145 square feet, more or less.

***

The north 47.5 feet of the south 87.5 feet of Lots 7 and 8 in Block 18 in the Original Town of Centerville, now City of Woodstock, a subdivision of part of the Southwest Quarter of Section 5, Township 44 North, Range 7 East of the Third Principal Meridian, according to the plat recorded June 10, 1844, in Book D of Deeds, page 201, situated in the County of McHenry, in the State of Illinois, described as follows, using bearings as referenced to Illinois State Plane Coordinate System, East Zone North American Datum 1983 (2011 Adjustment):

Commencing at a 5/8-inch iron pipe found at the southwest corner of said Lot 7; thence North 0 degrees 22 minutes 24 seconds West, 62.67 feet along the west line of said Lot 7 to the Point of Beginning; thence continuing North 0 degrees 22 minutes 24 seconds West, 20.41 feet along said west line; thence North 89 degrees 42 minutes 37 seconds East, 12.36 feet; thence South 0 degrees 17 minutes 23 seconds East, 29.21 feet; thence South 89 degrees 57 minutes 09 seconds East, 26.25 feet; thence South 0 degrees 10 minutes 38 seconds West, 13.45 feet to the south line of said 47.5 feet of the south 87.5 feet of Lots 7 and 8; thence South 89 degrees 14 minutes 44 seconds West, 23.38 feet along said south line; thence northwesterly, 27.31 feet on a curve to the right, having a radius of 69.42 feet, the chord of said curve bears North 34 degrees 05 minutes 52 seconds West, 27.13 feet to the Point of Beginning.

Said temporary easement containing 0.017 acre, more or less.

***

The south 40 feet of Lots 7 and 8 in Block 18 in the Original Plat of Town of Centerville, now City of Woodstock, a subdivision of part of the Southwest Quarter of Section 5, Township 44 North, Range 7 East of the Third Principal Meridian, according to the plat recorded June 10, 1844, in Book D of Deeds, page 201, in the City of Woodstock, McHenry County, Illinois.

Said parcel containing 0.110 acre, more or less.

That part of Lot 204 of the Assessor's Plat of Section 8, Township 44 North, Range 7 East of the Third Principal Meridian described as follows, using bearings as referenced to Illinois State Plane Coordinate System, East Zone North American Datum 1983 (2011 Adjustment):

Beginning at the most westerly point of said Lot 204; thence South 89 degrees 50 minutes 58 seconds East, 72.00 feet along the north line of said Lot 204, said line also being the south right-of-way line of East South Street; thence South 22 degrees 00 minutes 17 seconds West, 47.64 feet to the southwesterly line of said Lot 204, said line also being the northeasterly right-of-way line of Lake Avenue; thence North 50 degrees 40 minutes 20 seconds West, 70.00 feet along said southwesterly line to the Point of Beginning.

Said parcel containing 0.036 acre, more or less.

(b) This Section is repealed July 9, 2024 (3 years after the effective date of Public Act 102-53).

HISTORY:

2021 P.A. 102-53, § 5, effective July 9, 2021; renumbered from § 735 ILCS 30/25-5-80 by 2022 P.A. 102-813, § 680, effective May 13, 2022.

735 ILCS 30/25-5-90 Quick-take; Moultrie County; Township Road 185A. [Effective until August 20, 2024]

(a) Quick-take proceedings under Article 20 may be used for a period of no more than 2 years after August 20, 2021 (the effective date of Public Act 102-564) by Moultrie County for the acquisition of the following described property for the purpose of replacing a structure and constructing an associated roadway on Township Road 185A:

A part of the Northeast Quarter of Section 11, Township 12 North, Range 6 East of the Third Principal Meridian located in Moultrie County, Illinois, more particularly described as follows:

Commencing at the Southeast corner of the said Northeast Quarter; thence North 88°48'50" West along the South line of said Northeast Quarter, 966.15 feet to the point of beginning; thence North 00°09'24" West, 13.14 feet to the centerline of proposed improvement; thence continuing North 00°09'24" West, 30.00 feet to a point being 30 feet distant measured and perpendicular to the North of said centerline; thence North 84°54'18" West, 109.25 feet to a point being 40 feet distant measured and perpendicular to and North of said centerline; thence parallel with said centerline 169.29 feet along a circular curve to the right having a chord bearing of North 68°09'28" West with a chord length of 165.14 feet and a radius of 220.12 feet; thence parallel with said centerline North 46°09'33" West, 296.16 feet: thence parallel with said centerline 73.65 feet along a circular curve to the left having a chord bearing of North 53°10'55" West with a chord length of 73.47 feet and a radius of 300.44 feet to the South line of the North 70 acres of the West Half of the said Northeast Quarter; thence North 88°59'47" West along the South line of said North 70 acres, 620.26 feet; thence South 01°25'31" East, 29.21 feet to the existing South right-of-way line of the East-West public road; thence South 82°37'17" East, 75.89 feet to the point being 30 feet distant measured and perpendicular to the South of the said centerline; thence parallel with said centerline North 88°34'29" East, 100 feet; thence South 63°13'29" East, 42.32 feet to a point being 50 feet distant measured and perpendicular to and South of the said centerline; thence parallel with said centerline 109.31 feet along a circular curve to the right having a chord bearing of South 89°44'30" East, with a chord length of 109.29 feet and a radius of 1859.51 feet; thence North 89°05'34" East,100.58 feet to a point being 45 feet distant measured and perpendicular to and South of said centerline; thence parallel with said centerline South 88°03'29" East, 54.61 feet; thence parallel with said centerline 157.54 feet along a circular curve to the right having a chord bearing of South 67°06'30" East with a chord length of 165.14 feet and a radius of 220.12 feet,; thence parallel with said centerline South 46°09'33" East, 79.94 feet; thence North 43°50'27" East, 5.00 feet to a point being 40 feet distant measured and perpendicular to and South of said centerline; thence parallel with said centerline South 46°09'33" East, 161.15 feet to the West line of Southeast Quarter of said Northeast Quarter; thence South 01°05'23" East along the West line of said Southeast Quarter of the Northeast Quarter, 87.37 feet to the Southwest corner of said Southeast Quarter of the Northeast Quarter; thence Easterly along the South line said Northeast Quarter, 355.8 feet to the point of beginning.

ALSO,

A part of the Northeast Quarter of Section 11 [735 ILCS 30/11], Township 12 North, Range 6 East of the Third Principal Meridian located in Moultrie County, Illinois, more particularly described as follows:

Commencing at the Southeast corner of the said Northeast Quarter; thence North 88°48'50" West along the South line of said Northeast Quarter, 1319.84 feet; thence North 01°11'10" East, 190.97 feet to a point being 40 feet distant measured and perpendicular to and North of the centerline of proposed improvement and the point of beginning; thence North 43°50'27" East, 50.00 feet to a point being 90 feet distant measured and perpendicular to

and North of said centerline: thence parallel with said centerline North 46°09'33" West, 120.00 feet; thence South 43°50'27" West, 50.00 feet to the proposed right-of-way line of proposed improvement, said point being 40 feet distant measured and perpendicular to and North of said centerline; thence South 46°09'33" East along said proposed right-of-way line, 120.00 feet to the point of beginning.

ALSO,

A part of the Northeast Quarter of Section 11, Township 12 North, Range 6 East of the Third Principal Meridian located in Moultrie County, Illinois, more particularly described as follows:

Commencing at the Southeast corner of the said Northeast Quarter; thence North 88°48'50" West along the South line of said Northeast Quarter, 1351.98 feet; thence North 01°11'10" East, 111.80 feet to the proposed right-of-way line of the proposed improvement, said point being 40 feet distant measured and perpendicular to and South of the centerline of proposed improvement and the point of beginning; thence parallel with said centerline North 46°09'33" West along said proposed right-of-way line, 125.00 feet; thence South 43°50'27" West along said proposed right-of-way line, 5.00 feet to a point being 45 feet distant measured and perpendicular to and South of said centerline; thence parallel with said centerline North 46°09'33" West along said proposed right-of-way, 25.00 feet; thence South 43°50'27" West. 35.00 feet to a point being 80 feet distant measured and perpendicular to and South of said centerline; thence parallel with said centerline South 46°09'33" East, 150.00 feet; North 43°50'27" East, 40.00 feet to the point of beginning.

ALSO,

A part of the Northeast Quarter of Section 11, Township 12 North, Range 6 East of the Third Principal Meridian located in Moultrie County, Illinois, more particularly described as follows:

Commencing at the Southeast corner of the said Northeast Quarter; thence North 88°48'50" West along the South line of said Northeast Quarter, 1527.33 feet; thence North 01°11'30" East, 264.11 feet to the proposed right-of-way line of the proposed improvement, said point being 45 feet distant measured and perpendicular to and South of the centerline of proposed improvement and the point of beginning; thence parallel with said centerline 73.33 feet along a circular curve to the left having a chord bearing of North 63°12'22" West with a chord length of 72.94 feet and a radius of 215.44 feet; thence South 17°06'20" West, 35.00 feet to a point being 80 feet distant measured and perpendicular to and South of said centerline; thence parallel with said centerline 61.41 feet along a circular curve to the right having a chord bearing of South 63°08'38" East with a chord length of 61.12 feet and a radius of 180.44 feet; thence North 36°36'25" East, 35.00 feet to the point of beginning.

(b) This Section is repealed August 20, 2024 (3 years after the effective date of Public Act 102-564).

HISTORY:

2021 P.A. 102-564, § 5, effective August 20, 2021; renumbered from § 735 ILCS 30/25-5-80 by 2022 P.A. 102-813, § 680, effective May 13, 2022.

735 ILCS 30/25-5-95 Quick-take; City of Decatur; Brush College Road. [Effective until August 27, 2023]

(a) Quick-take proceedings under Article 20 [735 ILCS 30/20-5-5 et seq.] may be used for a period of one year after August 27, 2021 (the effective date of Public Act 102-624) by the City of Decatur and Macon County for the acquisition of the following described property for the purpose of obtaining the necessary right-of-way for the construction of a grade separation of Brush College Road over Faries Parkway and the Norfolk Southern Railroad in Decatur, Illinois.

Parcel 57b

A part of the East 108.9 feet of Lot One (1) of Westlake 2nd Addition of Outlots to the City of Decatur, Illinois, per Plat recorded in Book 335, Page 591 of the Records in the Recorder's Office of Macon County, Illinois and described as follows:

Commencing at an Illinois Department of Transportation Vault found at the northwest corner of Section 8, Township 16 North, Range 3 East of the Third Principal Meridian per Monument Record recorded as Document 1894076 of the records aforesaid; thence, along bearings reference to the Illinois State Plane Coordinate System, NAD83 (2011 Adjustment), East Zone, North 89 degrees 06 minutes 39 seconds East 1204.57 feet, along the north line of the Northwest Quarter of said Section 8; thence South 0 degrees 11 minutes 07 seconds East 7.33 feet to the intersection of the west line of the East 108.9 feet of said Lot One (1) with the north line of said Lot One (1) and the Point of Beginning; thence North 87 degrees 53 minutes 06 seconds East 108.90 feet, along said north line, also being the existing south right of way line of East Faries Parkway per said Book 335, Page 591, to the northeast corner of said Lot One (1); thence South 0 degrees 11 minutes 07 seconds East 389.96 feet, along the east line of said Lot One (1), to the southeast corner of said Lot One (1); thence South 87 degrees 53 minutes 21 seconds West 108.90 feet, along the south line of said Lot One (1), also being the existing north right of way line of East Logan Street per said Book 335, Page 591, to the southwest corner of the East 108.9 feet of said Lot One (1); thence North 0 degrees 11 minutes 07 seconds West 34.92 feet along the west line of the East 108.9 feet of said Lot One (1); thence North 42 degrees 59 minutes 54 seconds East 85.21 feet; thence North 02 degrees 28 minutes 18 seconds East 182.00 feet; thence North 33 degrees 26 minutes 49 seconds West 88.33 feet; thence South 83 degrees 08 minutes 31 seconds West 18.43 feet to the west line of the East 108.9 feet of said Lot One (1); thence North 0 degrees 11 minutes 07 seconds West 39.38 feet, along said west line, to the Point of Beginning. Said parcel contains 0.600 acres, more or less.

Temporary Construction Easement

A part of the East 108.9 feet of Lot One (1) of Westlake 2nd Addition of Outlots to the City of Decatur, Illinois, per Plat recorded in Book 335, Page 591 of the Records in the Recorder's Office of Macon County, Illinois and described as follows:

Commencing at an Illinois Department of Transportation Vault found at the northwest corner of Section 8, Township 16 North, Range 3 East of the Third Principal Meridian per Monument Record recorded as Document 1894076 of the records aforesaid; thence, along bearings reference to the Illinois State Plane Coordinate System, NAD83 (2011 Adjustment), East Zone, North 89 degrees 06 minutes 39 seconds East 1204.57 feet, along the north line of the Northwest Quarter of said Section 8, to the intersection of the northerly extension of the west line of the East 108.9 feet of said Lot One (1) with said north line; thence South 0 degrees 11 minutes 07 seconds East 46.71 feet along said northerly extension and said west line; thence North 83 degrees 08 minutes 31 seconds East 18.43 feet; thence South 33 degrees 26 minutes 49 seconds East 12.23 feet to the Point of Beginning; thence continue South 33 degrees 26 minutes 49 seconds East 41.57 feet; thence North 89 degrees 34 minutes 37 seconds West 23.33 feet; thence North 0 degrees 41 minutes 26 seconds East 34.52 feet to the Point of Beginning. Said parcel contains 0.009 acres (403 square feet), more or less.

Parcel 57a

A part of the East one half of the West 446.77 feet of the East 1003.67 feet of Lot One (1) and a part of the West 224 feet of the East 556.9 feet of Lot One (1) all of Westlake 2nd Addition of Outlots to the City of Decatur, Illinois, per Plat recorded in Book 335, Page 591 of the Records in the Recorder's Office of Macon County, Illinois and described as follows:

Commencing at an Illinois Department of Transportation Vault found at the northwest corner of Section 8, Township 16 North, Range 3 East of the Third Principal Meridian per Monument Record recorded as Document 1894076 of the records aforesaid; thence, along bearings reference to the Illinois State Plane Coordinate System, NAD83 (2011 Adjustment), East Zone, North 89 degrees 06 minutes 39 seconds East 533.51 feet, along the north line of the Northwest Quarter of said Section 8; thence South 0 degrees 11 minutes 07 seconds East 36.17 feet to the intersection of the west line of the East one half of the West 446.77 feet of the East 1003.67 feet of said Lot One (1) with the existing south right of way line of East Faries Parkway per Book 2515, Page 103 of the records aforesaid and the Point of Beginning; thence North 81 degrees 39 minutes 51 seconds East 16.50 feet along said existing right of way line; thence North 84 degrees 23 minutes 14 seconds East 207.86 feet, along said existing right of way line, to intersection of the north line of said Lot One (1) with the west line of the East 556.9 feet of said Lot One (1); thence North 87 degrees 53 minutes 06 seconds East 224.00 feet, along said north line, also being the existing south right of way line of East Faries Parkway per said Book 335, Page 591, to the east line of the West 224 feet of the East 556.9 feet of said Lot One (1); thence South 0 degrees 11 minutes 07 seconds East 58.03 feet along said east line; thence South 83 degrees 08 minutes 31 seconds West 145.41 feet; thence South 86 degrees 40 minutes 37 seconds West 208.00 feet; thence South 58 degrees 45 minutes 06 seconds West 110.93 feet to the west line of the East one half of the West 446.77 feet of the East 1003.67 feet of said Lot One (1); thence North 0 degrees 11 minutes 07 seconds West 114.00 feet, along said west line, to the Point of Beginning. Said parcel contains 0.743 acres, more or less.

Temporary Construction Easement

A part of the West 224 feet of the East 556.9 feet of Lot One (1) of Westlake 2nd Addition of Outlots to the City of Decatur, Illinois, per Plat recorded in Book 335, Page 591 of the Records in the Recorder's Office of Macon County, Illinois and described as follows:

Commencing at an Illinois Department of Transportation Vault found at the northwest corner of Section 8, Township 16 North, Range 3 East of the Third Principal Meridian per Monument Record recorded as Document 1894076 of the records aforesaid; thence, along bearings reference to the Illinois State Plane Coordinate System, NAD83 (2011 Adjustment), East Zone, North 89 degrees 06 minutes 39 seconds East 533.51 feet, along the north line of the Northwest Quarter of said Section 8, to the intersection of the northerly extension of the west line of the East one half of the West 446.77 feet of the East 1003.67 feet of said Lot One (1) with said north line; thence South 0 degrees 11 minutes 07 seconds East 150.17 feet along said northerly extension and said west line; thence North 58 degrees 45 minutes 06 seconds East 110.93 feet; thence North 86 degrees 40 minutes 37 seconds East 208.00 feet to the Point of Beginning; thence North 83 degrees 08 minutes 31 seconds East 91.78 feet; thence South 2 degrees 02 minutes 57 seconds East 5.66 feet; thence South 86 degrees 40 minutes 37 seconds West 91.48 feet to the Point of Beginning. Said parcel contains 0.006 acres (259 square feet), more or less.

Parcel 39

Lot 8 of Westlake 2nd Addition of Outlots to the City of Decatur, as per Plat recorded in Book 335, Page 591 of the Records in the Recorder's Office of Macon County, Illinois also known as 1880 North Brush College Road.

(b) This Section is repealed August 27, 2023 (2 years after the effective date of Public Act 102-624).

HISTORY:

2021 P.A. 102-624, § 30, effective August 27, 2021; renumbered from § 735 ILCS 30/25-5-80 by 2022 P.A. 102-813, § 680, effective May 13, 2022.

735 ILCS 30/25-5-100 Quick-take; Cook County; Village of Forest View. [Effective until May 27, 2025]

(a) Quick-take proceedings under Article 20 [735 ILCS 30/20-5-5 et. seq.] may be used for a period of no

more than 2 years after the effective date of this amendatory Act of the 102nd General Assembly by Cook County and the Village of Forest View for the acquisition of the following described property for the purpose of installing a traffic signal at the intersection of 49th Street and Central Avenue:

COMED PERMANENT EASEMENT DESCRIPTION:

THAT PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID QUARTER QUARTER SECTION, 50 FEET WEST OF THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 88 DEGREES 06 MINUTES 24 SECONDS WEST ALONG THE SOUTH LINE OF SAID QUARTER QUARTER SECTION, 40.00 FEET TO A POINT ON A LINE LYING 90.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 01 DEGREES 34 MINUTES 37 SECONDS WEST ALONG SAID PARALLEL LINE 34.00 FEET; THENCE NORTH 88 DEGREES 06 MINUTES 24 SECONDS EAST, PARALLEL WITH SAID QUARTER QUARTER SECTION LINE, 12.00 FEET TO A POINT ON A LINE LYING 78.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 01 DEGREES 34 MINUTES 37 SECONDS WEST ALONG SAID PARALLEL LINE 36.00 FEET; THENCE NORTH 88 DEGREES 06 MINUTES 24 SECONDS EAST, PARALLEL WITH SAID QUARTER QUARTER SECTION LINE, 28.00 FEET TO A POINT ON A LINE LYING 50.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 01 DEGREES 34 MINUTES 37 SECONDS EAST ALONG SAID PARALLEL LINE 70.00 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

SAID PARCEL CONTAINS 2,368 SQUARE FEET OR 0.054 ACRES, MORE OR LESS.

(b) This Section is repealed 3 years after the effective date of this amendatory Act of the 102nd General Assembly.

History.
2022 P.A. 102-992, § 5, effective May 27, 2022.

PART 7.

EXISTING QUICK-TAKE POWERS

735 ILCS 30/25-7-103.1 Quick-take; highway purposes

Quick-take proceedings under Article 20 [735 ILCS 30/20] may be used by the State of Illinois, the Illinois Toll Highway Authority or the St. Louis Metropolitan Area Airport Authority for the acquisition of land or interests therein for highway purposes.

HISTORY:
P.A. 91-357, § 250; 94-1055, § 25-7-103.1.

CHAPTER 740

CIVIL LIABILITIES

Construction Contract Indemnification for Negligence Act
Highway Contractor Liability Act

CONSTRUCTION CONTRACT INDEMNIFICATION FOR NEGLIGENCE ACT

Section

740 ILCS 35/0.01 Short title

This Act may be cited as the Construction Contract Indemnification for Negligence Act.

HISTORY:
P.A. 86-1324.

740 ILCS 35/1 [Agreements to indemnify or hold harmless]

With respect to contracts or agreements, either public or private, for the construction, alteration, repair or maintenance of a building, structure, highway bridge, viaducts or other work dealing with construction, or for any moving, demolition or excavation connected therewith, every covenant, promise or agreement to indemnify or hold harmless another person from that person's own negligence is void as against public policy and wholly unenforceable.

HISTORY:
P.A. 77-1629.

740 ILCS 35/2 [Application]

This Act applies only to contracts or agreements entered into after its effective date.

HISTORY:
P.A. 77-1629.

740 ILCS 35/3 [Excluded bonds, contracts or agreements]

This Act does not apply to construction bonds or insurance contracts or agreements.

HISTORY:
P.A. 77-1629.

HIGHWAY CONTRACTOR LIABILITY ACT

Section

740 ILCS 85/0.01 Short title

This Act may be cited as the Highway Contractor Liability Act.

HISTORY:
P.A. 86-1324.

740 ILCS 85/1 [Highway not officially accepted]

Any contractor responsible for the construction or improvement of a public highway which has been opened to the public at the written direction of, but has not been officially accepted by, the Department of Transportation or other public body for which the said highway is being constructed, shall be liable for any injuries or damages sustained by any person using said highway only to the extent such contractor would be liable if said highway were officially accepted by the Department of Transportation or other public body.

HISTORY:
P.A. 77-172.

CHAPTER 745

CIVIL IMMUNITIES

Local Governmental and Governmental Employees Tort Immunity Act
County Engineer and Highway Superintendent Liability Act

LOCAL GOVERNMENTAL AND GOVERNMENTAL EMPLOYEES TORT IMMUNITY ACT

Article III. Immunity from Liability for Injury Occurring in the Use of Public Property

Section

Article VII. Tort Liability Under Agreements Between Local Public Entities

Article VIII. Actions Against Local Public Entities and Public Employees — Limitations, Notice

Article IX. Payment of Claims and Judgment

ARTICLE III.

IMMUNITY FROM LIABILITY FOR INJURY OCCURRING IN THE USE OF PUBLIC PROPERTY

745 ILCS 10/3-101 [Public property defined]

As used in this Article unless the context otherwise requires "property of a local public entity" and "public property" mean real or personal property owned or leased by a local public entity, but do not include easements, encroachments and other property that are located on its property but that it does not own, possess or lease.

HISTORY:
Laws 1965, p. 2983.

745 ILCS 10/3-102 [Duty to maintain property]

(a) Except as otherwise provided in this Article, a local public entity has the duty to exercise ordinary care to maintain its property in a reasonably safe condition for the use in the exercise of ordinary care of people whom the entity intended and permitted to use the property in a manner in which and at such times as it was reasonably foreseeable that it would be used, and shall not be liable for injury unless it is proven that it has actual or constructive notice of the existence of such a condition that is not reasonably safe in reasonably adequate time prior to an injury to have taken measures to remedy or protect against such condition.

(b) A public entity does not have constructive notice of a condition of its property that is not reasonably safe within the meaning of Section 3-102(a) if it establishes either:

(1) The existence of the condition and its character of not being reasonably safe would not have been discovered by an inspection system that was reasonably adequate considering the practicability and cost of inspection weighed against the likelihood and magnitude of the potential danger to which failure to inspect would give rise to inform the public entity whether the property was safe for the use or uses for which the public entity used or intended others to use the public property and for uses that the public entity actually knew others were making of the public property or adjacent property; or

(2) The public entity maintained and operated such an inspection system with due care and did not discover the condition.

HISTORY:
P.A. 84-1431.

745 ILCS 10/3-103 [Adoption of construction or improvement plan]

(a) A local public entity is not liable under this Article for an injury caused by the adoption of a plan or design of a construction of, or an improvement to public property where the plan or design has been approved in advance of the construction or improvement by the legislative body of such entity or by some other body or employee exercising discretionary au-

thority to give such approval or where such plan or design is prepared in conformity with standards previously so approved. The local public entity is liable, however, if after the execution of such plan or design it appears from its use that it has created a condition that it is not reasonably safe.

(b) A public employee is not liable under this Article for an injury caused by the adoption of a plan or design of a construction of, or an improvement to public property.

HISTORY:
Laws 1965, p. 2983.

745 ILCS 10/3-104 [Failure to provide proper traffic devices, signs, markings or barriers]

Neither a local public entity nor a public employee is liable under this Act for an injury caused by the failure to initially provide regulatory traffic control devices, stop signs, yield right-of-way signs, speed restriction signs, distinctive roadway markings or any other traffic regulating or warning sign, device or marking, signs, overhead lights, traffic separating or restraining devices or barriers.

HISTORY:
P.A. 84-1431.

745 ILCS 10/3-105 [Effects of weather conditions on public ways; failure to upgrade]

(a) Neither a local public entity nor a public employee is liable for an injury caused by the effect of weather conditions as such on the use of streets, highways, alleys, sidewalks or other public ways, or places, or the ways adjoining any of the foregoing, or the signals, signs, markings, traffic or pedestrian control devices, equipment or structures on or near any of the foregoing or the ways adjoining any of the foregoing. For the purpose of this section, the effect of weather conditions as such includes but is not limited to the effect of wind, rain, flood, hail, ice or snow but does not include physical damage to or deterioration of streets, highways, alleys, sidewalks, or other public ways or place or the ways adjoining any of the foregoing, or the signals, signs, markings, traffic or pedestrian control devices, equipment or structures on or near any of the foregoing or the ways adjoining any of the foregoing resulting from weather conditions.

(b) Without implied limitation, neither a local public entity nor a public employee is liable for any injury caused by the failure of a local public entity or a public employee to upgrade any existing street, highway, alley, sidewalk or other public way or place, or the ways adjoining any of the foregoing, or the signals, signs, markings, traffic or pedestrian control devices, equipment or structures on or near such street, highway, alley, sidewalk or other public way or place, or the ways adjoining any of the foregoing from the standards, if any, which existed at the time of the original dedication to, or acquisition of, the right of way of such street, highway, alley, sidewalk or other public way or place, or the ways adjoining any of the foregoing, by the first local public entity to acquire the property or right of way, to standards which are or may be applicable or are imposed by any government or other person or organization between the time of such dedication and the time of such injury.

(c) Nothing in this Section shall relieve the local public entity of the duty to exercise ordinary care in the maintenance of its property as set forth in Section 3-102 [745 ILCS 10/3-102].

HISTORY:
P.A. 84-1431.

745 ILCS 10/3-106 [Public property used for recreational purposes]

Neither a local public entity nor a public employee is liable for an injury where the liability is based on the existence of a condition of any public property intended or permitted to be used for recreational purposes, including but not limited to parks, playgrounds, open areas, buildings or other enclosed recreational facilities, unless such local entity or public employee is guilty of willful and wanton conduct proximately causing such injury.

HISTORY:
P.A. 84-1431.

745 ILCS 10/3-107 [Access roads; trails]

Neither a local public entity nor a public employee is liable for an injury caused by a condition of: (a) Any road which provides access to fishing, hunting, or primitive camping, recreational, or scenic areas and which is not a (1) city, town or village street (2) county, state or federal highway or (3) a township or other road district highway. (b) Any hiking, riding, fishing or hunting trail.

HISTORY:
Laws 1965, p. 2983.

745 ILCS 10/3-108 [Failure to supervise activity on public property; swimming areas]

(a) Except as otherwise provided in this Act, neither a local public entity nor a public employee who undertakes to supervise an activity on or the use of any public property is liable for an injury unless the local public entity or public employee is guilty of willful and wanton conduct in its supervision proximately causing such injury.

(b) Except as otherwise provided in this Act, neither a local public entity nor a public employee is liable for an injury caused by a failure to supervise an activity on or the use of any public property unless the employee or the local public entity has a duty to provide supervision imposed by common law, statute,

ordinance, code or regulation and the local public entity or public employee is guilty of willful and wanton conduct in its failure to provide supervision proximately causing such injury.

HISTORY:
Laws 1965, p. 2983; P.A. 90-805, § 5.

745 ILCS 10/3-109 [Hazardous recreational activities]

(a) Neither a local public entity nor a public employee is liable to any person who participates in a hazardous recreational activity, including any person who assists the participant, or to any spectator who knew or reasonably should have known that the hazardous recreational activity created a substantial risk of injury to himself or herself and was voluntarily in the place of risk, or having the ability to do so failed to leave, for any damage or injury to property or persons arising out of that hazardous recreational activity.

(b) As used in this Section, "hazardous recreational activity" means a recreational activity conducted on property of a local public entity which creates a substantial (as distinguished from a minor, trivial, or insignificant) risk of injury to a participant or a spectator.

"Hazardous recreational activity" also means:

(1) Water contact activities, except diving, in places where or at a time when lifeguards are not provided and reasonable warning thereof has been given or the injured party should reasonably have known that there was no lifeguard provided at the time.

(2) Diving at any place or from any structure where diving is prohibited and reasonable warning as to the specific dangers present has been given.

(3) Animal racing, archery, bicycle racing or jumping, off-trail bicycling, boat racing, cross-country and downhill skiing, sledding, tobogganing, participating in an equine activity as defined in the Equine Activity Liability Act [745 ILCS 47/1 et seq.], hang gliding, kayaking, motorized vehicle racing, off-road motorcycling or four-wheel driving of any kind, orienteering, pistol and rifle shooting, rock climbing, rocketeering, rodeo, spelunking, sky diving, sport parachuting, body contact sports (i.e., sports in which it is reasonably foreseeable that there will be rough bodily contact with one or more participants), surfing, trampolining, tree climbing, tree rope swinging where the person or persons furnished their own rope, water skiing, white water rafting, and wind surfing.

(c) Notwithstanding the provisions of subsection (a), this Section does not limit liability which would otherwise exist for any of the following:

(1) Failure of the local public entity or public employee to guard or warn of a dangerous condition of which it has actual or constructive notice and of which the participant does not have nor can be reasonably expected to have had notice.

(2) An act of willful and wanton conduct by a public entity or a public employee which is a proximate cause of the injury.

Nothing in this subsection creates a duty of care or basis of liability for personal injury or for damage to personal property.

(d) Nothing in this Section shall limit the liability of an independent concessionaire, or any person or organization other than the local public entity or public employee, whether or not the person or organization has a contractual relationship with the public entity to use the public property, for injuries or damages suffered in any case as a result of the operation of a hazardous recreational activity on public property by the concessionaire, person, or organization.

HISTORY:
P.A. 84-1431; 89-111, § 905; 89-502, § 20.

745 ILCS 10/3-110 [Bodies of water not under control of public entity]

Neither a local public entity nor a public employee is liable for any injury occurring on, in, or adjacent to any waterway, lake, pond, river or stream not owned, supervised, maintained, operated, managed or controlled by the local public entity.

HISTORY:
P.A. 84-1431.

ARTICLE VII.

TORT LIABILITY UNDER AGREEMENTS BETWEEN LOCAL PUBLIC ENTITIES

745 ILCS 10/7-101 [Agreements with other public entities]

When permitted by law to transfer any of its functions or services to, to lease its property to or to perform any function, service or act with or for any other local public entity or employee thereof by agreement with such other local public entity, a local public entity may agree with the other entity as to the manner in which liability for an injury resulting from such function, service or act is to be allocated or shared. Such agreement may be expressed by resolution, contract, lease, ordinance or in any other manner provided by law.

HISTORY:
Laws 1965, p. 2983.

745 ILCS 10/7-102 [Contribution or indemnification]

As part of any agreement under this Article, the local public entities may provide for contribution or indemnification by any or all of the local public

entities that are parties to the agreement upon any liability arising out of the performance of the agreement.

HISTORY:
Laws 1965, p. 2983.

745 ILCS 10/7-103 [Application]

This Article applies to any agreement between local public entities whether entered into before or after the effective date of this Act. Nothing in this Article affects the right of recovery of a person injured by a local public entity or by its employee.

HISTORY:
Laws 1965, p. 2983.

ARTICLE VIII.

ACTIONS AGAINST LOCAL PUBLIC ENTITIES AND PUBLIC EMPLOYEES — LIMITATIONS, NOTICE

745 ILCS 10/8-101 Limitation

(a) No civil action other than an action described in subsection (b) may be commenced in any court against a local entity or any of its employees for any injury unless it is commenced within one year from the date that the injury was received or the cause of action accrued.

(b) No action for damages for injury or death against any local public entity or public employee, whether based upon tort, or breach of contract, or otherwise, arising out of patient care shall be brought more than 2 years after the date on which the claimant knew, or through the use of reasonable diligence should have known, or received notice in writing of the existence of the injury or death for which damages are sought in the action, whichever of those dates occurs first, but in no event shall such an action be brought more than 4 years after the date on which occurred the act or omission or occurrence alleged in the action to have been the cause of the injury or death.

(c) For purposes of this Article, the term "civil action" includes any action, whether based upon the common law or statutes or Constitution of this State.

(d) The changes made by this amendatory Act of the 93rd General Assembly [P.A. 93-11] apply to an action or proceeding pending on or after this amendatory Act's effective date, unless those changes (i) take away or impair a vested right that was acquired under existing law or (ii) with regard to a past transaction or past consideration, create a new obligation, impose a new duty, or attach a new disability.

HISTORY:
P.A. 84-1431; 93-11, § 5.

745 ILCS 10/8-103 [Failure to serve notice]

If the notice under Section 8-102 is not served as provided therein, any such civil action commenced against a local public entity, or against any of its employees whose act or omission committed while acting in the scope of his employment as such employee caused the injury, shall be dismissed and the person to whom such cause of injury accrued shall be forever barred from further suing.

HISTORY:
Laws 1965, p. 2983.

ARTICLE IX.

PAYMENT OF CLAIMS AND JUDGMENT

745 ILCS 10/9-101 [Definitions]

As used in this Article:

(a) "Board" means the governing body of a local taxing entity.

(b) "Fiscal year" means the fiscal year prescribed for a local public entity or adopted by the local public entity as authorized by law.

(c) "Local taxing entity" means a local public entity that has the power to levy or have levied on its behalf taxes or assessments upon property within the territory of the entity.

(d) "Tort judgment" means a final judgment founded on an injury, as defined by this Act, proximately caused by a negligent or wrongful act or omission of a local public entity or an employee of a local public entity while acting within the scope of his employment.

(e) "Settlement" means a payment based on an injury or event which a local public entity reasonably believes might have been caused by a negligent or wrongful act or omission of the local public entity or an employee while acting within the scope of his employment.

(f) "Claims service" means any arrangement whereby skilled personnel are employed or retained to investigate, settle, or defend an injury or event which is alleged to have been caused by, or which a local public entity reasonably believes might have been caused by, a negligent or wrongful act or omission of the local public entity or an employee while acting within the scope of his employment. The term "claims service" shall include, but not be limited to, loss control before or after an injury or event and the retention of independent legal counsel for purposes of defending claims under this Act.

HISTORY:
P.A. 80-1341.

745 ILCS 10/9-102 [Payment of judgments or settlements; authority to settle or compromise]

A local public entity is empowered and directed to

pay any tort judgment or settlement for compensatory damages (and may pay any associated attorney's fees and costs) for which it or an employee while acting within the scope of his employment is liable in the manner provided in this Article. All other provisions of this Article [745 ILCS 10/9-101 et seq.], including but not limited to the payment of judgments and settlements in installments, the issuance of bonds, the maintenance of rates and charges, and the levy of taxes shall be equally applicable to judgments or settlements relating to both a local public entity or an employee and those undertakings assumed by a local public entity in intergovernmental joint self-insurance contracts. A local public entity may make payments to settle or compromise a claim or action which has been or might be filed or instituted against it when the governing body or person vested by law or ordinance with authority to make over-all policy decisions for such entity considers it advisable to enter into such a settlement or compromise.

HISTORY:
P.A. 84-1431; 92-810, § 15.

745 ILCS 10/9-103 [Insurance methods]

(a) A local public entity may protect itself against any property damage or against any liability or loss which may be imposed upon it or one of its employees for a tortious act under Federal or State common or statutory law, or imposed upon it under the Workers' Compensation Act [820 ILCS 305/1 et seq.], the Workers' Occupational Diseases Act [820 ILCS 310/1 et seq.], or the Unemployment Insurance Act [820 ILCS 405/220 et seq.] by means including, but not limited to, insurance, individual or joint self-insurance, including all operating and administrative costs and expenses directly associated therewith, claims services and risk management directly attributable to loss prevention and loss reduction, legal services directly attributable to the insurance, self-insurance, or joint self-insurance program, educational, inspectional, and supervisory services directly relating to loss prevention and loss reduction, or participation in a reciprocal insurer as provided in Sections 72, 76 and 81 of the Illinois Insurance Code [215 ILCS 5/72, 215 ILCS 5/76 and 215 ILCS 5/81]. Insurance shall be carried with a company authorized by the Department of Insurance to write such insurance coverage in Illinois.

(a-5) A local public entity may individually or jointly self-insure provided it complies with any other statutory requirements specifically related to individual or joint self-insurance by local public entities. Whenever the terms "self-insure" or "self-insurance" are utilized within this Act, such term shall apply to both individual and joint self-insurance. The expenditure of funds of a local public entity to protect itself or its employees against liability is proper for any local public entity. A local public entity that has individually self-insured may establish reserves for expected losses for any liability or loss for which the local public entity is authorized to purchase insurance under this Act. The decision of the local public entity to establish a reserve and the amount of the reserve shall be based on reasonable actuarial or insurance underwriting evidence. Property taxes shall not be levied or extended if the effect is to increase the reserve beyond 125% of the actuary's or insurance underwriter's estimated ultimate losses at the 95% confidence level. Certification of the amount of the reserve shall be made by the independent auditor, actuary, or insurance underwriter and included in an annual report. The annual report shall also list all expenditures from the reserve or from property taxes levied or extended for tort immunity purposes. Total claims payments and total reserves must be listed in aggregate amounts. All other expenditures must be identified individually. A local public entity that maintains a self-insurance reserve or that levies and extends a property tax for tort immunity purposes must include in its audit or annual report any expenditures made from the property tax levy or self-insurance reserve within the scope of the audit or annual report.

(b) A local public entity may contract for or purchase any of the guaranteed fund certificates or shares of guaranteed capital as provided for in Section 56 of the Illinois Insurance Code [215 ILCS 5/56]. The expenditure of funds of the local public entity for said contract or purchase is proper for any local public entity.

(c) Any insurance company that provides insurance coverage to a local public entity shall utilize any immunities or may assert any defenses to which the insured local public entity or its employees are entitled. Public entities which are individually or jointly self-insured shall be entitled to assert all of the immunities provided by this Act or by common law or statute on behalf of themselves or their employees unless the local public entities shall elect by action of their corporate authorities or specifically contract to waive in whole or in part such immunities.

(d) Within 30 days after January 1, 1991, and within 30 days after each January 1 thereafter, local public entities that are individually or jointly self-insured to protect against liability under the Workers' Compensation Act [820 ILCS 305/1 et seq.] and the Workers' Occupational Diseases Act [820 ILCS 310/1 et seq.] shall file with the Illinois Workers' Compensation Commission a report indicating an election to self-insure.

HISTORY:
P.A. 86-1405; 87-706; 89-150, § 10; 91-628, § 5; 93-721, § 55.

745 ILCS 10/9-104 [Installment payments]

(a) Subject to subsection (b) of this Section, if a local public entity does not pay a tort judgment during the fiscal year in which it becomes final and if, in the opinion of its governing body, the payment of

the judgment creates an unreasonable financial hardship for the local public entity it shall pay the balance of the judgment, with interest thereon, in installments.

(b) The court which enters judgment shall order that the governing body pay the judgment, with interest thereon, in not exceeding 10 annual installments if both of the following conditions are satisfied:

(1) The governing body of the local public entity has adopted an ordinance or resolution finding that an unreasonable hardship will result unless the judgment is paid in installments.

(2) The court, after hearing, has found that payment of the judgment in installments as ordered by the court is necessary to avoid an unreasonable hardship.

(c) Each installment payment shall be of an equal portion of the principal of the judgment except that where a judgment is $500,000 or more the court may, upon a showing by the plaintiff of an extraordinary need for immediate funds in order to secure medical necessities immediately after judgment including, but not limited to, equipment, supplies, medication, residence or other items, order that unequal payments of the principal of the judgment be made in proportions to be determined by the court, but in no event shall any increase in a payment cause such payment to be greater than 50% of the judgment. The local public entity, in its discretion, may prepay any one or more installments or any part of an installment.

(d) A local public entity shall have the power to enter into a settlement agreement subject to a term not to exceed the period of years negotiated by the parties.

HISTORY:
P.A. 84-1431.

745 ILCS 10/9-105 [Issuance of bond]

The board of a local taxing entity may, instead of following the procedure under subdivision (b) of Section 9-104 [745 ILCS 10/9-104] or when it considers the action advisable, issue general obligation or revenue bonds without referendum for the purpose of creating a reserve for or for the payment of any cost, liability or loss against which such entity may protect itself or self-insure pursuant to Section 9-103 [745 ILCS 10/9-103] or for the payment of which such entity may levy a tax pursuant to Section 9-107 [745 ILCS 10/9-107], including any or all tort judgments or settlements entered against or entered into by the entity or by or against another local public entity or an employee of that other public entity while acting within the scope of employment, either individually or where the local public entities have joined in an intergovernmental joint self-insurance contract which among other undertakings authorizes each local public entity to utilize its funds to protect, wholly or partially, any other local public entity or its employees against liability or loss in accordance with the intergovernmental contract. Such bonds may be issued in an amount necessary to fund a reserve created for any or all of the above described purposes including the discharge of obligations under such judgments or settlements. Such bonds shall not be considered debt under any statutory limitation, and may be issued in an amount, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to debt but subject to constitutional limits.

Any bonds issued under this Section as limited bonds as defined in Section 3 of the Local Government Debt Reform Act [30 ILCS 350/3] shall comply with the requirements of the Bond Issue Notification Act [30 ILCS 352/1 et seq.].

HISTORY:
P.A. 85-854; 89-655, § 105.

745 ILCS 10/9-106 [Charges for services and facilities]

A local public entity that derives revenue for its maintenance and operation from rates and charges made for services or facilities it provides shall in each fiscal year make rates and charges or both, or otherwise provide funds, in an amount sufficient to pay all its tort judgments and settlements in accordance with this Article and its obligations under the Workers' Compensation Act [820 ILCS 305/1 et seq.], the Workers' Occupational Diseases Act [820 ILCS 310/1 et seq.] and the Unemployment Insurance Act [820 ILCS 405/220 et seq.].

HISTORY:
P.A. 82-783.

745 ILCS 10/9-107 Policy; tax levy

(a) The General Assembly finds that the purpose of this Section is to provide an extraordinary tax for funding expenses relating to (i) tort liability, (ii) liability relating to actions brought under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 or the Environmental Protection Act [415 ILCS 5/1 et seq.], but only until December 31, 2010, (iii) insurance, and (iv) risk management programs. Thus, the tax has been excluded from various limitations otherwise applicable to tax levies. Notwithstanding the extraordinary nature of the tax authorized by this Section, however, it has become apparent that some units of local government are using the tax revenue to fund expenses more properly paid from general operating funds. These uses of the revenue are inconsistent with the limited purpose of the tax authorization.

Therefore, the General Assembly declares, as a matter of policy, that (i) the use of the tax revenue authorized by this Section for purposes not expressly authorized under this Act is improper and (ii) the provisions of this Section shall be strictly construed consistent with this declaration and the Act's express purposes.

(b) A local public entity may annually levy or have levied on its behalf taxes upon all taxable property within its territory at a rate that will produce a sum that will be sufficient to: (i) pay the cost of insurance, individual or joint self-insurance (including reserves thereon), including all operating and administrative costs and expenses directly associated therewith, claims services and risk management directly attributable to loss prevention and loss reduction, legal services directly attributable to the insurance, self-insurance, or joint self-insurance program, and educational, inspectional, and supervisory services directly relating to loss prevention and loss reduction, participation in a reciprocal insurer as provided in Sections 72, 76, and 81 of the Illinois Insurance Code [215 ILCS 5/72, 215 ILCS 5/76, and 215 ILCS 5/81], or participation in a reciprocal insurer, all as provided in settlements or judgments under Section 9-102 [745 ILCS 10/9-102], including all costs and reserves directly attributable to being a member of an insurance pool, under Section 9-103 [745 ILCS 10/9-103]; (ii) pay the costs of and principal and interest on bonds issued under Section 9-105 [745 ILCS 10/9-105]; (iii) pay judgments and settlements under Section 9-104 of this Act [745 ILCS 10/9-104]; (iv) discharge obligations under Section 34-18.1 of the School Code [105 ILCS 5/34-18.1] or make transfers under Section 17-2A of the School Code [105 ILCS 5/17-2A]; (v) pay judgments and settlements under the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and the Environmental Protection Act, but only until December 31, 2010; (vi) pay the costs authorized by the Metro-East Sanitary District Act of 1974 as provided in subsection (a) of Section 5-1 of that Act [70 ILCS 2905/5-1]; and (vii) pay the cost of risk management programs. Provided it complies with any other applicable statutory requirements, the local public entity may self-insure and establish reserves for expected losses for any property damage or for any liability or loss for which the local public entity is authorized to levy or have levied on its behalf taxes for the purchase of insurance or the payment of judgments or settlements under this Section. The decision of the board to establish a reserve shall be based on reasonable actuarial or insurance underwriting evidence and subject to the limits and reporting provisions in Section 9-103.

If a school district was a member of a joint-self-health-insurance cooperative that had more liability in outstanding claims than revenue to pay those claims, the school board of that district may by resolution make a one-time transfer from any fund in which tort immunity moneys are maintained to the fund or funds from which payments to a joint-self-health-insurance cooperative can be or have been made of an amount not to exceed the amount of the liability claim that the school district owes to the joint-self-health-insurance cooperative or that the school district paid within the 2 years immediately preceding the effective date of this amendatory Act of the 92nd General Assembly.

Funds raised pursuant to this Section shall, unless lawfully transferred as provided in Section 17-2A of the School Code, only be used for the purposes specified in this Act, including protection against and reduction of any liability or loss described hereinabove and under Federal or State common or statutory law, the Workers' Compensation Act [820 ILCS 305/1 et seq.], the Workers' Occupational Diseases Act [820 ILCS 310/1 et seq.] and the Unemployment Insurance Act [820 ILCS 405/100 et seq.]. Funds raised pursuant to this Section may be invested in any manner in which other funds of local public entities may be invested under Section 2 of the Public Funds Investment Act [30 ILCS 235/2]. Interest on such funds shall be used only for purposes for which the funds can be used or, if surplus, must be used for abatement of property taxes levied by the local taxing entity.

A local public entity may enter into intergovernmental contracts with a term of not to exceed 12 years for the provision of joint self-insurance which contracts may include an obligation to pay a proportional share of a general obligation or revenue bond or other debt instrument issued by a local public entity which is a party to the intergovernmental contract and is authorized by the terms of the contract to issue the bond or other debt instrument. Funds due under such contracts shall not be considered debt under any constitutional or statutory limitation and the local public entity may levy or have levied on its behalf taxes to pay for its proportional share under the contract. Funds raised pursuant to intergovernmental contracts for the provision of joint self-insurance may only be used for the payment of any cost, liability or loss against which a local public entity may protect itself or self-insure pursuant to Section 9-103 or for the payment of which such entity may levy a tax pursuant to this Section, including tort judgments or settlements, costs associated with the issuance, retirement or refinancing of the bonds or other debt instruments, the repayment of the principal or interest of the bonds or other debt instruments, the costs of the administration of the joint self-insurance fund, consultant, and risk care management programs or the costs of insurance. Any surplus returned to the local public entity under the terms of the intergovernmental contract shall be used only for purposes set forth in subsection (a) of Section 9-103 and Section 9-107 or for abatement of property taxes levied by the local taxing entity.

Any tax levied under this Section shall be levied and collected in like manner with the general taxes of the entity and shall be exclusive of and in addition to the amount of tax that entity is now or may hereafter be authorized to levy for general purposes under any statute which may limit the amount of tax which that entity may levy for general purposes. The county clerk of the county in which any part of the territory of the local taxing entity is located, in reducing tax levies under the provisions of any Act concerning the levy and extension of taxes, shall not consider any

tax provided for by this Section as a part of the general tax levy for the purposes of the entity nor include such tax within any limitation of the percent of the assessed valuation upon which taxes are required to be extended for such entity.

With respect to taxes levied under this Section, either before, on, or after the effective date of this amendatory Act of 1994:

(1) Those taxes are excepted from and shall not be included within the rate limitation imposed by law on taxes levied for general corporate purposes by the local public entity authorized to levy a tax under this Section.

(2) Those taxes that a local public entity has levied in reliance on this Section and that are excepted under paragraph (1) from the rate limitation imposed by law on taxes levied for general corporate purposes by the local public entity are not invalid because of any provision of the law authorizing the local public entity's tax levy for general corporate purposes that may be construed or may have been construed to restrict or limit those taxes levied, and those taxes are hereby validated. This validation of taxes levied applies to all cases pending on or after the effective date of this amendatory Act of 1994.

(3) Paragraphs (1) and (2) do not apply to a hospital organized under Article 170 or 175 of the Township Code [60 ILCS 1/170-5 et seq. or 60 ILCS 1/175-5 et seq.], under the Town Hospital Act [now repealed], or under the Township Non-Sectarian Hospital Act [now repealed] and do not give any authority to levy taxes on behalf of such a hospital in excess of the rate limitation imposed by law on taxes levied for general corporate purposes. A hospital organized under Article 170 or 175 of the Township Code, under the Town Hospital Act, or under the Township Non-Sectarian Hospital Act is not prohibited from levying taxes in support of tort liability bonds if the taxes do not cause the hospital's aggregate tax rate from exceeding the rate limitation imposed by law on taxes levied for general corporate purposes.

Revenues derived from such tax shall be paid to the treasurer of the local taxing entity as collected and used for the purposes of this Section and of Section 9-102, 9-103, 9-104 or 9-105, as the case may be. If payments on account of such taxes are insufficient during any year to meet such purposes, the entity may issue tax anticipation warrants against the current tax levy in the manner provided by statute.

HISTORY:
P.A. 86-725; 88-545, § 10; 88-692, § 5; 89-150, § 10; 91-628, § 5; 92-732, § 5; 95-244, § 10; 95-723, § 50; 2017 P.A. 99-922, § 35, effective January 17, 2017.

COUNTY ENGINEER AND HIGHWAY SUPERINTENDENT LIABILITY ACT

Section

745 ILCS 15/0.01 Short title

This Act may be cited as the County Engineer and Highway Superintendent Liability Act.

HISTORY:
P.A. 86-1324; 87-217.

745 ILCS 15/1 [Declaration of public policy]

It is the public policy of this State that county engineers and superintendents of highways should not suffer pecuniary loss because of any injury to persons or property resulting from their failure to perform or negligence in performing any official duty and which injury arises out of the use of highways, culverts, bridges, or shoulders for which they have some degree of supervisory, maintenance, repair or construction responsibility and that persons who suffer such injury should not be entirely precluded from recovery of loss occasioned by any such injury.

HISTORY:
P.A. 87-217.

745 ILCS 15/2 [Immunity from civil action; scope]

No civil action shall be commenced against any county engineer or superintendent of highways by any person for any injury to his person or property resulting from the county engineer's or superintendent of highways' failure to perform or negligence in performing any official duty and which injury arises out of the use of highways, culverts, bridges, or shoulders unless it is commenced within one year after the cause of action accrued.

HISTORY:
P.A. 87-217.

745 ILCS 15/3 [Notice of action]

Within 6 months after the date that any such injury was received, any person who is about to commence any civil action against any county engineer or superintendent of highways on account of that injury shall file in the office of that county engineer or superintendent of highways and in the office of the State's Attorney of the county in which the cause of action arose, either by himself, his agent or attorney, a statement in writing signed by him, his agent or attorney, giving the name of the person to whom the cause of action has accrued, the place or location where the injury occurred, the nature of the

injury and the name and address of the attending physician, if any.

HISTORY:
P.A. 87-217.

745 ILCS 15/4 [Failure to provide notice]

If the notice provided for by Section 3 [745 ILCS 15/3] is not filed as required therein, any such civil action commenced against any county engineer or superintendent of highways shall be dismissed and the person to whom any such cause of action accrued shall be forever barred from further suing.

HISTORY:
P.A. 87-217.

745 ILCS 15/5 [Limits on recovery]

In any such civil action where it is found that there was no contributory negligence attributable to the plaintiff and that there was actionable negligence attributable to the defendant, the court or jury, as the case may be, may grant fair and reasonable compensation for the injury sustained but not in excess of $10,000.

HISTORY:
Laws 1961, p. 3188.

745 ILCS 15/6 [Indemnification]

The county shall indemnify the county engineer or superintendent of highways for any judgment recovered against him in any such action and also any cost incurred in defense of such action.

HISTORY:
P.A. 87-217.

745 ILCS 15/7 [Application]

This Act shall apply only to such causes of action as may accrue after the effective date of this Act as the result of use of the highways.

HISTORY:
Laws 1961, p. 3188.

CHAPTER 765
PROPERTY

REAL PROPERTY
PLATS AND SURVEYS

REAL PROPERTY

Conveyances Act

Section
765 ILCS 5/7a [Transfer of interests in roads]
765 ILCS 5/16 [Delivery authorization]

CONVEYANCES ACT

765 ILCS 5/7a [Transfer of interests in roads]

(a) Except as provided in subsection (b), any instrument, including a will, which conveys, transfers, encumbers, leases or releases, or by which an agreement is made to convey, transfer, encumber, lease or release, or by virtue of which there is conveyed, transferred, encumbered, leased or released, any real property, whether described by a metes and bounds description or otherwise, which abuts upon any road, street, highway or alley, or upon any abandoned or vacated road, street, highway or alley shall be deemed and construed to include any right, title or interest in that part of such road, street, highway or alley which the abutting owner who makes any such instrument shall presently have or, which such owner, his heirs, successors and assigns subsequently acquires in such road, street, highway or alley unless such instrument by its terms expressly excludes, in the description of the property, such road, street, highway or alley. The right, title or interest acquired under such instrument in such road, street, highway or alley, by virtue of the provisions of this Act, shall be deemed and construed to be for the same uses and purposes set forth in such instrument with respect to the real property specifically described in the instrument. However, no covenants or agreements made by the maker of any such instrument with respect to any real property specifically described shall apply to or be enforceable with respect to any right, title or interest which is acquired solely by virtue of the provisions of this Act.

(b) With regard to any public utility, as defined in Section 3-105 of the Public Utilities Act [220 ILCS 5/3-105], engaged in public water or public sanitary sewer service that comes under the jurisdiction of the Illinois Commerce Commission, any instrument, including a will, which conveys, transfers, encumbers, leases or releases, or by which an agreement is made to convey, transfer, encumber, lease or release, or by virtue of which there is conveyed, transferred, encumbered, leased or released, any real property, whether described by a metes and bounds description or otherwise, which abuts upon any road, street, highway or alley, or upon any abandoned or vacated road, street, highway or alley shall be deemed and construed to include any right, title or interest in that part of such road, street, highway or alley which the abutting owner who makes any such instrument shall presently have or, which such owner, his heirs, successors and assigns subsequently acquires in such road, street, highway or alley unless such instrument by its terms expressly excludes, in the description of the property, such road, street, highway or alley. The right, title or interest acquired under such instrument in such road, street, highway or alley, by virtue of the provisions of this Act, shall be deemed and construed to be for the same uses and purposes set forth in such instrument with respect to the real property specifically described in the instrument. However, no covenants or agreements made by the maker of any such instrument with respect to any real property specifically described shall apply to or be enforceable with respect to any right, title, or interest which is acquired solely by virtue to the provisions of this Act. "Conveyance" expressly excludes a road, street, highway, or alley if the legal description of the property uses the boundary of the road, street, highway, or alley closest to the property being conveyed as a boundary of the property being conveyed or expressly states that the road, street, highway, or alley is excepted from the property being conveyed. A conveyance does not expressly exclude a road, street, highway, or alley if the conveyance is described as being "subject to" the road, street, highway, or alley. The rights accruing in the abutting property owner under this Act shall be subject to all existing uses and easements located within the right-of-way; the rights shall also be subject to such future uses and easements as may be permitted to be located within the right-of-way under the provisions of the Illinois Highway Code [605 ILCS 5/1-101 et seq.] or any successor statute thereto. This provision of this amendatory Act of the 93rd General Assembly [P.A. 93-357] is intended to clarify, by codification, existing law and is not intended to change the law.

HISTORY:
P.A. 76-1660; 93-357, § 10.

765 ILCS 5/16 [Delivery authorization]

The county board of any county may authorize any officer or member of its board to execute and deliver all deeds, grants, conveyances and other instruments in writing, which may become necessary in selling, transferring or conveying any real estate belonging

to its county and such deeds, grants, conveyances and other instruments, if made without fraud or collusion, shall be obligatory upon the county to all intents and purposes.

HISTORY:
Laws 1871-2, p. 282.

PLATS AND SURVEYS

Plat Act

PLAT ACT

765 ILCS 205/0.01 Short title

This Act may be cited as the Plat Act.

HISTORY:
P.A. 86-1324.

765 ILCS 205/1 [Subdivision plat required; exceptions]

(a) Except as otherwise provided in subparagraph (b) of this Section whenever the owner of land subdivides it into 2 or more parts, any of which is less than 5 acres, he must have it surveyed and a subdivision plat thereof made by an Illinois Registered Land Surveyor, which plat must particularly describe and set forth all public streets, alleys, ways for public service facilities, ways for utility services and community antenna television systems, parks, playgrounds, school grounds or other public grounds, and all the tracts, parcels, lots or blocks, and numbering all such lots, blocks or parcels by progressive numbers, giving their precise dimensions. There shall be submitted simultaneously with the subdivision plat, a study or studies which shall show topographically and by profile the elevation of the land prior to the commencement of any change in elevations as a part of any phase of subdividing, and additionally, if it is contemplated that such elevations, or the flow of surface water from such land, will be changed as a result of any portion of such subdivision development, then such study or studies shall also show such proposed changes in the elevations and the flow of surface water from such land. The topographical and profile studies required hereunder may be prepared as a subsidiary study or studies separate from, but of the same scale and size as the subdivision plat, and shall be prepared in such a manner as will permit the topographical study or studies to be used as overlays to the subdivision plat. The plat must show all angular and linear data along the exterior boundaries of the tract of land divided or subdivided, the names of all public streets and the width, course and extent of all public streets, alleys and ways for public service facilities. References must also be made upon the plat to known and permanent monuments from which future survey may be made and the surveyor must, at the time of making his survey, set in such manner that they will not be moved by frost, good and sufficient monuments marking the external boundaries of the tract to be divided or subdivided and must designate upon the plat the points where they may be found. These monuments must be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line and at all angle points along a meander line, the points to be not less than 20 feet back from the normal water elevation of a lake or from the bank of a stream, except that when such corners or points fall within a street, or proposed future street, the monuments must be placed in the right of way line of the street. All internal boundaries, corners and points must be monumented in the field by like monuments as defined above. These monuments 2 of which must be of stone or reinforced concrete and must be set at the opposite extremities of the property platted, placed at all block corners, at each end of all curves, at the points where a curve changes its radius, and at all angle points in any line. All lots must be monumented in the field with 2 or more monuments.

The monuments must be furnished by the person for whom the survey is made and must be such that they will not be moved by frost. If any city, village or town has adopted an official plan, or part thereof, in the manner prescribed by law, the plat of land situated within the area affected thereby must conform to the official plan, or part thereof.

(b) Except as provided in subsection (c) of this Section, the provisions of this Act do not apply and no subdivision plat is required in any of the following instances:

1. the division or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access;

2. the division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access;

3. the sale or exchange of parcels of land between owners of adjoining and contiguous land;

4. the conveyance of parcels of land or interests therein for use as a right of way for railroads or

other public utility facilities and other pipe lines which does not involve any new streets or easements of access;

5. the conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;

6. the conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use;

7. conveyances made to correct descriptions in prior conveyances;

8. the sale or exchange of parcels or tracts of land following the division into no more than 2 parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access;

9. the sale of a single lot of less than 5 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land;

10. the preparation of a plat for wind energy devices under Section 10-620 of the Property Tax Code [35 ILCS 200/10-620].

Nothing contained within the provisions of this Act shall prevent or preclude individual counties from establishing standards, ordinances, or specifications which reduce the acreage minimum to less than 5 acres, but not less than 2 acres, or supplementing the requirements contained herein when a survey is made by an Illinois Registered Land Surveyor and a plat thereof is recorded, under powers granted to them.

(c) However, if a plat is made by an Illinois Registered Surveyor of any parcel or tract of land otherwise exempt from the plat provisions of this Act pursuant to subsection (b) of this Section, such plat shall be recorded. It shall not be the responsibility of a recorder of deeds to determine whether the plat has been made or recorded under this subsection (c) prior to accepting a deed for recording.

HISTORY:
P.A. 84-373; 95-644, § 40; 99-78, § 585.

765 ILCS 205/1.005 School district statement

(a) When an owner is required to file a plat pursuant to Section 1 of this Act [765 ILCS 205/1], the owner shall submit simultaneously with the subdivision plat a notarized statement indicating, to the best of the owner's knowledge, the school district in which each tract, parcel, lot, or block lies.

(b) An owner who knowingly files an incorrect statement under this Section is liable for damages to any subsequent purchaser of the property who relies on the incorrect statement to that person's detriment.

HISTORY:
P.A. 90-286, § 5.

765 ILCS 205/1.01 [Subdivision of disconnected park district land]

No area of land or any part thereof which has been disconnected from any park district pursuant to Section 3-6b of "The Park District Code" [70 ILCS 1205/3-6b], shall be subdivided into lots and blocks within one year from the date of such disconnection. No plan of any such proposed subdivision shall be presented by any person for recording or registration within such one year period unless the land comprising such proposed subdivision has thereafter been incorporated into a city, village or incorporated town.

HISTORY:
Laws 1965, p. 2712.

765 ILCS 205/1.02 [Annexation]

When any city, village, municipal corporation or political subdivision in the State annexes or disconnects territory, a plat of the land included in the disconnection or annexation must be filed with the recorder in the county or counties where the territory is located. In counties where the county clerk is not also the county recorder, a copy of the plat shall also be filed with the county clerk. Each plat shall state a legal description or descriptions sufficient to identify the boundaries of the annexed or disconnected territory, by reference to government surveys or by metes and bounds, including the section, township and range in which the territory is located. Such a plat must be prepared by a Registered Land Surveyor or in the case of cities, villages and incorporated towns by a Registered Land Surveyor or a duly employed municipal engineer registered under the laws of the State of Illinois, provided such engineer has had training in the field of civil engineering.

HISTORY:
P.A. 83-358; 87-1189, § 5-3.

765 ILCS 205/2 [Plat requirements and approval; recording]

The plat must be completed, a statement from a Registered Land Surveyor attached and acknowledged by the owner of the land, or his attorney duly authorized, in the same manner as deeds of land are required to be acknowledged. The plat must be submitted to the city council of the city or board of trustees of the village or town or to the officer designated by them, for their or his approval, if the land subdivided is located within the corporate limits of any such city, village or town or within contiguous territory which is affected by an official plan, or part thereof, of any city, village or town. If the land

subdivided is located outside the corporate limits of any city, village or town and is not affected by such official plan, or part thereof, the plat must be submitted to the county board of the county in which the land is located for its approval. Within 3 business days after a plat is submitted for approval, the city council, board of trustees, designated officer, or county board shall notify the president of the school board of each school district in which any of the subdivided land is located that the plat has been submitted for approval and that it is available for inspection. The notice shall also give the date, time, and place of the hearing on approval or disapproval of the plat. The notice shall be served by certified mail, return receipt requested, or by personal delivery. Failure to notify the school board as required by this Section does not invalidate the plat.

Neither the city council of the city, the board of trustees of the village or town or the officer designated by them, or the county board of the county shall approve such plat, unless, in addition to any other requirements of such council, board of trustees or county board or the officer or officers designated by them, the topographical and profile studies to be submitted with the subdivision plat have on their face the signed statement of a Registered Professional Engineer, and the owner of the land or his duly authorized attorney, to the effect that to the best of their knowledge and belief the drainage of surface waters will not be changed by the construction of such subdivision or any part thereof, or, that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision. The topographical and profile studies required herein shall not be recorded, but shall be retained and filed by city, village or county to which submitted for approval of the subdivision plat, as permanent public documents.

Neither the city council of the city, the board of trustees of the village or town or the officer designated by them, or the county board of the county shall approve such plat, unless, in addition to any other requirements of such council, board of trustees or county board or the officer or officers designated by them, the plat has been approved in writing (i) except in municipalities with a population of 1,000,000 or more, by the Illinois Department of Transportation with respect to roadway access where such access is to a state highway, (ii) by the relevant local highway authority with respect to all other roadway access, and (iii) by the local health department, if one exists, with respect to sewage disposal systems if any part of the platted land will not be served by a public sewer system. An applicant shall simultaneously file with the Illinois Department of Transportation, relevant local highway authority, or local health department, as appropriate, a copy of the application for preliminary approval of a proposed plat that is filed with the municipality or county. The department or authority receiving the application shall review the application based solely upon safety or access control standards and provide written approval or disapproval to the municipal or county plan commission and to the municipal or county corporate authorities not later than 90 days from the date the application is received. The 90 day period may be changed by mutual agreement. If disapproved, the department or authority shall provide reasons for the disapproval related to safety or access control standards and identify improvements that will remove the disapproval. The municipal or county corporate authorities may approve the plat once the improvements have been incorporated into the application or in the event that the department or authority fails to respond in writing to the municipality or county within the 90 day period or other period established by mutual agreement. The failure of the city council of a municipality with a population of 1,000,000 or more to obtain approval of a plat in writing by the Illinois Department of Transportation with respect to roadway access where such access is to a State highway, prior to the approval of any such plat as required by this Section, where such failure occurred on or after January 1, 1988 and before the effective date of this amendatory Act of 1989, shall not affect the validity of such plat, and any such plat otherwise complying with the provisions of this Section is validated.

The statement of the Registered Land Surveyor and of acknowledgment, together with the plat, must be recorded by the Land Surveyor who prepared the plat, or a person designated by that Land Surveyor, or upon the death, incapacity, or absence of that Land Surveyor, by the owner of the land or his or her representative, in the recorder's office of the county in which the land is situated, or if the title to the land is registered under the Land Titles Act [765 ILCS 35/0.01 et seq.], must be filed in the office of the registrar of titles for the county, and such acknowledgment and recording or such acknowledgment and filing as aforesaid, shall have like effect and certified copies thereof and of such plat, or of any plat heretofore acknowledged and certified according to law, may be used in evidence to the same extent and with like effect, as in case of deeds. The recorder or registrar of titles shall not record or register a plat offered for recording or registration after October 1, 1977, unless such plat is at least 81/2 inches by 14 inches but not more than 30 inches by 36 inches. In counties of 1,000,000 or more population the recorder or the registrar of titles must not record or register the plat unless the persons submitting the plat for recording or registration simultaneously therewith deliver to the recorder or registrar of titles 6 true and exact copies thereof. In all counties, the recorder or registrar of titles shall not record or register a plat, unless the plat states the current mailing address of

the person submitting the plat for recording or registration. Any changes to the unrecorded plat as may be desired or required by any party must be made by the Registered Land Surveyor who prepared the original plat, and in the event of the death, incapacity, or absence of that Land Surveyor, by another Registered Land Surveyor who shall specifically identify the change or changes made on the face of the plat.

An original plat, having been properly certified, acknowledged, approved and recorded or filed as above provided in this Section, may be retained as the permanent record by the recorder or registrar.

HISTORY:
P.A. 86-284; 86-768; 86-1028; 86-1238; 86-1349; 86-1475; 87-705.

765 ILCS 205/3 [Acknowledgment and recording or filing]

The acknowledgment and recording of such plat, or the acknowledgment and the filing of the same shall be held in all courts to be a conveyance in fee simple of such portions of the premises platted as are marked or noted on such plat as donated or granted to the public, or any person, religious society, corporation or body politic, and as a general warranty against the donor, his or her heirs and representatives, to such donee or grantee, for their use or for the use and purposes therein named or intended, and for no other use or purpose; and the premises intended for any street, alley, way, common or other public use in any city, village or town, or addition thereto, shall be held in the corporate name thereof in trust to and for the uses and purposes set forth or intended.

HISTORY:
P.A. 83-345.

765 ILCS 205/4 [Failure to plant corner stone; penalty]

Whoever shall lay out any town or make any addition to any city, village or town, or re-subdivide any lots or blocks therein, and neglect to plant any corner stone when required by this act, or shall survey the same or cause it to be surveyed in any other manner than that which is prescribed in this act, shall be guilty of a petty offense and fined in any sum not less than $25 nor exceeding $100.

HISTORY:
P.A. 77-2561.

765 ILCS 205/5 [Violation of Act; penalty]

Whoever sells or leases for any time exceeding five years, any lot or block in or outside of any town, city or village before all the requirements of this Act have been complied with, shall be guilty of a petty offense and fined $25 for each lot or block or part thereof so disposed of or leased. Nothing in this Section shall prohibit an offer of sale or acceptance of deposit by a seller before compliance with the requirements of this Act, provided that compliance occurs before conveyance of any deed to the property.

HISTORY:
P.A. 77-2561; 90-308, § 5.

765 ILCS 205/5a [Recording]

The recorder or the Registrar of Title of any county shall not record deeds or leases which attempt to convey property contrary to the provisions of this Act. In case of doubt, the recorder or the Registrar of Title of any county may require the person presenting such deed or lease to give evidence of the legality of a conveyance by an affidavit as to the facts which exempt such conveyance from the provisions of this Act.

HISTORY:
P.A. 83-358.

765 ILCS 205/6 [Vacation of plat by owner]

Any plat may be vacated by the owner of the premises at any time before the sale of any lot therein, by a written instrument to which a copy of the plat is attached, declaring it to be vacated. If there are public service facilities in the highways, streets, alleys and other public ways and in easements shown on the plat, the instrument shall reserve to the public body or public utility owning such facilities, the property, rights of way and easements necessary for continuing public service by means of those facilities and for the maintenance, renewal and reconstruction of the same. The instrument shall be approved by the city council or village or county board in the same manner as plats of subdivisions. The instrument shall also be submitted for approval to the Highway Commissioner and to the county engineer or superintendent of highways and to the District Engineer of the Department of Transportation of this State and to the public utility or utilities involved. The council, board, Highway Commissioner, county engineer or superintendent of highways or District Engineer of the Department of Transportation of this State, as the case may be, may reject any instrument that abridges or destroys any public rights in any of its streets and alleys. The instrument shall be executed, acknowledged or proved and recorded or filed in the same manner as plats or subdivisions. Once recorded or filed the instrument operates to destroy the effect of the recording of the plat vacated and to divest all public rights in the streets, alleys and public grounds and all dedications laid out or described in the plat and to render effective any reservation set forth in the instrument as provided in this Section. When lots have been sold the plat may be vacated in the manner provided in this Section by all the owners of lots in the plat joining in the execution of the writing.

HISTORY:
P.A. 87-217.

765 ILCS 205/7 [Vacation of part of plat]

Any part of a plat may be vacated in the manner provided in the preceding section, and subject to the conditions therein prescribed: Provided, such vacation shall not abridge or destroy any of the rights or privileges of other proprietors in such plat: And, provided, further, that nothing contained in this section shall authorize the closing or obstructing of any public highway laid out according to law.

HISTORY:
Laws 1874, p. 771.

765 ILCS 205/8 [Recording of vacation]

When any plat or part thereof is vacated the recorder or registrar of titles in whose office the plat is recorded or filed as aforesaid, shall, upon the recording of such vacation, write in plain letters across the plat or part so vacated the word "vacated," and shall also make a reference on the same to the volume and page in which the instrument of vacation is recorded.

HISTORY:
Laws 1921, p. 677.

765 ILCS 205/9 [Alteration of highways, roads, streets, etc.]

Whenever any highway, road, street, alley, public ground, toll-road, railroad, reservoir or canal is laid out, located, opened, widened or extended, or its location altered, it is the duty of the commissioners, authorities, officers, persons or corporations, public or private, laying out, locating, opening, widening, extending or altering the same, to make a plat, showing its width, courses and extent, and making reference to known and established corners or monuments. When the location of a subdivision, lots or parcel within a subdivision, tract, highway, road, street, alley, public ground, toll-road, railroad, reservoir or canal is known either by established corners or adequate, existing records, the monument or monuments shall be located and referenced either by or under the direction of a Registered Land Surveyor at the time such highway, road, street, alley, public ground, toll-road, railroad, reservoir or canal is laid out, located, widened or extended, or its location altered. Suitable permanent monuments shall be reset in the surface of new construction or permanent witness monuments set to perpetuate their location and certified as correct by a Registered Land Surveyor. The plat shall be recorded in the office of the recorder of the county in which the premises are taken or used, or any part thereof, are situated, or in case of land the title to which is registered under "An Act concerning land titles", approved May 1, 1897, as amended [765 ILCS 35/0.01 et seq.], to be filed in the office of the registrar of titles for the county, within 6 months after such highway, road, street, alley, public ground, toll-road, railroad, reservoir or canal is laid out, located, opened, widened, or extended, or the location thereof altered and when any highway, road, street, alley, public ground, toll-road, railroad, reservoir or canal is vacated, the order, ordinance or other declaration of vacation must be in like manner recorded or filed. The recorder or registrar of titles shall not record or register a plat offered for recording or registration after October 1, 1977, unless such plat is at least 81/2 inches by 14 inches but not more than 30 inches by 36 inches. Sufficient controlling monuments shall be retained or replaced in their original positions or reference monuments established from original controlling monuments, so as to enable land lines, property corners or tract boundaries to be re-established without surveys based on monuments differing from the ones which currently control the area. Every land surveyor is under a duty to cooperate in matters of maps, field notes and other pertinent records. This Act shall not be construed to alter or affect any law specifically providing for the recording or filing of any plat, or to require the same to be recorded or filed sooner than is so specifically provided; except that any requirements to record or file such plat in any other place than is provided herein do not excuse the parties from complying with this Act. Any party who refuses or neglects to comply with this Section shall be guilty of a petty offense for every month he continues in such refusal or neglect after conviction, to be recovered by an action in the circuit court of the county, in the name of the county, 1/2 to the use of the county and the other 1/2 to the use of the person complaining.

The provisions of this Section shall not apply to a railroad subject to the jurisdiction of the Interstate Commerce Commission or any abandonment of all or a portion of such railroad, except that the provisions of this Section shall apply to the construction of a new line of railroad.

HISTORY:
P.A. 83-358; 88-81, § 5.

765 ILCS 205/9.1 [Easements]

When any county or township authority proposes to extend or widen a public highway by obtaining easements from abutting property owners without transfer of land titles, then such map or plat of the land parcels involved in the easement must be prepared by a Registered Land Surveyor or by a duly employed county engineer or superintendent of highways registered as an engineer under the laws of the State of Illinois.

HISTORY:
P.A. 87-217.

765 ILCS 205/10 [Knowledge of violations of Act]

Whenever it shall come to the knowledge of the recorder or of the registrar of titles of any county that any of the provisions of this Act have been violated, it

shall be his duty to notify the State's attorney of the fact, and the State's attorney shall immediately institute proceedings, and prosecute the same to final judgment against the person offending.

HISTORY:
P.A. 83-358.

765 ILCS 205/11 [Unauthorized removal or destruction of survey marker]

Any unauthorized person who knowingly damages, destroys or removes a stake, pin, monument or other survey marker shall, be guilty of a Class A misdemeanor. For purposes of this Section, a surveyor who moves a stake, pin, monument or other survey marker for the purpose of correcting a survey is an authorized person.

HISTORY:
P.A. 77-2561.

765 ILCS 205/56 Duty of counties issuing building/improvement permits

Counties that are authorized by law to exercise land use control through a building/improvement permit process may deny the issuance of a building permit for building or other improvement to be constructed on a parcel of land subdivided contrary to the provisions of this Act.

HISTORY:
P.A. 93-744, § 5.

CHAPTER 775

HUMAN RIGHTS

PUBLIC WORKS EMPLOYMENT DISCRIMINATION ACT

Section

775 ILCS 10/0.01 Short title

This Act may be cited as the Public Works Employment Discrimination Act.

HISTORY:
P.A. 86-1324.

775 ILCS 10/1 [Unlawful discrimination in employment prohibited]

(a) No person shall be refused or denied employment in any capacity on the ground of unlawful discrimination, as that term is defined in the Illinois Human Rights Act [775 ILCS 5/1-101 et seq.], nor be subjected to unlawful discrimination in any manner, in connection with the contracting for or the performance of any work or service of any kind, by, for, on behalf of, or for the benefit of this State, or of any department, bureau, commission, board, or other political subdivision or agency thereof.

(b) The Illinois Human Rights Act [775 ILCS 5/1-101 et seq.] applies to all contracts identified in subsection (a).

HISTORY:
P.A. 81-1216.

775 ILCS 10/2 [Incorporation of Act into State contracts]

The provisions of this Act shall automatically enter into and become a part of each and every contract or other agreement hereafter entered into by, with, for, on behalf of, or for the benefit of this State, or of any department, bureau, commission, board, other political subdivision or agency, officer or agent thereof, providing for or relating to the performance of any of the said work or services or of any part thereof.

HISTORY:
Laws 1933, p. 296.

775 ILCS 10/3 [Applicability to independent contractors, subcontractors and others]

The provisions of this Act also shall apply to all contracts entered into by or on behalf of all independent contractors, subcontractors, and any and all other persons, associations or corporations, providing for or relating to the doing of any of the said work or the performance of any of the said services, or any part thereof.

HISTORY:
Laws 1933, p. 296.

775 ILCS 10/4 [Discrimination by contractors, subcontractors and agents prohibited]

No contractor, subcontractor, nor any person on his or her behalf shall, in any manner, discriminate against or intimidate any employee hired for the performance of work for the benefit of the State or for any department, bureau, commission, board, other political subdivision or agency, officer or agent thereof, on account of race, color, creed, sex, religion, physical or mental disability unrelated to ability, or national origin; and there may be deducted from the amount payable to the contractor by the State of Illinois or by any municipal corporation thereof, under this contract, a penalty of five dollars for each person for each calendar day during which such person was discriminated against or intimidated in violation of the provisions of this Act.

HISTORY:
P.A. 80-336; 99-143, § 1005.

775 ILCS 10/5 [Civil penalty]

Any person, agency, corporation or association who violates any of the provisions of this Act, or who aids, abets, incites or otherwise participates in the violation of any of the provisions, whether the violation or participation therein occurs through action in a private, public or in any official capacity, shall be guilty of a petty offense for each and every violation or participation therein with respect to each person aggrieved thereby, to be recovered by each such aggrieved person, or by any other person to whom such aggrieved person shall assign his cause of action, in the circuit court in the county in which the plaintiff or the defendant shall reside.

HISTORY:
P.A. 79-1360.

775 ILCS 10/6 [Penalty]

Any person who or any agency, corporation or association which shall violate any of the provisions of the foregoing sections, or who or which shall aid, abet, incite or otherwise participate in the violation of any of the said provisions, whether the said violation or participation therein shall occur through action in a private, in a public, or in any official capacity, shall also be deemed guilty of a petty offense for each and every said violation or participation or, in the case of non-corporate violators, or participators, of a Class B misdemeanor.

HISTORY:
P.A. 77-2365.

775 ILCS 10/7 [Provisions printed in contract; applicability not affected by omission]

The provisions of this Act shall be printed or otherwise inscribed on the face of each contract to which it shall be applicable, but their absence therefrom shall in no wise prevent or affect the application of the said provisions to the said contract.

HISTORY:
Laws 1933, p. 296.

775 ILCS 10/8 [Severability]

The invalidity or unconstitutionality of any one or more provisions, parts, or sections of this Act shall not be held or construed to invalidate the whole or any other provision, part, or section thereof, it being intended that this Act shall be sustained and enforced to the fullest extent possible and that it shall be construed as liberally as possible to prevent refusals, denials, and discriminations of and with reference to the award of contracts and employment thereunder, on the ground of race, color, creed, sex, religion, physical or mental disability unrelated to ability, or national origin.

HISTORY:
P.A. 80-336; 99-143, § 1005.

CHAPTER 815

BUSINESS TRANSACTIONS

SALES

Car-Sharing Program Act

CAR-SHARING PROGRAM ACT

HISTORY:
2021 P.A. 102-497, § 1, effective January 1, 2022.

815 ILCS 312/1 Short title.

This Act may be cited as the Car-Sharing Program Act.

HISTORY:
2021 P.A. 102-497, § 1, effective January 1, 2022.

815 ILCS 312/5 Definitions.

As used in this Act:

"Peer-to-peer car sharing" means the authorized use of a vehicle by an individual other than the vehicle's owner through a car-sharing program. "Peer-to-peer car sharing" does not include "rent a motor vehicle to another" within the meaning of in Section 6-305 of the Illinois Vehicle Code [625 ILCS 5/6-305]; a transaction involving a "rental agreement" as defined in Section 10 of the Renter's Financial Responsibility and Protection Act [625 ILCS 27/10]; or "renting" as defined in Section 2 of the Automobile Renting Occupation and Use Tax Act [35 ILCS 155/2].

"Car-sharing agreement" means the terms and conditions applicable to a shared-vehicle owner and a shared-vehicle driver that govern the use of a shared vehicle through a car-sharing program. "Car-sharing agreement" does not include a "rental agreement" as defined in Section 10 of the Renter's Financial Responsibility and Protection Act, a "rental agreement" within the meaning of Section 6-305.2 of the Illinois Vehicle Code [625 ILCS 5/6-305.2], or a "rental agreement" as defined in Section 6-305.3 of the Illinois Vehicle Code [625 ILCS 5/6-305.3].

"Car-sharing period" means the period that commences with the delivery period, or, if there is no delivery period, that commences with the car-sharing start time and in either case ends at the car-sharing termination time.

"Car-sharing program" means a business platform that connects vehicle owners with drivers to enable the sharing of vehicles for financial consideration. "Car-sharing program" does not include a "rental company" as defined in Section 10 of the Renter's Financial Responsibility and Protection Act; "rentor" as defined in Section 2 of the Automobile Renting Occupation and Use Tax Act; a person or entity whose business is to "rent a motor vehicle" to another person within the meaning of Section 6-305 or 6-305.2 of the Illinois Vehicle Code; or a "rental car company" as that term is used in Section 6-305 of the Illinois Vehicle Code. A "car-sharing program" is not "engaged in the business of renting automobiles" within the meaning of Section 5-1032 of the Counties Code [55 ILCS 5/5-1032] or Section 8-11-7 of the Illinois Municipal Code [65 ILCS 5/8-11-7].

"Car-sharing start time" means the time when the shared vehicle becomes subject to the control of the shared-vehicle driver at or after the time the reservation of a shared vehicle is scheduled to begin as documented in the records of a car-sharing program.

"Car-sharing termination time" means the earliest of the following events:

(1) the expiration of the agreed-upon period established for the use of a shared vehicle according to the terms of the car-sharing agreement if the shared vehicle is delivered to the location agreed upon in the car-sharing agreement;

(2) the time the shared vehicle is returned to a location as alternatively agreed upon by the shared-vehicle owner and shared-vehicle driver as communicated through a car-sharing program, which alternatively agreed-upon location shall be incorporated into the car-sharing agreement; or

(3) the time the shared-vehicle owner or the shared-vehicle owner's authorized designee takes possession and control of the shared vehicle.

"Delivery period" means the period during which a shared vehicle is being delivered to the location of the car-sharing start time, if applicable, as documented by the governing car-sharing agreement.

"Shared vehicle" means a vehicle that is available for sharing through a car-sharing program. "Shared vehicle" does not include a rental vehicle within the meaning of Section 6-305.2 of the Illinois Vehicle Code.

"Shared-vehicle driver" means an individual who has been authorized to drive the shared vehicle by the shared-vehicle owner under a car-sharing agreement.

"Shared-vehicle owner" means the registered owner, or a person or entity designated by the registered owner, of a vehicle made available for sharing to shared-vehicle drivers through a car-sharing program. "Shared-vehicle owner" does not include a "rental company" as defined in Section 10 of the Renter's Financial Responsibility and Protection Act; a "rentor" as defined in Section 2 of the Automobile Renting Occupation and Use Tax Act; a person or entity whose business is to "rent a motor vehicle" to another person within the meaning of Section 6-305 or 6-305.2 of the Illinois Vehicle Code; or a "rental car company" as that term is used in Section 6-305 of the Illinois Vehicle Code. A "shared-vehicle owner" is not "engaged in the business of renting automobiles" within the meaning of Section 5-1032 of the Counties Code or Section 8-11-7 of the Illinois Municipal Code.

HISTORY:
2021 P.A. 102-497, § 5, effective January 1, 2022.

815 ILCS 312/10 Insurance coverage during car-sharing period.

(a) Except as provided in subsection (b), a car-sharing program shall assume liability of a shared-vehicle owner for bodily injury or property damage to third parties or uninsured and underinsured motorist or personal injury protection losses during the car-sharing period in an amount stated in the car-sharing agreement, which amount may not be less than 4 times the minimum amounts required under Section 7-601 of the Illinois Vehicle Code [625 ILCS 5/7-601].

(b) Notwithstanding the definition of "car-sharing termination time" set forth in Section 5 [815 ILCS 312/5], the assumption of liability under subsection (a) does not apply to any shared-vehicle owner when:

(1) the shared-vehicle owner makes an intentional or fraudulent material misrepresentation or omission to the car-sharing program before the car-sharing period in which the loss occurred; or

(2) the shared-vehicle owner acts in concert with a shared-vehicle driver who fails to return the shared vehicle pursuant to the terms of car-sharing agreement.

(c) Notwithstanding the definition of "car-sharing termination time" set forth in Section 5, the assumption of liability under subsection (a) applies to bodily injury, property damage, and uninsured and underinsured motorist or personal injury protection losses by damaged third parties required by Section 7-601 of the Illinois Vehicle Code.

(d) A car-sharing program shall ensure that, during each car-sharing period, the shared-vehicle owner and the shared-vehicle driver are insured under a motor vehicle liability insurance policy that provides insurance coverage in amounts that, for the shared-vehicle driver, are equal to 2 times the minimum amounts set forth in Section 7-601 of the Illinois Vehicle Code and:

(1) recognizes that the shared vehicle insured under the policy is made available and used through a car-sharing program; or

(2) does not exclude use of a shared vehicle by a shared-vehicle driver.

(e) The insurance described under subsection (d) may be satisfied by motor vehicle liability insurance maintained by:

(1) a shared-vehicle owner;

(2) a shared-vehicle driver;

(3) a car-sharing program; or

(4) a combination of a shared-vehicle owner, a shared-vehicle driver, and a car-sharing program.

(f) The insurance described in subsection (e) that is satisfying the insurance requirement of subsection (d) shall be primary during each car-sharing period, and if a claim occurs in another state with minimum financial responsibility limits higher than those set forth in Section 7-601 of the Illinois Vehicle Code during the car-sharing period, the coverage maintained under subsection (e) shall satisfy the difference in minimum coverage amounts up to the applicable policy limits.

(g) The insurer, insurers, or car-sharing program shall assume primary liability for a claim if it is in whole or in part providing the insurance required under subsections (d) and (e) and:

(1) a dispute exists regarding who was in control of the shared vehicle at the time of the loss and the car-sharing program does not have available, did not retain, or fails to provide the information required by Section 25 [815 ILCS 312/25]; or

(2) a dispute exists as to whether the shared vehicle was returned to the alternatively agreed-upon location referenced in Section 5.

(h) If insurance maintained by a shared-vehicle owner or shared-vehicle driver in accordance with subsection (e) has lapsed or does not provide the required coverage, insurance maintained by a car-sharing program shall provide the coverage required by subsection (d) beginning with the first dollar of a claim and shall have the duty to defend the claim except under circumstances as set forth in subsection (b).

(i) An insurance policy maintained by the car-sharing program shall not make the coverage dependent on another automobile insurer or policy first denying a claim.

(j) Nothing in this Section:

(1) limits the liability of the car-sharing program for any act or omission of the car-sharing program itself that results in injury to any person as a result of the use of a shared vehicle through a car-sharing program; or

(2) limits the ability of the car-sharing program to, by contract, seek indemnification from the shared-vehicle owner or the shared-vehicle driver for economic loss sustained by the car-sharing

program resulting from a breach of the terms and conditions of the car-sharing agreement.

HISTORY:
2021 P.A. 102-497, § 10, effective January 1, 2022.

815 ILCS 312/15 Notification of implications of lien.

At the time a vehicle owner registers as a shared-vehicle owner on a car-sharing program and before the time when the shared-vehicle owner makes a shared vehicle available for car sharing on the car-sharing program, the car-sharing program shall notify the shared-vehicle owner that, if the shared vehicle has a lien against it, the use of the shared vehicle through a car-sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder.

HISTORY:
2021 P.A. 102-497, § 15, effective January 1, 2022.

815 ILCS 312/20 Exclusions in motor vehicle liability insurance policies.

(a) An authorized insurer that writes motor vehicle liability insurance in this State may exclude any coverage and the duty to defend or indemnify for any claim afforded under a shared-vehicle owner's motor vehicle liability insurance policy, including, but not limited to:

(1) liability coverage for bodily injury and property damage;

(2) uninsured and underinsured motorist coverage;

(3) medical payments coverage;

(4) comprehensive physical damage coverage; and

(5) collision physical damage coverage.

(b) Nothing in this Act invalidates or limits an exclusion contained in a motor vehicle liability insurance policy, including any insurance policy in use or approved for use that excludes coverage for motor vehicles made available for rent, sharing, or hire, or for any business use.

(c) Nothing in this Act invalidates, limits, or restricts an insurer's ability under existing law to underwrite any insurance policy. Nothing in this Act invalidates, limits, or restricts an insurer's ability under existing law to cancel and non-renew policies.

HISTORY:
2021 P.A. 102-497, § 20, effective January 1, 2022.

815 ILCS 312/25 Recordkeeping; use of vehicle in car sharing.

A car-sharing program shall collect and verify records pertaining to the use of a vehicle, including, but not limited to, times used, car-sharing period pick up and drop off locations, fees paid by the shared-vehicle driver, and revenues received by the shared-vehicle owner, and the car-sharing program shall provide that information upon request to the shared-vehicle owner, the shared-vehicle owner's insurer, or the shared-vehicle driver's insurer to facilitate a claim coverage investigation, settlement, negotiation, or litigation. The car-sharing program shall retain the records for a period not less than the applicable personal injury statute of limitations.

HISTORY:
2021 P.A. 102-497, § 25, effective January 1, 2022.

815 ILCS 312/30 Exemption; vicarious liability.

A car-sharing program and a shared-vehicle owner shall be exempt from vicarious liability consistent with 49 U.S.C. 30106 and under any State or local law that imposes liability solely based on vehicle ownership.

HISTORY:
2021 P.A. 102-497, § 30, effective January 1, 2022.

815 ILCS 312/35 Recovery against indemnification.

A motor vehicle insurer that defends or indemnifies a claim against a shared vehicle that is excluded under the terms of its policy shall have the right to seek recovery against the motor vehicle insurer of the car-sharing program if the claim is:

(1) made against the shared-vehicle owner or the shared-vehicle driver for loss or injury that occurs during the car-sharing period; and

(2) excluded under the terms of its policy.

HISTORY:
2021 P.A. 102-497, § 35, effective January 1, 2022.

815 ILCS 312/40 Insurable interest.

(a) Notwithstanding any other law, statute, rule, or regulation to the contrary, a car-sharing program shall have an insurable interest in a shared vehicle during the car-sharing period and may provide or offer to provide coverage to a shared-vehicle owner or a shared-vehicle driver under the policy of insurance described in subsection (c).

(b) Nothing in this Section shall be construed as modifying the obligations of the car-sharing program pursuant to Section 10 [815 ILCS 312/10].

(c) A car-sharing program may own and maintain, as the named insured, one or more policies of motor vehicle liability insurance that separately or in combination provides coverage for:

(1) liabilities assumed by the car-sharing program under a car-sharing agreement;

(2) any liability of the shared-vehicle owner;

(3) damage or loss to the shared vehicle; or

(4) any liability of the shared-vehicle driver.

HISTORY:
2021 P.A. 102-497, § 40, effective January 1, 2022.

815 ILCS 312/45 Consumer protection disclosures.

Each car-sharing agreement made in this State shall disclose to the shared-vehicle owner and the shared-vehicle driver:

(1) Any right of the car-sharing program to seek indemnification from the shared-vehicle owner or the shared-vehicle driver for economic loss sustained by the car-sharing program resulting from a breach of the terms and conditions of the car-sharing agreement.

(2) That a motor vehicle liability insurance policy issued to the shared-vehicle owner for the shared vehicle or to the shared-vehicle driver does not provide a defense or indemnification for any claim asserted by the car-sharing program.

(3) That the car-sharing program's insurance coverage on the shared-vehicle owner and the shared-vehicle driver is in effect only during each car-sharing period and that, for any use of the shared vehicle by the shared-vehicle driver after the car-sharing termination time, the shared-vehicle driver and the shared-vehicle owner may not have insurance coverage.

(4) The daily rate, fees, and, if applicable, any insurance or protection package costs that are charged to the shared-vehicle owner or the shared-vehicle driver.

(5) That the shared-vehicle owner's motor vehicle liability insurance may not provide coverage for a shared vehicle.

(6) An emergency telephone number for personnel capable of fielding roadside assistance and other customer service inquiries.

(7) If there are conditions under which a shared-vehicle driver shall maintain a personal automobile insurance policy with certain applicable coverage limits on a primary basis in order to book a shared vehicle.

HISTORY:
2021 P.A. 102-497, § 45, effective January 1, 2022.

815 ILCS 312/50 Driver's license verification and data retention.

(a) A car-sharing program may not enter into a car-sharing agreement with a driver unless the driver who will operate the shared vehicle:

(1) holds a driver's license issued under the laws of this State that authorizes the driver to operate vehicles of the class of the shared vehicle; or

(2) is a nonresident who:

(i) has a driver's license issued by the state or country of the driver's residence that authorizes the driver in that state or country to drive vehicles of the class of the shared vehicle; and

(ii) is at least the same age as that required of a resident to drive; or

(3) otherwise is specifically authorized under the laws of this State to drive vehicles of the class of the shared vehicle.

(b) A car-sharing program shall keep a record of:

(1) the name and address of the shared-vehicle driver;

(2) the number of the driver's license of the shared-vehicle driver and each other person, if any, who will operate the shared vehicle; and

(3) the place of issuance of the driver's license.

HISTORY:
2021 P.A. 102-497, § 50, effective January 1, 2022.

815 ILCS 312/55 Responsibility for equipment.

A car-sharing program shall have sole responsibility for any equipment, such as a GPS system or other special equipment, that is put in or on the vehicle to monitor or facilitate the car-sharing transaction, and shall agree to indemnify and hold harmless the vehicle owner for any damage to or theft of such equipment during the car-sharing period not caused by the vehicle owner. The car-sharing program has the right to seek recovery from the shared-vehicle driver for any loss or damage to such equipment that occurs during the car-sharing period.

HISTORY:
2021 P.A. 102-497, § 55, effective January 1, 2022.

815 ILCS 312/60 Automobile safety recalls.

(a) At the time a vehicle owner registers as a shared-vehicle owner on a car-sharing program and before the time the shared-vehicle owner makes a shared vehicle available for car sharing on the car-sharing program, the car-sharing program shall:

(1) verify that the shared vehicle does not have any safety recalls on the vehicle for which the repairs have not been made; and

(2) notify the shared-vehicle owner of the requirements under subsection (b).

(b)(1) If the shared-vehicle owner has received an actual notice of a safety recall on the vehicle, a shared-vehicle owner may not make a vehicle available as a shared vehicle on a car-sharing program until the safety recall repair has been made.

(2) If a shared-vehicle owner receives an actual notice of a safety recall on a shared vehicle while the shared vehicle is made available on the car-sharing program, the shared-vehicle owner shall remove the shared vehicle from availability on the car-sharing program, as soon as practicably possible after receiving the notice of the safety recall and until the safety recall repair has been made.

(3) If a shared-vehicle owner receives an actual notice of a safety recall while the shared vehicle is being used in the possession of a shared-vehicle driver, as soon as practicably possible after receiving the notice of the safety recall, the shared-vehicle owner shall notify the car-sharing program about the safety recall so that the shared-vehicle owner may address the safety recall repair.

HISTORY:
2021 P.A. 102-497, § 60, effective January 1, 2022.

HISTORY:
2021 P.A. 102-497, § 99, effective January 1, 2022.

815 ILCS 312/99 Effective date.

This Act takes effect January 1, 2022.

CHAPTER 820

EMPLOYMENT

WAGES AND HOURS

Prevailing Wage Act

PREVAILING WAGE ACT

820 ILCS 130/0.01 Short title.

This Act may be cited as the Prevailing Wage Act.

HISTORY:
P.A. 86-1324.

820 ILCS 130/1 [Public policy]

It is the policy of the State of Illinois that a wage of no less than the general prevailing hourly rate as paid for work of a similar character in the locality in which the work is performed, shall be paid to all laborers, workers and mechanics employed by or on behalf of any and all public bodies engaged in public works.

HISTORY:
P.A. 83-443.

820 ILCS 130/2 [Applicability; definitions]

This Act applies to the wages of laborers, mechanics and other workers employed in any public works, as hereinafter defined, by any public body and to anyone under contracts for public works. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

As used in this Act, unless the context indicates otherwise:

"Public works" means all fixed works constructed or demolished by any public body, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through the State or any of its political subdivisions, including but not limited to: bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the Illinois Municipal Code), the Industrial Building Revenue Bond Act, the Illinois Finance Authority Act, the Illinois Sports Facilities Authority Act, or the Build Illinois Bond Act; loans or other funds made available pursuant to the Build Illinois Act; loans or other funds made available pursuant to the Riverfront Development Fund under Section 10-15 of the River Edge Redevelopment Zone Act; or funds from the Fund for Illinois' Future under Section 6z-47 of the State Finance Act, funds for school construction under Section 5 of the General Obligation Bond Act, funds authorized under Section 3 of the School Construction Bond Act, funds for school infrastructure under Section 6z-45 of the State Finance Act, and funds for transportation purposes under Section 4 of the General Obligation Bond Act. "Public works" also includes (i) all projects financed in whole or in part with funds from the Environmental Protection Agency under the Illinois Renewable Fuels Development Program Act for which there is no project labor agreement; (ii) all work performed pursuant to a public private agreement under the Public Private Agreements for the Illiana Expressway Act or the Public-Private Agreements for the South Suburban Airport Act; (iii) all projects undertaken under a public-private agreement under the Public-Private Partnerships for Transportation Act; and (iv) all transportation facilities undertaken under a design-build contract or a Construction Manager/General Contractor contract under the Innovations for Transportation Infrastructure Act. "Public works" also includes all projects at leased facility property used for airport purposes under Section 35 of the Local Government Facility Lease Act. "Public works" also includes the construction of a new wind power facility by a business designated as a High Impact Business under Section 5.5(a)(3)(E) and the construction of a new utility-scale solar power facility by a business designated as a High Impact Business under Section

5.5(a)(3)(E-5) of the Illinois Enterprise Zone Act. "Public works" also includes electric vehicle charging station projects financed pursuant to the Electric Vehicle Act and renewable energy projects required to pay the prevailing wage pursuant to the Illinois Power Agency Act. "Public works" does not include work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes construction projects performed by a third party contracted by any public utility, as described in subsection (a) of Section 2.1, in public rights-of-way, as defined in Section 21-201 of the Public Utilities Act, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes construction projects that exceed 15 aggregate miles of new fiber optic cable, performed by a third party contracted by any public utility, as described in subsection (b) of Section 2.1, in public rights-of-way, as defined in Section 21-201 of the Public Utilities Act, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" also includes any corrective action performed pursuant to Title XVI of the Environmental Protection Act for which payment from the Underground Storage Tank Fund is requested. "Public works" does not include projects undertaken by the owner at an owner-occupied single-family residence or at an owner-occupied unit of a multi-family residence. "Public works" does not include work performed for soil and water conservation purposes on agricultural lands, whether or not done under public supervision or paid for wholly or in part out of public funds, done directly by an owner or person who has legal control of those lands.

"Construction" means all work on public works involving laborers, workers or mechanics. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented.

"Locality" means the county where the physical work upon public works is performed, except (1) that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work and (2) that, with respect to contracts for highway work with the Department of Transportation of this State, "locality" may at the discretion of the Secretary of the Department of Transportation be construed to include two or more adjacent counties from which workers may be accessible for work on such construction.

"Public body" means the State or any officer, board or commission of the State or any political subdivision or department thereof, or any institution supported in whole or in part by public funds, and includes every county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district and every other political subdivision, district or municipality of the state whether such political subdivision, municipality or district operates under a special charter or not.

"Labor organization" means an organization that is the exclusive representative of an employer's employees recognized or certified pursuant to the National Labor Relations Act.

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus annualized fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works.

HISTORY:

P.A. 86-799; 86-1028; 91-105, § 5; 91-935, § 25; 92-16, § 106; 93-15, § 905; 93-16, § 5; 93-205, § 890-28; 94-750, § 910; 95-341, § 5; 96-28, § 10; 96-58, § 5; 96-186, § 5; 96-913, § 945; 96-1000, § 695; 97-502, § 950; 98-109, § 5-75; 98-482, § 5; 98-740, § 5; 98-756 § 825; 2018 P.A. 100-1177, § 5, effective June 1, 2019; 2021 P.A. 102-9, § 40, effective January 1, 2022; 2021 P.A. 102-444, § 995, effective August 20, 2021; 2021 P.A. 102-673, § 25, effective November 30, 2021; 2022 P.A. 102-813, § 730, effective May 13, 2022; 2022 P.A. 102-1094, § 945, effective June 15, 2022.

820 ILCS 130/2.1 Public utilities.

(a) For purposes of this Act, to the extent permitted by and consistent with federal law, "public utility" has the meaning given that term in Section 3-105 of the Public Utilities Act [220 ILCS 5/3-105].

(b) For purposes of this Act, "public utility" also includes:

(1) telecommunications carriers, as defined in Section 13-202 of the Public Utilities Act [220 ILCS 5/13-202], but not including incumbent local exchange carriers that serve fewer than 20,000 access lines;

(2) providers of cable service or video service, as defined in Section 21-201 of the Public Utilities Act [220 ILCS 5/21-201];

(3) providers of wireless services, including, but not limited to, private radio service, public mobile service, or commercial mobile service within the meaning of Section 332 of the federal Communications Act of 1934 (47 U.S.C. 332);

(4) interconnected voice over Internet protocol providers as defined in Section 13-235 of the Public Utilities Act [220 ILCS 5/13-235];

(5) providers of broadband service, as defined in Section 21-201 of the Public Utilities Act; and

(6) persons or entities engaged in the installation, repair, or maintenance of fiber optic cable that is or will be used by persons described in paragraphs (1) through (5) of this subsection.

HISTORY:
2021 P.A. 102-9, § 40, effective January 1, 2022.

820 ILCS 130/3 [Prevailing rate of hourly wages for construction of public works]

Not less than the general prevailing rate of hourly wages for work of a similar character on public works in the locality in which the work is performed, and not less than the general prevailing rate of hourly wages for legal holiday and overtime work, shall be paid to all laborers, workers and mechanics employed by or on behalf of any public body engaged in the construction or demolition of public works. This includes any maintenance, repair, assembly, or disassembly work performed on equipment whether owned, leased, or rented. Only such laborers, workers and mechanics as are directly employed by contractors or subcontractors in actual construction work on the site of the building or construction job, and laborers, workers and mechanics engaged in the transportation of materials and equipment to or from the site, but not including the transportation by the sellers and suppliers or the manufacture or processing of materials or equipment, in the execution of any contract or contracts for public works with any public body shall be deemed to be employed upon public works. The wage for a tradesman performing maintenance is equivalent to that of a tradesman engaged in construction or demolition.

HISTORY:
P.A. 83-443; 93-15, § 905; 93-16, § 5; 95-341, § 5; 96-186, § 5.

820 ILCS 130/3.1 Employment of local laborers; report.

The Department of Labor shall report annually, no later than February 1, to the General Assembly and the Governor the number of people employed on public works in the State during the preceding calendar year. This report shall include the total number of people employed and the total number of hours worked on public works both statewide and by county. Additionally, the report shall include the total number of people employed and the hours worked on public works by the 5-digit zip code, as collected on certified payroll, of the individual's residence during employment on public works. The report to the General Assembly shall be filed with the Clerk of the House of Representatives and the Secretary of the Senate in electronic form only, in the manner that the Clerk and Secretary shall direct.

HISTORY:
2018 P.A. 100-1177, § 5, effective June 1, 2019.

820 ILCS 130/3.2 Employment of females and minorities on public works.

(a) The Department of Labor shall study and report on the participation of females and minorities on public works in Illinois. The Department of Labor shall use certified payrolls collected under Section 5.1 [820 ILCS 130/5.1] to obtain this information. The Department of Labor shall use the same categories for gender, race, and ethnicity as the U.S. Census Bureau for data collected under Section 5 [820 ILCS 130/5].

(b) No later than December 31, 2020, the Department of Labor shall create recommendations to increase female and minority participation on public works projects by county. The Department of Labor shall use its own study, data from the U.S. Department of Labor's goals for Davis-Bacon Act covered projects, and any available data from the State or federal governments.

HISTORY:
2018 P.A. 100-1177, § 5, effective June 1, 2019.

820 ILCS 130/4 Ascertaining prevailing wage.

(a) The prevailing rate of wages paid to individuals covered under this Act shall not be less than the rate that prevails for work of a similar character on public works in the locality in which the work is performed under collective bargaining agreements or understandings between employers or employer associations and bona fide labor organizations relating to each craft or type of worker or mechanic needed to execute the contract or perform such work, and collective bargaining agreements or understandings successor thereto, provided that said employers or members of said employer associations employ at least 30% of the laborers, workers, or mechanics in the same trade or occupation in the locality where the work is being performed.

(b) If the prevailing rates of wages and fringe benefits cannot reasonably and fairly be applied in any locality because no such agreements or understandings exist, the Department of Labor shall determine the rates and fringe benefits for the same or most similar work in the nearest and most similar neighboring locality in which such agreements or understandings exist. The Department of Labor shall keep a record of its findings available for inspection by any interested party in the office of the Department of Labor.

(c) In the event it is determined, after a written objection is filed and hearing is held in accordance with Section 9 of this Act [820 ILCS 130/9], that less than 30% of the laborers, workers, or mechanics in a particular trade or occupation in the locality where the work is performed receive a collectively bargained rate of wage, then the average wage paid to such laborers, workers, or mechanics in the same trade or occupation in the locality for the 12-month period preceding the Department of Labor's annual determination shall be the prevailing rate of wage.

(d) The public body awarding any contract for public work or otherwise undertaking any public works shall specify in the call for bids for the contract, or where the public body performs the work

without letting the contract in a written instrument provided to the contractor, that the general prevailing rate of wages in the locality for each craft or type of worker or mechanic needed to execute the contract or perform such work, also the general prevailing rate for legal holiday and overtime work, as ascertained by the Department of Labor shall be paid for each craft or type of worker needed to execute the contract or to perform such work, and it shall be mandatory upon the contractor to whom the contract is awarded and upon any subcontractor under him, and where the public body performs the work, upon the public body, to pay not less than the specified rates to all laborers, workers and mechanics employed by them in the execution of the contract or such work. Compliance with this Act is a matter of statewide concern, and a public body may not opt out of any provisions herein.

(e) The public body or other entity awarding the contract shall cause to be inserted in the project specifications and the contract a stipulation to the effect that not less than the prevailing rate of wages as found by the Department of Labor or determined by the court on review shall be paid to all laborers, workers and mechanics performing work under the contract.

(f) When a public body or other entity covered by this Act has awarded work to a contractor without a public bid, contract or project specification, such public body or other entity shall comply with subsection (e) by providing the contractor with written notice on the purchase order related to the work to be done or on a separate document indicating that not less than the prevailing rate of wages ascertained by the Department of Labor or determined by the court on review shall be paid to all laborers, workers, and mechanics performing work on the project.

(g) Where a complaint is made and the Department of Labor determines that a violation occurred, the Department of Labor shall determine if proper written notice under this Section 4 [820 ILCS 130/4] was given. If proper written notice was not provided to the contractor by the public body or other entity, the Department of Labor shall order the public body or other entity to pay any interest, penalties or fines that would have been owed by the contractor if proper written notice were provided. The failure by a public body or other entity to provide written notice does not relieve the contractor of the duty to comply with the prevailing wage rate, nor of the obligation to pay any back wages, as determined under this Act. For the purposes of this subsection, back wages shall be limited to the difference between the actual amount paid and the prevailing rate of wages required to be paid for the project. The failure of a public body or other entity to provide written notice under this Section 4 does not diminish the right of a laborer, worker, or mechanic to the prevailing rate of wages as determined under this Act.

(h) It shall also be mandatory upon the contractor to whom the contract is awarded to insert into each subcontract and into the project specifications for each subcontract a written stipulation to the effect that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work under the contract. It shall also be mandatory upon each subcontractor to cause to be inserted into each lower tiered subcontract and into the project specifications for each lower tiered subcontract a stipulation to the effect that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work under the contract. A contractor or subcontractor who fails to comply with this subsection is in violation of this Act.

(i) When a contractor has awarded work to a subcontractor without a contract or contract specification, the contractor shall comply with subsection (h) by providing a subcontractor with a written statement indicating that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work on the project. A contractor or subcontractor who fails to comply with this subsection is in violation of this Act.

(j) Where a complaint is made and the Department of Labor determines that a violation has occurred, the Department of Labor shall determine if proper written notice under this Section 4 was given. If proper written notice was not provided to the subcontractor by the contractor, the Department of Labor shall order the contractor to pay any interest, penalties, or fines that would have been owed by the subcontractor if proper written notice were provided. The failure by a contractor to provide written notice to a subcontractor does not relieve the subcontractor of the duty to comply with the prevailing wage rate, nor of the obligation to pay any back wages, as determined under this Act. For the purposes of this subsection, back wages shall be limited to the difference between the actual amount paid and the prevailing rate of wages required for the project. However, if proper written notice was not provided to the contractor by the public body or other entity under this Section 4, the Department of Labor shall order the public body or other entity to pay any interest, penalties, or fines that would have been owed by the subcontractor if proper written notice were provided. The failure by a public body or other entity to provide written notice does not relieve the subcontractor of the duty to comply with the prevailing wage rate, nor of the obligation to pay any back wages, as determined under this Act. For the purposes of this subsection, back wages shall be limited to the difference between the actual amount paid and the prevailing rate of wages required for the project. The failure to provide written notice by a public body, other entity, or contractor does not diminish the right of a laborer, worker, or mechanic to the prevailing rate of wages as determined under this Act.

(k) A public body or other entity shall also require in all contractor's and subcontractor's bonds that the contractor or subcontractor include such provision as

will guarantee the faithful performance of such prevailing wage clause as provided by contract or other written instrument. All bid specifications shall list the specified rates to all laborers, workers and mechanics in the locality for each craft or type of worker or mechanic needed to execute the contract.

(*l*) If the Department of Labor revises the prevailing rate of hourly wages to be paid by the public body or other entity, the revised rate shall apply to such contract, and the public body or other entity shall be responsible to notify the contractor and each subcontractor, of the revised rate.

The public body or other entity shall discharge its duty to notify of the revised rates by inserting a written stipulation in all contracts or other written instruments that states the prevailing rate of wages are revised by the Department of Labor and are available on the Department's official website. This shall be deemed to be proper notification of any rate changes under this subsection.

(m) Two or more investigatory hearings under this Section on the issue of establishing a new prevailing wage classification for a particular craft or type of worker shall be consolidated in a single hearing before the Department. The party requesting a consolidated investigatory hearing shall have the burden of establishing that there is no existing prevailing wage classification for the particular craft or type of worker in any of the localities under consideration.

(n) It shall be mandatory upon the contractor or construction manager to whom a contract for public works is awarded to post, at a location on the project site of the public works that is easily accessible to the workers engaged on the project, the prevailing wage rates for each craft or type of worker or mechanic needed to execute the contract or project or work to be performed. In lieu of posting on the project site of the public works, a contractor which has a business location where laborers, workers, and mechanics regularly visit may: (1) post in a conspicuous location at that business the current prevailing wage rates for each county in which the contractor is performing work; or (2) provide such laborer, worker, or mechanic engaged on the public works project a written notice indicating the prevailing wage rates for the public works project. A failure to post or provide a prevailing wage rate as required by this Section is a violation of this Act.

HISTORY:

P.A. 86-799; 92-783, § 7; 93-15, § 905; 93-16, § 5; 93-38, § 5; 95-331, § 1270; 96-437, § 5; 97-964, § 5; 2018 P.A. 100-1177, § 5, effective June 1, 2019.

820 ILCS 130/5 Certified payroll.

(a) Any contractor and each subcontractor who participates in public works shall:

(1) make and keep, for a period of not less than 3 years from the date of the last payment made before January 1, 2014 (the effective date of Public Act 98-328) and for a period of 5 years from the date of the last payment made on or after January 1, 2014 (the effective date of Public Act 98-328) on a contract or subcontract for public works, records of all laborers, mechanics, and other workers employed by them on the project; the records shall include (i) the worker's name, (ii) the worker's address, (iii) the worker's telephone number when available, (iv) the last 4 digits of the worker's social security number, (v) the worker's gender, (vi) the worker's race, (vii) the worker's ethnicity, (viii) veteran status, (ix) the worker's classification or classifications, (x) the worker's skill level, such as apprentice or journeyman, (xi) the worker's gross and net wages paid in each pay period, (xii) the worker's number of hours worked each day, (xiii) the worker's starting and ending times of work each day, (xiv) the worker's hourly wage rate, (xv) the worker's hourly overtime wage rate, (xvi) the worker's hourly fringe benefit rates, (xvii) the name and address of each fringe benefit fund, (xviii) the plan sponsor of each fringe benefit, if applicable, and (xix) the plan administrator of each fringe benefit, if applicable; and

(2) no later than the 15th day of each calendar month file a certified payroll for the immediately preceding month with the public body in charge of the project until the Department of Labor activates the database created under Section 5.1 at which time certified payroll shall only be submitted to that database, except for projects done by State agencies that opt to have contractors submit certified payrolls directly to that State agency. A State agency that opts to directly receive certified payrolls must submit the required information in a specified electronic format to the Department of Labor no later than 10 days after the certified payroll was filed with the State agency. A certified payroll must be filed for only those calendar months during which construction on a public works project has occurred. The certified payroll shall consist of a complete copy of the records identified in paragraph (1) of this subsection (a), but may exclude the starting and ending times of work each day. The certified payroll shall be accompanied by a statement signed by the contractor or subcontractor or an officer, employee, or agent of the contractor or subcontractor which avers that: (i) he or she has examined the certified payroll records required to be submitted by the Act and such records are true and accurate; (ii) the hourly rate paid to each worker is not less than the general prevailing rate of hourly wages required by this Act; and (iii) the contractor or subcontractor is aware that filing a certified payroll that he or she knows to be false is a Class A misdemeanor. A general contractor is not prohibited from relying on the certification of a lower tier subcontractor, provided the general contractor does not knowingly rely upon a subcontractor's false certification. Any contractor or subcontractor subject to this Act and any officer, employee, or agent of such contractor or

subcontractor whose duty as such officer, employee, or agent it is to file such certified payroll who willfully fails to file such a certified payroll on or before the date such certified payroll is required by this paragraph to be filed and any person who willfully files a false certified payroll that is false as to any material fact is in violation of this Act and guilty of a Class A misdemeanor. The public body in charge of the project shall keep the records submitted in accordance with this paragraph (2) of subsection (a) before January 1, 2014 (the effective date of Public Act 98-328) for a period of not less than 3 years, and the records submitted in accordance with this paragraph (2) of subsection (a) on or after January 1, 2014 (the effective date of Public Act 98-328) for a period of 5 years, from the date of the last payment for work on a contract or subcontract for public works or until the Department of Labor activates the database created under Section 5.1, whichever is less. After the activation of the database created under Section 5.1, the Department of Labor rather than the public body in charge of the project shall keep the records and maintain the database. The records submitted in accordance with this paragraph (2) of subsection (a) shall be considered public records, except an employee's address, telephone number, social security number, race, ethnicity, and gender, and made available in accordance with the Freedom of Information Act [5 ILCS 140/1 et seq.]. The public body shall accept any reasonable submissions by the contractor that meet the requirements of this Section.

A contractor, subcontractor, or public body may retain records required under this Section in paper or electronic format.

(b) Upon 7 business days' notice, the contractor and each subcontractor shall make available for inspection and copying at a location within this State during reasonable hours, the records identified in paragraph (1) of subsection (a) of this Section to the public body in charge of the project, its officers and agents, the Director of Labor and his deputies and agents, and to federal, State, or local law enforcement agencies and prosecutors.

(c) A contractor or subcontractor who remits contributions to fringe benefit funds that are jointly maintained and jointly governed by one or more employers and one or more labor organizations in accordance with the federal Labor Management Relations Act shall make and keep certified payroll records that include the information required under items (i) through (viii) of paragraph (1) of subsection (a) only. However, the information required under items (ix) through (xv) of paragraph (1) of subsection (a) shall be required for any contractor or subcontractor who remits contributions to a fringe benefit fund that is not jointly maintained and jointly governed by one or more employers and one or more labor organizations in accordance with the federal Labor Management Relations Act [29 USC § 141 et seq.].

HISTORY:

P.A. 81-992; 92-783, § 7; 93-38, § 5; 94-515, § 5; 94-1023, § 5; 97-571, § 5; 98-328, § 5; 98-482, § 5; 98-756, § 825; 2018 P.A. 100-1177, § 5, effective June 1, 2019; 2019 P.A. 101-31, § 20-910, effective June 28, 2019.

820 ILCS 130/5.1 Electronic database.

The Department shall develop and maintain an electronic database capable of accepting and retaining certified payrolls submitted under this Act no later than April 1, 2020. The database shall accept certified payroll forms provided by the Department that are fillable and designed to accept electronic signatures. Beginning January 1, 2022, the Department shall make accessible to the public on its website by the 16th day of each month following the month the work was performed the following information from certified payrolls submitted under this Act: each worker's (i) classification or classifications, (ii) skill level, such as apprentice or journeyman, (iii) gross wages paid in each pay period, (iv) number of hours worked each day, (v) starting and ending times of work each day, (vi) hourly wage rate, (vii) hourly overtime wage rate, and (viii) hourly fringe benefit rate. The database shall be searchable by contractor name, project name, county in which the work was performed, and contracting public body.

HISTORY:

P.A. 98-482, § 5; 2018 P.A. 100-1177, § 5, effective June 1, 2019; 2021 P.A. 102-332, § 5, effective August 6, 2021.

820 ILCS 130/6 [Penalty; enforcement]

Any officer, agent or representative of any public body who wilfully violates, or willfully fails to comply with, any of the provisions of this Act, and any contractor or subcontractor, and any officer, employee, or agent thereof, who as such officer, employee, or agent, has a duty to create, keep, maintain, or produce any record or document required by this Act to be created, kept, maintained, or produced who willfully fails to create, keep, maintain, or produce such record or document as or when required by this Act, is guilty of a Class A misdemeanor.

The Department of Labor shall inquire diligently as to any violation of this Act, shall institute actions for penalties herein prescribed, and shall enforce generally the provisions of this Act. The Attorney General shall prosecute such cases upon complaint by the Department or any interested person.

HISTORY:

P.A. 81-992; 94-488, § 5; 97-571, § 5.

820 ILCS 130/7 [Finality of finding]

The finding of the Department of Labor ascertaining and declaring the general prevailing rate of hourly wages shall be final for all purposes of the contract for public work then being considered, unless reviewed under the provisions of this Act. Nothing in this Act, however, shall be construed to pro-

hibit the payment to any laborer, worker or mechanic employed on any public work, as aforesaid, of more than the prevailing rate of wages; provided further that nothing in this Act shall be construed to limit the hours of work which may be performed by any person in any particular period of time.

HISTORY:
P.A. 81-992; 2018 P.A. 100-1177, § 5, effective June 1, 2019.

820 ILCS 130/8 [Inability to ascertain prevailing rate of wage] [Repealed]

HISTORY:
Laws 1957, p. 2662; repealed by 2018 P.A. 100-1177, § 10, effective June 1, 2019.

820 ILCS 130/9 Annual ascertainment of prevailing wage rate; posting; written objections; hearing.

To effectuate the purpose and policy of this Act the Department of Labor shall, during the month of June of each calendar year, investigate and ascertain the prevailing rate of wages for each county in the State and shall publish the prevailing wage schedule ascertained on its official website no later than July 15 of each year. If the prevailing rate of wages is based on a collective bargaining agreement, any increases directly ascertainable from such collective bargaining agreement shall also be published on the website. Further, if the prevailing rate of wages is based on a collective bargaining agreement, the explanation of classes on the prevailing wage schedule shall be consistent with the classifications established under the collective bargaining agreement.

At any time within 30 days after the Department of Labor has published on its official web site a prevailing wage schedule, any person affected thereby may object in writing to the determination or such part thereof as they may deem objectionable by filing a written notice with the Department of Labor stating the specified grounds of the objection. A person filing an objection alleging that the actual percentage of laborers, workers, or mechanics that receive a collectively bargained rate of wage is below the required 30% shall have the burden of establishing such and shall support the allegation with competent evidence. During the pendency of any objection and until final determination thereof, the work in question shall proceed under the rate established by the Department. It shall be the duty of the Department of Labor to set a date for a hearing on the objection after giving written notice to the objectors at least 10 days before the date of the hearing and said notice shall state the time and place of such hearing. Such hearing by the Department of Labor shall be held within 45 days after the objection is filed, and shall not be postponed or reset for a later date except upon the consent, in writing, of all the objectors and the Department of Labor.

The Department of Labor may hear each written objection filed separately or consolidate for hearing any one or more written objections filed. At such hearing, the Department of Labor shall introduce in evidence the investigation it instituted which formed the basis of its determination, and the Department of Labor, or any interested objectors may thereafter introduce such evidence as is material to the issue. Thereafter, the Department of Labor, must rule upon the written objection and make such final determination as it believes the evidence warrants and serve a copy by personal service, registered mail, or electronic mail on all parties to the proceedings. The final determination by the Department of Labor shall be rendered within 30 days after the conclusion of the hearing.

If proceedings to review judicially the final determination of the Department of Labor are not instituted as hereafter provided, such determination shall be final and binding.

The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department of Labor. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure [735 ILCS 5/3-101].

Appeals from all final orders and judgments entered by the court in review of the final administrative decision of the Department of Labor, may be taken by any party to the action.

Any proceeding in any court affecting a determination of the Department of Labor shall have priority in hearing and determination over all other civil proceedings pending in said court, except election contests.

In all reviews or appeals under this Act, it shall be the duty of the Attorney General to represent the Department of Labor, and defend its determination.

HISTORY:
P.A. 83-201; 93-38, § 5; 98-173, § 5; 2017 P.A. 100-2, § 5, effective June 16, 2017; 2017 P.A. 100-154, § 5, effective August 18, 2017; 2018 P.A. 100-863, § 690, effective August 14, 2018; 2018 P.A. 100-1177, § 5, effective June 1, 2019.

820 ILCS 130/10 [Oaths; depositions; subpoenas]

The Director of the Department of Labor, or his or her authorized representative may interview workers, administer oaths, take or cause to be taken the depositions of witnesses, and require by subpoena the attendance and testimony of witnesses, and the production of all books, records, and other evidence relative to the matter under investigation or hearing. Such subpoena shall be signed and issued by the Director or his or her authorized representative.

Upon request by the Director of Labor or his or her deputies or agents, records shall be copied and submitted for evidence at no cost to the Department of Labor. Every employer upon request shall furnish to the Director or his or her authorized representative, on demand, a sworn statement of the accuracy of the

records. Any employer who refuses to furnish a sworn statement of the records is in violation of this Act.

In case of failure of any person to comply with any subpoena lawfully issued under this Section or on the refusal of any witness to produce evidence or to testify to any matter regarding which he or she may be lawfully interrogated, it is the duty of any circuit court, upon application of the Director or his or her authorized representative, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued by such court or a refusal to testify therein. The Director may certify to official acts.

HISTORY:
P.A. 83-334; 93-38, § 5; 2018 P.A. 100-1177, § 5, effective June 1, 2019.

820 ILCS 130/11 [Compliance; enforcement; civil damages]

No public works project shall be instituted unless the provisions of this Act have been complied with. The provisions of this Act shall not be applicable to Federal construction projects which require a prevailing wage determination by the United States Secretary of Labor. The Illinois Department of Labor represented by the Attorney General is empowered to sue for injunctive relief against the awarding of any contract or the continuation of work under any contract for public works at a time when the prevailing wage prerequisites have not been met. Any contract for public works awarded at a time when the prevailing wage prerequisites had not been met shall be void as against public policy and the contractor is prohibited from recovering any damages for the voiding of the contract or pursuant to the terms of the contract. The contractor is limited to a claim for amounts actually paid for labor and materials supplied to the public body. Where objections to a determination of the prevailing rate of wages or a court action relative thereto is pending, the public body shall not continue work on the project unless sufficient funds are available to pay increased wages if such are finally determined or unless the Department of Labor certifies such determination of the prevailing rate of wages as correct.

Any laborer, worker or mechanic employed by the contractor or by any sub-contractor under him who is paid for his services in a sum less than the stipulated rates for work done under such contract, shall have a right of action for whatever difference there may be between the amount so paid, and the rates provided by the contract together with costs and such reasonable attorney's fees as shall be allowed by the court. Such contractor or subcontractor shall also be liable to the Department of Labor for 20% of such underpayments and shall be additionally liable to the laborer, worker or mechanic for punitive damages in the amount of 2% of the amount of any such penalty to the State for underpayments for each month following the date of payment during which such underpayments remain unpaid. Where a second or subsequent action to recover underpayments is brought against a contractor or subcontractor and the contractor or subcontractor is found liable for underpayments to any laborer, worker, or mechanic, the contractor or subcontractor shall also be liable to the Department of Labor for 50% of the underpayments payable as a result of the second or subsequent action, and shall be additionally liable for 5% of the amount of any such penalty to the State for underpayments for each month following the date of payment during which the underpayments remain unpaid. The Department shall also have a right of action on behalf of any individual who has a right of action under this Section. An action brought to recover same shall be deemed to be a suit for wages, and any and all judgments entered therein shall have the same force and effect as other judgments for wages. The action shall be brought within 5 years from the date of the failure to pay the wages or compensation. At the request of any laborer, workman or mechanic employed by the contractor or by any subcontractor under him who is paid less than the prevailing wage rate required by this Act, the Department of Labor may take an assignment of such wage claim in trust for the assigning laborer, workman or mechanic and may bring any legal action necessary to collect such claim, and the contractor or subcontractor shall be required to pay the costs incurred in collecting such claim.

HISTORY:
P.A. 86-799; 94-488, § 5; 98-328, § 5.

820 ILCS 130/11a [Publication of names of contractors, subcontractors in violation]

The Director of the Department of Labor shall publish in the Illinois Register no less often than once each calendar quarter a list of contractors or subcontractors found to have disregarded their obligations to employees under this Act. The Department of Labor shall determine the contractors or subcontractors who, on 2 separate occasions within 5 years, have been determined to have violated the provisions of this Act. Upon such determination the Department shall notify the violating contractor or subcontractor. Such contractor or subcontractor shall then have 10 working days to request a hearing by the Department on the alleged violations. Failure to respond within the 10 working day period shall result in automatic and immediate placement and publication on the list. If the contractor or subcontractor requests a hearing within the 10 working day period, the Director shall set a hearing on the alleged violations. Such hearing shall take place no later than 45 calendar days after the receipt by the Department of Labor of the request for a hearing. The Department of Labor is empowered to promulgate, adopt, amend and rescind rules and regulations to govern the hearing procedure. No contract shall be awarded to a

contractor or subcontractor appearing on the list, or to any firm, corporation, partnership or association in which such contractor or subcontractor has an interest until 4 years have elapsed from the date of publication of the list containing the name of such contractor or subcontractor.

A contractor or subcontractor convicted or found guilty under Section 5 or 6 of this Act [820 ILCS 130/5 or 820 ILCS 130/6] shall be subject to an automatic and immediate debarment, thereafter prohibited from participating in any public works project for 4 years, with no right to a hearing.

HISTORY:
P.A. 86-693; 86-799; 86-1028; 93-38, § 5; 94-488, § 5; 97-571, § 5.

820 ILCS 130/11b Discharge or discipline of "whistle blowers" prohibited.

(a) No person shall discharge, discipline, or in any other way discriminate against, or cause to be discharged, disciplined, or discriminated against, any employee or any authorized representative of employees by reason of the fact that the employee or representative has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of this Act, or offers any evidence of any violation of this Act.

(b) Any employee or a representative of employees who believes that he has been discharged, disciplined, or otherwise discriminated against by any person in violation of subsection (a) of this Section may, within 30 days after the alleged violation occurs, apply to the Director of Labor for a review of the discharge, discipline, or alleged discrimination. A copy of the application shall be sent to the person who allegedly committed the violation, who shall be the respondent. Upon receipt of an application, the Director shall cause such investigation to be made as he or she deems appropriate. The investigation shall provide an opportunity for a public hearing at the request of any party to the review to enable the parties to present information relating to the alleged violation. The parties shall be given written notice of the time and place of the hearing at least 5 days before the hearing. Upon receiving the report of the investigation, the Director shall make findings of fact. If the Director finds that a violation did occur, he or she shall issue a decision incorporating his or her findings and requiring the party committing the violation to take such affirmative action to abate the violation as the Director deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his or her former position and compensating him or her for the time he or she was unemployed. The party committing the violation shall also be liable to the Department of Labor for a penalty of $5,000 for each violation of this Section. If the Director finds that there was no violation, he or she shall issue an order denying the application. An order issued by the Director under this Section shall be subject to judicial review under the Administrative Review Law [735 ILCS 5/3-101 et seq.].

(c) The Director shall adopt rules implementing this Section in accordance with the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

HISTORY:
P.A. 88-359, § 5; 94-488, § 5.

820 ILCS 130/12 [Severability]

If any section, sentence, clause or part of this act, is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The General Assembly hereby declares that it would have passed this Act, and each section, sentence, clause, or part thereof, irrespective of the fact that one or more sections, sentences, clauses, or parts might be declared unconstitutional.

HISTORY:
Laws 1941, vol. 1, p. 703.

HEALTH AND SAFETY

Substance Abuse Prevention on Public Works Projects Act

SUBSTANCE ABUSE PREVENTION ON PUBLIC WORKS PROJECTS ACT

820 ILCS 265/1 Short title.

This Act may be cited as the Substance Abuse Prevention on Public Works Projects Act.

HISTORY:
P.A. 95-635, § 1.

820 ILCS 265/5 Definitions.

As used in this Act:

"Accident" means an incident caused, contributed to, or otherwise involving an employee that resulted in death, personal injury, or property damage and that occurred while the employee was performing work on a public works project.

"Alcohol" means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol.

"Alcohol concentration" means: (1) the number of grams of alcohol per 210 liters of breath; or (2) the

number of grams of alcohol per 100 milliliters of blood.

"Drug" means a controlled substance as defined in the Illinois Controlled Substances Act [720 ILCS 570/100 et seq.] or cannabis as defined in the Cannabis Control Act [720 ILCS 550/1 et seq.] for which testing is required by an employer under its substance abuse prevention program under this Act. The term "drug" includes prescribed medications not used in accordance with a valid prescription.

"Employee" means a laborer, mechanic, or other worker employed in any public works by anyone under a contract for public works.

"Employer" means a contractor or subcontractor performing a public works project.

"Public works" and "public body" have the meanings ascribed to those terms in the Prevailing Wage Act [820 ILCS 130/0.0.1].

HISTORY:
P.A. 95-635, § 5.

820 ILCS 265/10 Substance abuse prohibited.

No employee may use, possess, distribute, deliver, or be under the influence of a drug, or use or be under the influence of alcohol, while performing work on a public works project. An employee is considered to be under the influence of alcohol for purposes of this Act if the alcohol concentration in his or her blood or breath at the time alleged as shown by analysis of the employee's blood or breath is at or above 0.02.

HISTORY:
P.A. 95-635, § 10.

820 ILCS 265/15 Substance abuse prevention programs required.

(1) Before an employer commences work on a public works project, the employer shall have in place a written program which meets or exceeds the program requirements in this Act, to be filed with the public body engaged in the construction of the public works and made available to the general public, for the prevention of substance abuse among its employees. The testing must be performed by a laboratory that is certified for Federal Workplace Drug Testing Programs by the Substance Abuse and Mental Health Service Administration of the U.S. Department of Health and Human Services. At a minimum, the program shall include all of the following:

(A) A minimum requirement of a 9 panel urine drug test plus a test for alcohol. Testing an employee's blood may only be used for post-accident testing, however, blood testing is not mandatory for the employer where a urine test is sufficient.

(B) A prohibition against the actions or conditions specified in Section 10 [820 ILCS 265-10].

(C) A requirement that employees performing the work on a public works project submit to pre-hire, random, reasonable suspicion, and post-accident drug and alcohol testing. Testing of an employee before commencing work on a public works project is not required if the employee has been participating in a random testing program during the 90 days preceding the date on which the employee commenced work on the public works project.

(D) A procedure for notifying an employee who violates Section 10, who tests positive for the presence of a drug in his or her system, or who refuses to submit to drug or alcohol testing as required under the program that the employee may not perform work on a public works project until the employee meets the conditions specified in subdivisions (2)(A) and (2)(B) of Section 20 [820 ILCS 265-20].

(2) Reasonable suspicion testing. An employee whose supervisor has reasonable suspicion to believe the employee is under the influence of alcohol or a drug is subject to discipline up to and including suspension, and be required to undergo an alcohol or drug test. "Reasonable suspicion" means a belief, based on behavioral observations or other evidence, sufficient to lead a prudent or reasonable person to suspect an employee is under the influence and exhibits slurred speech, erratic behavior, decreased motor skills, or other such traits. Circumstances, both physical and psychological, shall be given consideration. Whenever possible before an employee is required to submit to testing based on reasonable suspicion, the employee shall be observed by more than one supervisory or managerial employee. It is encouraged that observation of an employee should be performed by a supervisory or managerial employee who has successfully completed a certified training program to recognize drug and alcohol abuse. The employer who is requiring an employee to be tested based upon reasonable suspicion shall provide transportation for the employee to the testing facility and may send a representative to accompany the employee to the testing facility. Under no circumstances may an employee thought to be under the influence of alcohol or a drug be allowed to operate a vehicle or other equipment for any purpose. The employee shall be removed from the job site and placed on inactive status pending the employer's receipt of notice of the test results. The employee shall have the right to request a representative or designee to be present at the time he or she is directed to provide a specimen for testing based upon reasonable suspicion. If the test result is positive for drugs or alcohol, the employee shall be subject to termination. The employer shall pay all costs related to this testing. If the test result is negative, the employee shall be placed on active status and shall be put back to work by the employer. The employee shall be paid for all lost time to include all time needed to complete the drug or alcohol test and any and all overtime according to the employee's contract.

(3) An employer is responsible for the cost of developing, implementing, and enforcing its sub-

stance abuse prevention program, including the cost of drug and alcohol testing of its employees under the program, except when these costs are covered under provisions in a collective bargaining agreement. The testing must be performed by a laboratory that is certified for Federal Workplace Drug Testing Programs by the Substance Abuse and Mental Health Service Administration of the U.S. Department of Health and Human Services. The contracting agency is not responsible for that cost, for the cost of any medical review of a test result, or for any rehabilitation provided to an employee.

HISTORY:
P.A. 95-635, § 15.

820 ILCS 265/20 Employee access to project.

(1) An employer may not permit an employee who violates Section 10 [820 ILCS 265-10], who tests positive for the presence of a drug in his or her system, or who refuses to submit to drug or alcohol testing as required under the employer's substance abuse prevention program under Section 15 [820 ILCS 265-15] to perform work on a public works project until the employee meets the conditions specified in subdivisions (2)(A) and (2)(B). An employer shall immediately remove an employee from work on a public works project if any of the following occurs:

(A) The employee violates Section 10, tests positive for the presence of a drug in his or her system, or refuses to submit to drug or alcohol testing as required under the employer's substance abuse prevention program.

(B) An officer or employee of the contracting agency, preferably one trained to recognize drug and alcohol abuse, has a reasonable suspicion that the employee is in violation of Section 10 and requests the employer to immediately remove the employee from work on the public works project for reasonable suspicion testing.

(2) An employee who is barred or removed from work on a public works project under subsection (1) may commence or return to work on the public works project upon his or her employer providing to the contracting agency documentation showing all of the following:

(A) That the employee has tested negative for the presence of drugs in his or her system and is not under the influence of alcohol as described in Section 10.

(B) That the employee has been approved to commence or return to work on the public works project in accordance with the employer's substance abuse prevention program.

(C) Testing for the presence of drugs or alcohol in an employee's system and the handling of test specimens was conducted in accordance with guidelines for laboratory testing procedures and chain-of-custody procedures established by the Substance Abuse and Mental Health Service Administration of the U.S. Department of Health and Human Services.

(3) Upon successfully completing a rehabilitation program, an employee shall be reinstated to his or her former employment status if work for which he or she is qualified exists.

HISTORY:
P.A. 95-635, § 20.

820 ILCS 265/25 Applicability.

This Act applies to a contract to perform work on a public works project for which bids are opened on or after January 1, 2008, or, if bids are not solicited for the contract, to a contract to perform such work entered into on or after January 1, 2008. The provisions of this Act apply only to the extent there is no collective bargaining agreement in effect dealing with the subject matter of this Act.

HISTORY:
P.A. 95-635, § 25.

820 ILCS 265/99 Effective date.

This Act takes effect January 1, 2008.

HISTORY:
P.A. 95-635, § 99.

TRANSLATION FROM ILLINOIS REVISED STATUTES TO ILLINOIS COMPILED STATUTES ANNOTATED

ILL. REV. STAT. SECTION	ILCSA SECTION
Ch. 5, par. 951	505 ILCS 100/1
Ch. 5, par. 952	505 ILCS 100/2
Ch. 5, par. 953	505 ILCS 100/3
Ch. 5, par. 955	505 ILCS 100/5
Ch. 5, par. 957	505 ILCS 100/7
Ch. 5, par. 958	505 ILCS 100/8
Ch. 5, par. 959	505 ILCS 100/9
Ch. 5, par. 960	505 ILCS 100/10
Ch. 5, par. 961	505 ILCS 100/11
Ch. 5, par. 962	505 ILCS 100/12
Ch. 5, par. 963	505 ILCS 100/13
Ch. 5, par. 964	505 ILCS 100/14
Ch. 5, par. 965	505 ILCS 100/15
Ch. 5, par. 967	505 ILCS 100/17
Ch. 5, par. 968	505 ILCS 100/18
Ch. 5, par. 969	505 ILCS 100/19
Ch. 5, par. 970	505 ILCS 100/20
Ch. 5, par. 971	505 ILCS 100/21
Ch. 5, par. 972	505 ILCS 100/22
Ch. 5, par. 973	505 ILCS 100/23
Ch. 5, par. 974	505 ILCS 100/24
Ch. 5, par. 1301	505 ILCS 75/1
Ch. 5, par. 1302	505 ILCS 75/2
Ch. 5, par. 1303	505 ILCS 75/3
Ch. 5, par. 1304	505 ILCS 75/4
Ch. 5, par. 1305	505 ILCS 75/5
Ch. 5, par. 1306	505 ILCS 75/6
Ch. 5, par. 1307	505 ILCS 75/7
Ch. 5, par. 1308	505 ILCS 75/8
Ch. 8, par. 331	520 ILCS 10/1
Ch. 8, par. 332	520 ILCS 10/2
Ch. 8, par. 333	520 ILCS 10/3
Ch. 8, par. 334	520 ILCS 10/4
Ch. 8, par. 335	520 ILCS 10/5
Ch. 8, par. 336	520 ILCS 10/6
Ch. 8, par. 337	520 ILCS 10/7
Ch. 8, par. 338	520 ILCS 10/8
Ch. 8, par. 339	520 ILCS 10/9
Ch. 8, par. 340	520 ILCS 10/10
Ch. 8, par. 341	520 ILCS 10/11
Ch. 17, par. 6600	30 ILCS 305/0.01
Ch. 17, par. 6601	30 ILCS 305/1
Ch. 17, par. 6602	30 ILCS 305/2
Ch. 17, par. 6603	30 ILCS 305/3
Ch. 17, par. 6605	30 ILCS 305/5
Ch. 17, par. 6606	30 ILCS 305/6
Ch. 24, par. 1-1-1	65 ILCS 5/1-1-1
Ch. 24, par. 1-1-2	65 ILCS 5/1-1-2
Ch. 24, par. 1-1-2.1	65 ILCS 5/1-1-2.1
Ch. 24, par. 2-2-15	65 ILCS 5/2-2-15
Ch. 24, par. 2-3-19	65 ILCS 5/2-3-19
Ch. 24, par. 7-1-1	65 ILCS 5/7-1-1
Ch. 24, par. 7-1-2	65 ILCS 5/7-1-2
Ch. 24, par. 7-1-10	65 ILCS 5/7-1-10
Ch. 24, par. 8-2-9.11	65 ILCS 5/8-2-9.11
Ch. 24, par. 8-3-4	65 ILCS 5/8-3-4
Ch. 24, par. 8-9-1	65 ILCS 5/8-9-1
Ch. 24, par. 9-1-1	65 ILCS 5/9-1-1
Ch. 24, par. 9-1-2	65 ILCS 5/9-1-2
Ch. 24, par. 9-1-3	65 ILCS 5/9-1-3
Ch. 24, par. 9-1-4	65 ILCS 5/9-1-4

ILL. REV. STAT. SECTION	ILCSA SECTION
Ch. 24, par. 9-1-5	65 ILCS 5/9-1-5
Ch. 24, par. 9-1-6	65 ILCS 5/9-1-6
Ch. 24, par. 9-1-7	65 ILCS 5/9-1-7
Ch. 24, par. 9-1-8	65 ILCS 5/9-1-8
Ch. 24, par. 9-1-9	65 ILCS 5/9-1-9
Ch. 24, par. 9-1-10	65 ILCS 5/9-1-10
Ch. 24, par. 9-1-11	65 ILCS 5/9-1-11
Ch. 24, par. 9-1-12	65 ILCS 5/9-1-12
Ch. 24, par. 9-1-13	65 ILCS 5/9-1-13
Ch. 24, par. 9-1-14	65 ILCS 5/9-1-14
Ch. 24, par. 9-2-1	65 ILCS 5/9-2-1
Ch. 24, par. 9-2-2	65 ILCS 5/9-2-2
Ch. 24, par. 9-2-3	65 ILCS 5/9-2-3
Ch. 24, par. 9-2-4	65 ILCS 5/9-2-4
Ch. 24, par. 9-2-5	65 ILCS 5/9-2-5
Ch. 24, par. 9-2-6	65 ILCS 5/9-2-6
Ch. 24, par. 9-2-7	65 ILCS 5/9-2-7
Ch. 24, par. 9-2-8	65 ILCS 5/9-2-8
Ch. 24, par. 9-2-9	65 ILCS 5/9-2-9
Ch. 24, par. 9-2-10	65 ILCS 5/9-2-10
Ch. 24, par. 9-2-11	65 ILCS 5/9-2-11
Ch. 24, par. 9-2-12	65 ILCS 5/9-2-12
Ch. 24, par. 9-2-13	65 ILCS 5/9-2-13
Ch. 24, par. 9-2-14	65 ILCS 5/9-2-14
Ch. 24, par. 9-2-15	65 ILCS 5/9-2-15
Ch. 24, par. 9-2-16	65 ILCS 5/9-2-16
Ch. 24, par. 9-2-17	65 ILCS 5/9-2-17
Ch. 24, par. 9-2-18	65 ILCS 5/9-2-18
Ch. 24, par. 9-2-19	65 ILCS 5/9-2-19
Ch. 24, par. 9-2-20	65 ILCS 5/9-2-20
Ch. 24, par. 9-2-21	65 ILCS 5/9-2-21
Ch. 24, par. 9-2-22	65 ILCS 5/9-2-22
Ch. 24, par. 9-2-23	65 ILCS 5/9-2-23
Ch. 24, par. 9-2-24	65 ILCS 5/9-2-24
Ch. 24, par. 9-2-25	65 ILCS 5/9-2-25
Ch. 24, par. 9-2-26	65 ILCS 5/9-2-26
Ch. 24, par. 9-2-27	65 ILCS 5/9-2-27
Ch. 24, par. 9-2-28	65 ILCS 5/9-2-28
Ch. 24, par. 9-2-29	65 ILCS 5/9-2-29
Ch. 24, par. 9-2-30	65 ILCS 5/9-2-30
Ch. 24, par. 9-2-31	65 ILCS 5/9-2-31
Ch. 24, par. 9-2-32	65 ILCS 5/9-2-32
Ch. 24, par. 9-2-33	65 ILCS 5/9-2-33
Ch. 24, par. 9-2-34	65 ILCS 5/9-2-34
Ch. 24, par. 9-2-35	65 ILCS 5/9-2-35
Ch. 24, par. 9-2-36	65 ILCS 5/9-2-36
Ch. 24, par. 9-2-37	65 ILCS 5/9-2-37
Ch. 24, par. 9-2-38	65 ILCS 5/9-2-38
Ch. 24, par. 9-2-39	65 ILCS 5/9-2-39
Ch. 24, par. 9-2-40	65 ILCS 5/9-2-40
Ch. 24, par. 9-2-41	65 ILCS 5/9-2-41
Ch. 24, par. 9-2-42	65 ILCS 5/9-2-42
Ch. 24, par. 9-2-43	65 ILCS 5/9-2-43
Ch. 24, par. 9-2-44	65 ILCS 5/9-2-44
Ch. 24, par. 9-2-45	65 ILCS 5/9-2-45
Ch. 24, par. 9-2-46	65 ILCS 5/9-2-46
Ch. 24, par. 9-2-47	65 ILCS 5/9-2-47
Ch. 24, par. 9-2-48	65 ILCS 5/9-2-48
Ch. 24, par. 9-2-48(1)	65 ILCS 5/9-2-48(1)
Ch. 24, par. 9-2-49	65 ILCS 5/9-2-49
Ch. 24, par. 9-2-50	65 ILCS 5/9-2-50

ILL. REV. STAT. SECTION	ILCSA SECTION
Ch. 24, par. 9-2-51	65 ILCS 5/9-2-51
Ch. 24, par. 9-2-52	65 ILCS 5/9-2-52
Ch. 24, par. 9-2-53	65 ILCS 5/9-2-53
Ch. 24, par. 9-2-54	65 ILCS 5/9-2-54
Ch. 24, par. 9-2-55	65 ILCS 5/9-2-55
Ch. 24, par. 9-2-56	65 ILCS 5/9-2-56
Ch. 24, par. 9-2-57	65 ILCS 5/9-2-57
Ch. 24, par. 9-2-58	65 ILCS 5/9-2-58
Ch. 24, par. 9-2-59	65 ILCS 5/9-2-59
Ch. 24, par. 9-2-60	65 ILCS 5/9-2-60
Ch. 24, par. 9-2-61	65 ILCS 5/9-2-61
Ch. 24, par. 9-2-62	65 ILCS 5/9-2-62
Ch., par. 9-2-63	65 ILCS 5/9-2-63
Ch. 24, par. 9-2-64	65 ILCS 5/9-2-64
Ch. 24, par. 9-2-65	65 ILCS 5/9-2-65
Ch. 24, par. 9-2-66	65 ILCS 5/9-2-66
Ch. 24, par. 9-2-67	65 ILCS 5/9-2-67
Ch. 24, par. 9-2-68	65 ILCS 5/9-2-68
Ch. 24, par. 9-2-69	65 ILCS 5/9-2-69
Ch. 24, par. 9-2-70	65 ILCS 5/9-2-70
Ch. 24, par. 9-2-71	65 ILCS 5/9-2-71
Ch. 24, par. 9-2-72	65 ILCS 5/9-2-72
Ch. 24, par. 9-2-73	65 ILCS 5/9-2-73
Ch. 24, par. 9-2-74	65 ILCS 5/9-2-74
Ch. 24, par. 9-2-75	65 ILCS 5/9-2-75
Ch. 24, par. 9-2-76	65 ILCS 5/9-2-76
Ch. 24, par. 9-2-77	65 ILCS 5/9-2-77
Ch. 24, par. 9-2-78	65 ILCS 5/9-2-78
Ch. 24, par. 9-2-79	65 ILCS 5/9-2-79
Ch. 24, par. 9-2-80	65 ILCS 5/9-2-80
Ch. 24, par. 9-2-81	65 ILCS 5/9-2-81
Ch. 24, par. 9-2-82	65 ILCS 5/9-2-82
Ch. 24, par. 9-2-83	65 ILCS 5/9-2-83
Ch. 24, par. 9-2-84	65 ILCS 5/9-2-84
Ch. 24, par. 9-2-142	65 ILCS 5/9-2-142
Ch. 24, par. 9-2-143	65 ILCS 5/9-2-143
Ch. 24, par. 9-4-1	65 ILCS 5/9-4-1
Ch. 24, par. 9-4-2	65 ILCS 5/9-4-2
Ch. 24, par. 9-4-3	65 ILCS 5/9-4-3
Ch. 24, par. 11-4-1	65 ILCS 5/11-4-1
Ch. 24, par. 11-4-2	65 ILCS 5/11-4-2
Ch. 24, par. 11-4-3	65 ILCS 5/11-4-3
Ch. 24, par. 11-4-4	65 ILCS 5/11-4-4
Ch. 24, par. 11-42.1-1	65 ILCS 5/11-42.1-1
Ch. 24, par. 11-80-2	65 ILCS 5/11-80-2
Ch. 24, par. 11-80-7	65 ILCS 5/11-80-7
Ch. 24, par. 11-80-11	65 ILCS 5/11-80-11
Ch. 24, par. 11-85-1	65 ILCS 5/11-85-1
Ch. 24, par. 11-85-2	65 ILCS 5/11-85-2
Ch. 24, par. 11-85-3	65 ILCS 5/11-85-3
Ch. 24, par. 11-85-4	65 ILCS 5/11-85-4
Ch. 24, par. 11-91-1	65 ILCS 5/11-91-1
Ch. 24, par. 11-91-2	65 ILCS 5/11-91-2
Ch. 24, par. 11-91.1-1	65 ILCS 5/11-91.1-1
Ch. 24, par. 11-91.1-2	65 ILCS 5/11-91.1-2
Ch. 24, par. 11-91.1-3	65 ILCS 5/11-91.1-3
Ch. 24, par. 11-91.1-4	65 ILCS 5/11-91.1-4
Ch. 24, par. 11-91.1-5	65 ILCS 5/11-91.1-5
Ch. 24, par. 11-91.1-6	65 ILCS 5/11-91.1-6
Ch. 24, par. 11-91.2-1	65 ILCS 5/11-91.2-1
Ch. 29, par. 14.9	30 ILCS 550/0.01
Ch. 29, par. 15	30 ILCS 550/1
Ch. 29, par. 16	30 ILCS 550/2
Ch. 29, par. 16.9	775 ILCS 10/0.01
Ch. 29, par. 17	775 ILCS 10/1
Ch. 29, par. 18	775 ILCS 10/2
Ch. 29, par. 19	775 ILCS 10/3
Ch. 29, par. 20	775 ILCS 10/4
Ch. 29, par. 21	775 ILCS 10/5
Ch. 29, par. 22	775 ILCS 10/6
Ch. 29, par. 23	775 ILCS 10/7
Ch. 29, par. 24	775 ILCS 10/8

ILL. REV. STAT. SECTION	ILCSA SECTION
Ch. 29, par. 60.90	740 ILCS 35/0.01
Ch. 29, par. 61	740 ILCS 35/1
Ch. 29, par. 62	740 ILCS 35/2
Ch. 29, par. 63	740 ILCS 35/3
Ch. 34, par. 5-11004	55 ILCS 5/5-11004
Ch. 34, par. 5-13001	55 ILCS 5/5-13001
Ch. 34, par. 5-13002	55 ILCS 5/5-13002
Ch. 34, par. 5-13003	55 ILCS 5/5-13003
Ch. 34, par. 5-13004	55 ILCS 5/5-13004
Ch. 38, par. 21-3	720 ILCS 5/21-3
Ch. 38, par. 21-5	720 ILCS 5/21-5
Ch. 38, par. 33E-1	720 ILCS 5/33E-1
Ch. 38, par. 33E-2	720 ILCS 5/33E-2
Ch. 38, par. 33E-3	720 ILCS 5/33E-3
Ch. 38, par. 33E-4	720 ILCS 5/33E-4
Ch. 38, par. 33E-5	720 ILCS 5/33E-5
Ch. 38, par. 33E-6	720 ILCS 5/33E-6
Ch. 38, par. 33E-7	720 ILCS 5/33E-7
Ch. 38, par. 33E-8	720 ILCS 5/33E-8
Ch. 38, par. 33E-9	720 ILCS 5/33E-9
Ch. 38, par. 33E-10	720 ILCS 5/33E-10
Ch. 38, par. 33E-11	720 ILCS 5/33E-11
Ch. 38, par. 33E-12	720 ILCS 5/33E-12
Ch. 38, par. 33E-13	720 ILCS 5/33E-13
Ch. 38, par. 1003-2-2	730 ILCS 5/3-2-2
Ch. 48, par. 39s-0.01	820 ILCS 130/0.01
Ch. 48, par. 39s-1	820 ILCS 130/1
Ch. 48, par. 39s-2	820 ILCS 130/2
Ch. 48, par. 39s-3	820 ILCS 130/3
Ch. 48, par. 39s-4	820 ILCS 130/4
Ch. 48, par. 39s-5	820 ILCS 130/5
Ch. 48, par. 39s-6	820 ILCS 130/6
Ch. 48, par. 39s-7	820 ILCS 130/7
Ch. 48, par. 39s-8	820 ILCS 130/8
Ch. 48, par. 39s-9	820 ILCS 130/9
Ch. 48, par. 39s-10	820 ILCS 130/10
Ch. 48, par. 39s-11	820 ILCS 130/11
Ch. 48, par. 39s-11a	820 ILCS 130/11a
Ch. 48, par. 39s-12	820 ILCS 130/12
Ch. 48, par. 2200	30 ILCS 570/0.01
Ch. 48, par. 2201	30 ILCS 570/1
Ch. 48, par. 2201.1	30 ILCS 570/1.1
Ch. 48, par. 2202	30 ILCS 570/2
Ch. 48, par. 2203	30 ILCS 570/3
Ch. 48, par. 2204	30 ILCS 570/4
Ch. 48, par. 2205	30 ILCS 570/5
Ch. 48, par. 2206	30 ILCS 570/6
Ch. 48, par. 2207	30 ILCS 570/7
Ch. 54, par. 25.9	720 ILCS 605/0.01
Ch. 54, par. 26	720 ILCS 605/1
Ch. 67 1/2, par. 102.9	310 ILCS 35/0.01
Ch. 67 1/2, par. 103	310 ILCS 35/1
Ch. 67 1/2, par. 104	310 ILCS 35/2
Ch. 67 1/2, par. 105	310 ILCS 35/3
Ch. 67 1/2, par. 106	310 ILCS 35/4
Ch. 67 1/2, par. 107	310 ILCS 40/0.01
Ch. 67 1/2, par. 107.1	310 ILCS 40/1
Ch. 67 1/2, par. 107.1a	310 ILCS 40/1a
Ch. 67 1/2, par. 107.2	310 ILCS 40/2
Ch. 67 1/2, par. 107.2a	310 ILCS 40/2a
Ch. 67 1/2, par. 107.3	310 ILCS 40/3
Ch. 67 1/2, par. 107.4	310 ILCS 40/4
Ch. 67 1/2, par. 107.5	310 ILCS 40/5
Ch. 85, par. 3-101	745 ILCS 10/3-101
Ch. 85, par. 3-102	745 ILCS 10/3-102
Ch. 85, par. 3-103	745 ILCS 10/3-103
Ch. 85, par. 3-104	745 ILCS 10/3-104
Ch. 85, par. 3-105	745 ILCS 10/3-105
Ch. 85, par. 3-106	745 ILCS 10/3-106
Ch. 85, par. 3-107	745 ILCS 10/3-107
Ch. 85, par. 3-108	745 ILCS 10/3-108
Ch. 85, par. 3-109	745 ILCS 10/3-109

ILL. REV. STAT. SECTION	ILCSA SECTION
Ch. 85, par. 3-110	745 ILCS 10/3-110
Ch. 85, par. 7-101	745 ILCS 10/7-101
Ch. 85, par. 7-102	745 ILCS 10/7-102
Ch. 85, par. 7-103	745 ILCS 10/7-103
Ch. 85, par. 8-101	745 ILCS 10/8-101
Ch. 85, par. 8-103	745 ILCS 10/8-103
Ch. 85, par. 9-101	745 ILCS 10/9-101
Ch. 85, par. 9-102	745 ILCS 10/9-102
Ch. 85, par. 9-103	745 ILCS 10/9-103
Ch. 85, par. 9-104	745 ILCS 10/9-104
Ch. 85, par. 9-105	745 ILCS 10/9-105
Ch. 85, par. 9-106	745 ILCS 10/9-106
Ch. 85, par. 9-107	745 ILCS 10/9-107
Ch. 85, par. 900	30 ILCS 235/0.01
Ch. 85, par. 901	30 ILCS 235/1
Ch. 85, par. 902	30 ILCS 235/2
Ch. 85, par. 903	30 ILCS 235/3
Ch. 85, par. 904	30 ILCS 235/4
Ch. 85, par. 905	30 ILCS 235/5
Ch. 85, par. 906	30 ILCS 235/6
Ch. 85, par. 907	30 ILCS 235/7
Ch. 85, par. 5601	50 ILCS 505/1
Ch. 85, par. 5602	50 ILCS 505/2
Ch. 85, par. 5603	50 ILCS 505/3
Ch. 85, par. 5604	50 ILCS 505/4
Ch. 85, par. 5605	50 ILCS 505/5
Ch. 85, par. 5606	50 ILCS 505/6
Ch. 85, par. 5607	50 ILCS 505/7
Ch. 85, par. 5609	50 ILCS 505/9
Ch. 95 1/2, par. 11-301	625 ILCS 5/11-301
Ch. 95 1/2, par. 11-301.1	625 ILCS 5/11-301.1
Ch. 95 1/2, par. 11-302	625 ILCS 5/11-302
Ch. 95 1/2, par. 11-303	625 ILCS 5/11-303
Ch. 95 1/2, par. 11-304	625 ILCS 5/11-304
Ch. 95 1/2, par. 11-305	625 ILCS 5/11-305
Ch. 95 1/2, par. 11-310	625 ILCS 5/11-310
Ch. 95 1/2, par. 11-311	625 ILCS 5/11-311
Ch. 95 1/2, par. 11-312	625 ILCS 5/11-312
Ch. 95 1/2, par. 11-313	625 ILCS 5/11-313
Ch. 95 1/2, par. 11-602	625 ILCS 5/11-602
Ch. 95 1/2, par. 11-604	625 ILCS 5/11-604
Ch. 95 1/2, par. 15-100	625 ILCS 5/15-100
Ch. 95 1/2, par. 15-108	625 ILCS 5/15-108
Ch. 95 1/2, par. 15-109	625 ILCS 5/15-109
Ch. 95 1/2, par. 15-109.1	625 ILCS 5/15-109.1
Ch. 95 1/2, par. 15-316	625 ILCS 5/15-316
Ch. 95 1/2, par. 15-317	625 ILCS 5/15-317
Ch. 95 1/2, par. 15-318	625 ILCS 5/15-318
Ch. 95 1/2, par. 605-2	625 ILCS 40/5-2
Ch. 96 1/2, par. 9701-1	20 ILCS 830/1-1
Ch. 96 1/2, par. 9701-2	20 ILCS 830/1-2
Ch. 96 1/2, par. 9701-3	20 ILCS 830/1-3
Ch. 96 1/2, par. 9701-4	20 ILCS 830/1-4
Ch. 96 1/2, par. 9701-5	20 ILCS 830/1-5
Ch. 96 1/2, par. 9701-6	20 ILCS 830/1-6
Ch. 96 1/2, par. 9702-1	20 ILCS 830/2-1
Ch. 96 1/2, par. 9702-2	20 ILCS 830/2-2
Ch. 96 1/2, par. 9703-1	20 ILCS 830/3-1
Ch. 96 1/2, par. 9703-2	20 ILCS 830/3-2
Ch. 96 1/2, par. 9703-3	20 ILCS 830/3-3
Ch. 96 1/2, par. 9703-4	20 ILCS 830/3-4
Ch. 96 1/2, par. 9703-5	20 ILCS 830/3-5
Ch. 96 1/2, par. 9703-6	20 ILCS 830/3-6
Ch. 96 1/2, par. 9704-1	20 ILCS 830/4-1
Ch. 100 1/2, par. 26	740 ILCS 55/221
Ch. 100 1/2, par. 29	740 ILCS 55/222
Ch. 102, par. 0.01	50 ILCS 105/0.01
Ch. 102, par. 1	50 ILCS 105/1
Ch. 102, par. 1.1	50 ILCS 105/1.1
Ch. 102, par. 2	50 ILCS 105/2
Ch. 102, par. 2a	50 ILCS 105/2a
Ch. 102, par. 3	50 ILCS 105/3

ILL. REV. STAT. SECTION	ILCSA SECTION
Ch. 102, par. 3.1	50 ILCS 105/3.1
Ch. 102, par. 3.2	50 ILCS 105/3.2
Ch. 102, par. 4	50 ILCS 105/4
Ch. 102, par. 41	5 ILCS 120/1
Ch. 102, par. 41.01	5 ILCS 120/1.01
Ch. 102, par. 41.02	5 ILCS 120/1.02
Ch. 102, par. 42	5 ILCS 120/2
Ch. 102, par. 42.01	5 ILCS 120/2.01
Ch. 102, par. 42.02	5 ILCS 120/2.02
Ch. 102, par. 42.03	5 ILCS 120/2.03
Ch. 102, par. 42.04	5 ILCS 120/2.04
Ch. 102, par. 42.05	5 ILCS 120/2.05
Ch. 102, par. 42.06	5 ILCS 120/2.06
Ch. 102, par. 42a	5 ILCS 120/2a
Ch. 102, par. 42b	5 ILCS 120/2b
Ch. 102, par. 43	5 ILCS 120/3
Ch. 102, par. 44	5 ILCS 120/4
Ch. 102, par. 45	5 ILCS 120/5
Ch. 109, par. 2	765 ILCS 205/2
Ch. 109, par. 6	765 ILCS 205/6
Ch. 109, par. 7	765 ILCS 205/7
Ch. 109, par. 8	765 ILCS 205/8
Ch. 109, par. 9	765 ILCS 205/9
Ch. 109, par. 9.1	765 ILCS 205/9.1
Ch. 110, par. 7-101	735 ILCS 5/7-101
Ch. 110, par. 7-102	735 ILCS 5/7-102
Ch. 110, par. 7-102.1	735 ILCS 5/7-102.1
Ch. 110, par. 7-103	735 ILCS 5/7-103
Ch. 110, par. 7-104	735 ILCS 5/7-104
Ch. 110, par. 7-105	735 ILCS 5/7-105
Ch. 110, par. 7-106	735 ILCS 5/7-106
Ch. 110, par. 7-107	735 ILCS 5/7-107
Ch. 110, par. 7-108	735 ILCS 5/7-108
Ch. 110, par. 7-109	735 ILCS 5/7-109
Ch. 110, par. 7-110	735 ILCS 5/7-110
Ch. 110, par. 7-111	735 ILCS 5/7-111
Ch. 110, par. 7-112	735 ILCS 5/7-112
Ch. 110, par. 7-113	735 ILCS 5/7-113
Ch. 110, par. 7-114	735 ILCS 5/7-114
Ch. 110, par. 7-115	735 ILCS 5/7-115
Ch. 110, par. 7-116	735 ILCS 5/7-116
Ch. 110, par. 7-117	735 ILCS 5/7-117
Ch. 110, par. 7-118	735 ILCS 5/7-118
Ch. 110, par. 7-119	735 ILCS 5/7-119
Ch. 110, par. 7-120	735 ILCS 5/7-120
Ch. 110, par. 7-121	735 ILCS 5/7-121
Ch. 110, par. 7-122	735 ILCS 5/7-122
Ch. 110, par. 7-123	735 ILCS 5/7-123
Ch. 110, par. 7-124	735 ILCS 5/7-124
Ch. 110, par. 7-125	735 ILCS 5/7-125
Ch. 110, par. 7-126	735 ILCS 5/7-126
Ch. 110, par. 7-127	735 ILCS 5/7-127
Ch. 110, par. 7-128	735 ILCS 5/7-128
Ch. 110, par. 7-129	735 ILCS 5/7-129
Ch. 111, par. 5214	225 ILCS 325/14
Ch. 111, par. 5215	225 ILCS 325/15
Ch. 111, par. 5241	225 ILCS 325/41
Ch. 111, par. 6612	225 ILCS 340/12
Ch. 111 1/2, par. 1008	415 ILCS 5/8
Ch. 111 1/2, par. 1009	415 ILCS 5/9
Ch. 111 1/2, par. 1009.1	415 ILCS 5/9.1
Ch. 111 1/2, par. 1009.2	415 ILCS 5/9.2
Ch. 111 1/2, par. 1009.3	415 ILCS 5/9.3
Ch. 111 1/2, par. 1009.4	415 ILCS 5/9.4
Ch. 111 1/2, par. 1009.5	415 ILCS 5/9.5
Ch. 111 1/2, par. 1009.6	415 ILCS 5/9.6
Ch. 111 1/2, par. 1009.7	415 ILCS 5/9.7
Ch. 111 1/2, par. 1010	415 ILCS 5/10
Ch. 111 1/2, par. 1011	415 ILCS 5/11
Ch. 111 1/2, par. 1012	415 ILCS 5/12
Ch. 111 1/2, par. 1012.1	415 ILCS 5/12.1
Ch. 111 1/2, par. 1012.2	415 ILCS 5/12.2

ILL. REV. STAT. SECTION	ILCSA SECTION
Ch. 111 1/2, par. 1013	415 ILCS 5/13
Ch. 111 1/2, par. 1013.1	415 ILCS 5/13.1
Ch. 111 1/2, par. 1013.2	415 ILCS 5/13.2
Ch. 111 1/2, par. 1013.3	415 ILCS 5/13.3
Ch. 111 1/2, par. 1022.12	415 ILCS 5/22.12
Ch. 111 1/2, par. 7451	415 ILCS 55/1
Ch. 111 1/2, par. 7452	415 ILCS 55/2
Ch. 111 1/2, par. 7453	415 ILCS 55/3
Ch. 111 1/2, par. 7454	415 ILCS 55/4
Ch. 111 1/2, par. 7455	415 ILCS 55/5
Ch. 111 1/2, par. 7456	415 ILCS 55/6
Ch. 111 1/2, par. 7457	415 ILCS 55/7
Ch. 111 1/2, par. 7458	415 ILCS 55/8
Ch. 111 1/2, par. 7459	415 ILCS 55/9
Ch. 111 2/3, par. 1601	220 ILCS 50/1
Ch. 111 2/3, par. 1602	220 ILCS 50/2
Ch. 111 2/3, par. 1602.1	220 ILCS 50/2.1
Ch. 111 2/3, par. 1602.2	220 ILCS 50/2.2
Ch. 111 2/3, par. 1602.3	220 ILCS 50/2.3
Ch. 111 2/3, par. 1602.4	220 ILCS 50/2.4
Ch. 111 2/3, par. 1602.5	220 ILCS 50/2.5
Ch. 111 2/3, par. 1603	220 ILCS 50/3
Ch. 111 2/3, par. 1604	220 ILCS 50/4
Ch. 111 2/3, par. 1605	220 ILCS 50/5
Ch. 111 2/3, par. 1606	220 ILCS 50/6
Ch. 111 2/3, par. 1607	220 ILCS 50/7
Ch. 111 2/3, par. 1608	220 ILCS 50/8
Ch. 111 2/3, par. 1609	220 ILCS 50/9
Ch. 111 2/3, par. 1610	220 ILCS 50/10
Ch. 111 2/3, par. 1611	220 ILCS 50/11
Ch. 111 2/3, par. 1612	220 ILCS 50/12
Ch. 111 2/3, par. 1613	220 ILCS 50/13
Ch. 111 2/3, par. 1614	220 ILCS 50/14
Ch. 120, par. 417	35 ILCS 505/1
Ch. 120, par. 417.1	35 ILCS 505/1.1
Ch. 120, par. 417.3	35 ILCS 505/1.3
Ch. 120, par. 417.4	35 ILCS 505/1.4
Ch. 120, par. 417.13	35 ILCS 505/1.13
Ch. 120, par. 417.19	35 ILCS 505/1.19
Ch. 120, par. 417.20	35 ILCS 505/1.20
Ch. 120, par. 418	35 ILCS 505/2
Ch. 120, par. 418a	35 ILCS 505/2a
Ch. 120, par. 418b	35 ILCS 505/2b
Ch. 120, par. 424	35 ILCS 505/8
Ch. 120, par. 424a	35 ILCS 505/8a
Ch. 120, par. 429a	35 ILCS 505/13a
Ch. 120, par. 439.9	35 ILCS 105/9
Ch. 120, par. 439.39	35 ILCS 110/9
Ch. 120, par. 439.109	35 ILCS 115/9
Ch. 120, par. 442	35 ILCS 120/3
Ch. 120, par. 861	35 ILCS 215/1
Ch. 120, par. 862	35 ILCS 215/2
Ch. 120, par. 863	35 ILCS 215/3
Ch. 120, par. 864	35 ILCS 215/4
Ch. 120, par. 865	35 ILCS 215/5
Ch. 120, par. 866	35 ILCS 215/6
Ch. 120, par. 867	35 ILCS 215/7
Ch. 120, par. 868	35 ILCS 215/8
Ch. 120, par. 869	35 ILCS 215/9
Ch. 120, par. 869.1	35 ILCS 215/9.1
Ch. 120, par. 869.2	35 ILCS 215/9.2
Ch. 121, par. 1-101	605 ILCS 5/1-101
Ch. 121, par. 1-102	605 ILCS 5/1-102
Ch. 121, par. 1-103	605 ILCS 5/1-103
Ch. 121, par. 2-101	605 ILCS 5/2-101
Ch. 121, par. 2-102	605 ILCS 5/2-102
Ch. 121, par. 2-103	605 ILCS 5/2-103
Ch. 121, par. 2-104	605 ILCS 5/2-104
Ch. 121, par. 2-201	605 ILCS 5/2-201
Ch. 121, par. 2-202	605 ILCS 5/2-202
Ch. 121, par. 2-203	605 ILCS 5/2-203
Ch. 121, par. 2-204	605 ILCS 5/2-204

ILL. REV. STAT. SECTION	ILCSA SECTION
Ch. 121, par. 2-205	605 ILCS 5/2-205
Ch. 121, par. 2-206	605 ILCS 5/2-206
Ch. 121, par. 2-207	605 ILCS 5/2-207
Ch. 121, par. 2-208	605 ILCS 5/2-208
Ch. 121, par. 2-209	605 ILCS 5/2-209
Ch. 121, par. 2-210	605 ILCS 5/2-210
Ch. 121, par. 2-211	605 ILCS 5/2-211
Ch. 121, par. 2-212	605 ILCS 5/2-212
Ch. 121, par. 2-213	605 ILCS 5/2-213
Ch. 121, par. 2-214	605 ILCS 5/2-214
Ch. 121, par. 2-215	605 ILCS 5/2-215
Ch. 121, par. 2-216	605 ILCS 5/2-216
Ch. 121, par. 2-217	605 ILCS 5/2-217
Ch. 121, par. 2-218	605 ILCS 5/2-218
Ch. 121, par. 2-219	605 ILCS 5/2-219
Ch. 121, par. 2-220	605 ILCS 5/2-220
Ch. 121, par. 3-101	605 ILCS 5/3-101
Ch. 121, par. 3-102	605 ILCS 5/3-102
Ch. 121, par. 3-103	605 ILCS 5/3-103
Ch. 121, par. 3-104	605 ILCS 5/3-104
Ch. 121, par. 3-104.1	605 ILCS 5/3-104.1
Ch. 121, par. 3-104.2	605 ILCS 5/3-104.2
Ch. 121, par. 3-104.3	605 ILCS 5/3-104.3
Ch. 121, par. 3-105	605 ILCS 5/3-105
Ch. 121, par. 3-105.1	605 ILCS 5/3-105.1
Ch. 121, par. 3-106	605 ILCS 5/3-106
Ch. 121, par. 3-107	605 ILCS 5/3-107
Ch. 121, par. 3-107.1	605 ILCS 5/3-107.1
Ch. 121, par. 3-107.1a	605 ILCS 5/3-107.1a
Ch. 121, par. 3-107.1b	605 ILCS 5/3-107.1b
Ch. 121, par. 3-107.1c	605 ILCS 5/3-107.1c
Ch. 121, par. 3-107.1d	605 ILCS 5/3-107.1d
Ch. 121, par. 3-107.1e	605 ILCS 5/3-107.1e
Ch. 121, par. 3-107.1f	605 ILCS 5/3-107.1f
Ch. 121, par. 3-108	605 ILCS 5/3-108
Ch. 121, par. 4-101	605 ILCS 5/4-101
Ch. 121, par. 4-101.1	605 ILCS 5/4-101.1
Ch. 121, par. 4-101.2	605 ILCS 5/4-101.2
Ch. 121, par. 4-101.3	605 ILCS 5/4-101.3
Ch. 121, par. 4-101.4	605 ILCS 5/4-101.4
Ch. 121, par. 4-101.5	605 ILCS 5/4-101.5
Ch. 121, par. 4-101.6	605 ILCS 5/4-101.6
Ch. 121, par. 4-101.7	605 ILCS 5/4-101.7
Ch. 121, par. 4-101.8	605 ILCS 5/4-101.8
Ch. 121, par. 4-101.9	605 ILCS 5/4-101.9
Ch. 121, par. 4-101.10	605 ILCS 5/4-101.10
Ch. 121, par. 4-101.11	605 ILCS 5/4-101.11
Ch. 121, par. 4-101.12	605 ILCS 5/4-101.12
Ch. 121, par. 4-101.13	605 ILCS 5/4-101.13
Ch. 121, par. 4-101.14	605 ILCS 5/4-101.14
Ch. 121, par. 4-101.15	605 ILCS 5/4-101.15
Ch. 121, par. 4-101.16	605 ILCS 5/4-101.16
Ch. 121, par. 4-102	605 ILCS 5/4-102
Ch. 121, par. 4-103	605 ILCS 5/4-103
Ch. 121, par. 4-201	605 ILCS 5/4-201
Ch. 121, par. 4-201.1	605 ILCS 5/4-201.1
Ch. 121, par. 4-201.2	605 ILCS 5/4-201.2
Ch. 121, par. 4-201.3	605 ILCS 5/4-201.3
Ch. 121, par. 4-201.4	605 ILCS 5/4-201.4
Ch. 121, par. 4-201.5	605 ILCS 5/4-201.5
Ch. 121, par. 4-201.6	605 ILCS 5/4-201.6
Ch. 121, par. 4-201.7	605 ILCS 5/4-201.7
Ch. 121, par. 4-201.8	605 ILCS 5/4-201.8
Ch. 121, par. 4-201.9	605 ILCS 5/4-201.9
Ch. 121, par. 4-201.10	605 ILCS 5/4-201.10
Ch. 121, par. 4-201.11	605 ILCS 5/4-201.11
Ch. 121, par. 4-201.12	605 ILCS 5/4-201.12
Ch. 121, par. 4-201.13	605 ILCS 5/4-201.13
Ch. 121, par. 4-201.14	605 ILCS 5/4-201.14
Ch. 121, par. 4-201.15	605 ILCS 5/4-201.15
Ch. 121, par. 4-201.16	605 ILCS 5/4-201.16
Ch. 121, par. 4-201.17	605 ILCS 5/4-201.17

ILL. REV. STAT. SECTION	ILCSA SECTION
Ch. 121, par. 4-201.18	605 ILCS 5/4-201.18
Ch. 121, par. 4-201.19	605 ILCS 5/4-201.19
Ch. 121, par. 4-201.20	605 ILCS 5/4-201.20
Ch. 121, par. 4-202	605 ILCS 5/4-202
Ch. 121, par. 4-203	605 ILCS 5/4-203
Ch. 121, par. 4-204	605 ILCS 5/4-204
Ch. 121, par. 4-205	605 ILCS 5/4-205
Ch. 121, par. 4-206	605 ILCS 5/4-206
Ch. 121, par. 4-207	605 ILCS 5/4-207
Ch. 121, par. 4-208	605 ILCS 5/4-208
Ch. 121, par. 4-209	605 ILCS 5/4-209
Ch. 121, par. 4-210	605 ILCS 5/4-210
Ch. 121, par. 4-211	605 ILCS 5/4-211
Ch. 121, par. 4-212	605 ILCS 5/4-212
Ch. 121, par. 4-213	605 ILCS 5/4-213
Ch. 121, par. 4-214	605 ILCS 5/4-214
Ch. 121, par. 4-215	605 ILCS 5/4-215
Ch. 121, par. 4-216	605 ILCS 5/4-216
Ch. 121, par. 4-217	605 ILCS 5/4-217
Ch. 121, par. 4-218	605 ILCS 5/4-218
Ch. 121, par. 4-303	605 ILCS 5/4-303
Ch. 121, par. 4-401	605 ILCS 5/4-401
Ch. 121, par. 4-402	605 ILCS 5/4-402
Ch. 121, par. 4-403	605 ILCS 5/4-403
Ch. 121, par. 4-404	605 ILCS 5/4-404
Ch. 121, par. 4-405	605 ILCS 5/4-405
Ch. 121, par. 4-406	605 ILCS 5/4-406
Ch. 121, par. 4-406.1	605 ILCS 5/4-406.1
Ch. 121, par. 4-407	605 ILCS 5/4-407
Ch. 121, par. 4-408	605 ILCS 5/4-408
Ch. 121, par. 4-409	605 ILCS 5/4-409
Ch. 121, par. 4-501	605 ILCS 5/4-501
Ch. 121, par. 4-502	605 ILCS 5/4-502
Ch. 121, par. 4-503	605 ILCS 5/4-503
Ch. 121, par. 4-504	605 ILCS 5/4-504
Ch. 121, par. 4-505	605 ILCS 5/4-505
Ch. 121, par. 4-508	605 ILCS 5/4-508
Ch. 121, par. 4-508.1	605 ILCS 5/4-508.1
Ch. 121, par. 4-509	605 ILCS 5/4-509
Ch. 121, par. 4-510	605 ILCS 5/4-510
Ch. 121, par. 4-511	605 ILCS 5/4-511
Ch. 121, par. 5-101	605 ILCS 5/5-101
Ch. 121, par. 5-101.1	605 ILCS 5/5-101.1
Ch. 121, par. 5-101.2	605 ILCS 5/5-101.2
Ch. 121, par. 5-101.3	605 ILCS 5/5-101.3
Ch. 121, par. 5-101.4	605 ILCS 5/5-101.4
Ch. 121, par. 5-101.5	605 ILCS 5/5-101.5
Ch. 121, par. 5-101.6	605 ILCS 5/5-101.6
Ch. 121, par. 5-101.7	605 ILCS 5/5-101.7
Ch. 121, par. 5-101.8	605 ILCS 5/5-101.8
Ch. 121, par. 5-101.9	605 ILCS 5/5-101.9
Ch. 121, par. 5-101.10	605 ILCS 5/5-101.10
Ch. 121, par. 5-101.11	605 ILCS 5/5-101.11
Ch. 121, par. 5-102	605 ILCS 5/5-102
Ch. 121, par. 5-103	605 ILCS 5/5-103
Ch. 121, par. 5-104	605 ILCS 5/5-104
Ch. 121, par. 5-105	605 ILCS 5/5-105
Ch. 121, par. 5-106	605 ILCS 5/5-106
Ch. 121, par. 5-107	605 ILCS 5/5-107
Ch. 121, par. 5-108	605 ILCS 5/5-108
Ch. 121, par. 5-109	605 ILCS 5/5-109
Ch. 121, par. 5-110	605 ILCS 5/5-110
Ch. 121, par. 5-201	605 ILCS 5/5-201
Ch. 121, par. 5-201.1	605 ILCS 5/5-201.1
Ch. 121, par. 5-202	605 ILCS 5/5-202
Ch. 121, par. 5-202.1	605 ILCS 5/5-202.1
Ch. 121, par. 5-203	605 ILCS 5/5-203
Ch. 121, par. 5-203.1	605 ILCS 5/5-203.1
Ch. 121, par. 5-204	605 ILCS 5/5-204
Ch. 121, par. 5-204.1	605 ILCS 5/5-204.1
Ch. 121, par. 5-205	605 ILCS 5/5-205
Ch. 121, par. 5-205.1	605 ILCS 5/5-205.1
Ch. 121, par. 5-205.2	605 ILCS 5/5-205.2
Ch. 121, par. 5-205.3	605 ILCS 5/5-205.3
Ch. 121, par. 5-205.4	605 ILCS 5/5-205.4
Ch. 121, par. 5-205.5	605 ILCS 5/5-205.5
Ch. 121, par. 5-205.6	605 ILCS 5/5-205.6
Ch. 121, par. 5-205.7	605 ILCS 5/5-205.7
Ch. 121, par. 5-205.8	605 ILCS 5/5-205.8
Ch. 121, par. 5-301	605 ILCS 5/5-301
Ch. 121, par. 5-401	605 ILCS 5/5-401
Ch. 121, par. 5-402	605 ILCS 5/5-402
Ch. 121, par. 5-403	605 ILCS 5/5-403
Ch. 121, par. 5-405	605 ILCS 5/5-405
Ch. 121, par. 5-406	605 ILCS 5/5-406
Ch. 121, par. 5-407	605 ILCS 5/5-407
Ch. 121, par. 5-408	605 ILCS 5/5-408
Ch. 121, par. 5-409	605 ILCS 5/5-409
Ch. 121, par. 5-410	605 ILCS 5/5-410
Ch. 121, par. 5-410.1	605 ILCS 5/5-410.1
Ch. 121, par. 5-411	605 ILCS 5/5-411
Ch. 121, par. 5-412	605 ILCS 5/5-412
Ch. 121, par. 5-413	605 ILCS 5/5-413
Ch. 121, par. 5-501	605 ILCS 5/5-501
Ch. 121, par. 5-502	605 ILCS 5/5-502
Ch. 121, par. 5-503	605 ILCS 5/5-503
Ch. 121, par. 5-504	605 ILCS 5/5-504
Ch. 121, par. 5-505	605 ILCS 5/5-505
Ch. 121, par. 5-506	605 ILCS 5/5-506
Ch. 121, par. 5-507	605 ILCS 5/5-507
Ch. 121, par. 5-601	605 ILCS 5/5-601
Ch. 121, par. 5-601.1	605 ILCS 5/5-601.1
Ch. 121, par. 5-602	605 ILCS 5/5-602
Ch. 121, par. 5-603	605 ILCS 5/5-603
Ch. 121, par. 5-604	605 ILCS 5/5-604
Ch. 121, par. 5-604.1	605 ILCS 5/5-604.1
Ch. 121, par. 5-605	605 ILCS 5/5-605
Ch. 121, par. 5-605.1	605 ILCS 5/5-605.1
Ch. 121, par. 5-605.2	605 ILCS 5/5-605.2
Ch. 121, par. 5-606	605 ILCS 5/5-606
Ch. 121, par. 5-607	605 ILCS 5/5-607
Ch. 121, par. 5-701	605 ILCS 5/5-701
Ch. 121, par. 5-701.1	605 ILCS 5/5-701.1
Ch. 121, par. 5-701.2	605 ILCS 5/5-701.2
Ch. 121, par. 5-701.3	605 ILCS 5/5-701.3
Ch. 121, par. 5-701.4	605 ILCS 5/5-701.4
Ch. 121, par. 5-701.5	605 ILCS 5/5-701.5
Ch. 121, par. 5-701.6	605 ILCS 5/5-701.6
Ch. 121, par. 5-701.7	605 ILCS 5/5-701.7
Ch. 121, par. 5-701.8	605 ILCS 5/5-701.8
Ch. 121, par. 5-701.9	605 ILCS 5/5-701.9
Ch. 121, par. 5-701.10	605 ILCS 5/5-701.10
Ch. 121, par. 5-701.11	605 ILCS 5/5-701.11
Ch. 121, par. 5-701.12	605 ILCS 5/5-701.12
Ch. 121, par. 5-701.13	605 ILCS 5/5-701.13
Ch. 121, par. 5-701.14	605 ILCS 5/5-701.14
Ch. 121, par. 5-701.15	605 ILCS 5/5-701.15
Ch. 121, par. 5-701.16	605 ILCS 5/5-701.16
Ch. 121, par. 5-702	605 ILCS 5/5-702
Ch. 121, par. 5-801	605 ILCS 5/5-801
Ch. 121, par. 5-802	605 ILCS 5/5-802
Ch. 121, par. 5-803	605 ILCS 5/5-803
Ch. 121, par. 5-901	605 ILCS 5/5-901
Ch. 121, par. 5-902	605 ILCS 5/5-902
Ch. 121, par. 5-903	605 ILCS 5/5-903
Ch. 121, par. 5-904	605 ILCS 5/5-904
Ch. 121, par. 5-905	605 ILCS 5/5-905
Ch. 121, par. 5-906	605 ILCS 5/5-906
Ch. 121, par. 5-907	605 ILCS 5/5-907
Ch. 121, par. 5-908	605 ILCS 5/5-908
Ch. 121, par. 5-909	605 ILCS 5/5-909
Ch. 121, par. 5-910	605 ILCS 5/5-910
Ch. 121, par. 5-911	605 ILCS 5/5-911
Ch. 121, par. 5-912	605 ILCS 5/5-912

ILL. REV. STAT. SECTION	ILCSA SECTION
Ch. 121, par. 5-913	605 ILCS 5/5-913
Ch. 121, par. 5-914	605 ILCS 5/5-914
Ch. 121, par. 5-915	605 ILCS 5/5-915
Ch. 121, par. 5-916	605 ILCS 5/5-916
Ch. 121, par. 5-917	605 ILCS 5/5-917
Ch. 121, par. 5-918	605 ILCS 5/5-918
Ch. 121, par. 5-919	605 ILCS 5/5-919
Ch. 121, par. 6-101	605 ILCS 5/6-101
Ch. 121, par. 6-102	605 ILCS 5/6-102
Ch. 121, par. 6-103	605 ILCS 5/6-103
Ch. 121, par. 6-104	605 ILCS 5/6-104
Ch. 121, par. 6-105	605 ILCS 5/6-105
Ch. 121, par. 6-106	605 ILCS 5/6-106
Ch. 121, par. 6-107	605 ILCS 5/6-107
Ch. 121, par. 6-107.1	605 ILCS 5/6-107.1
Ch. 121, par. 6-108	605 ILCS 5/6-108
Ch. 121, par. 6-109	605 ILCS 5/6-109
Ch. 121, par. 6-110	605 ILCS 5/6-110
Ch. 121, par. 6-111	605 ILCS 5/6-111
Ch. 121, par. 6-112	605 ILCS 5/6-112
Ch. 121, par. 6-113	605 ILCS 5/6-113
Ch. 121, par. 6-114	605 ILCS 5/6-114
Ch. 121, par. 6-115	605 ILCS 5/6-115
Ch. 121, par. 6-116	605 ILCS 5/6-116
Ch. 121, par. 6-117	605 ILCS 5/6-117
Ch. 121, par. 6-118	605 ILCS 5/6-118
Ch. 121, par. 6-119	605 ILCS 5/6-119
Ch. 121, par. 6-120	605 ILCS 5/6-120
Ch. 121, par. 6-121	605 ILCS 5/6-121
Ch. 121, par. 6-122	605 ILCS 5/6-122
Ch. 121, par. 6-123	605 ILCS 5/6-123
Ch. 121, par. 6-124	605 ILCS 5/6-124
Ch. 121, par. 6-125	605 ILCS 5/6-125
Ch. 121, par. 6-126	605 ILCS 5/6-126
Ch. 121, par. 6-127	605 ILCS 5/6-127
Ch. 121, par. 6-129	605 ILCS 5/6-129
Ch. 121, par. 6-130	605 ILCS 5/6-130
Ch. 121, par. 6-201	605 ILCS 5/6-201
Ch. 121, par. 6-201.1	605 ILCS 5/6-201.1
Ch. 121, par. 6-201.2	605 ILCS 5/6-201.2
Ch. 121, par. 6-201.3	605 ILCS 5/6-201.3
Ch. 121, par. 6-201.4	605 ILCS 5/6-201.4
Ch. 121, par. 6-201.5	605 ILCS 5/6-201.5
Ch. 121, par. 6-201.6	605 ILCS 5/6-201.6
Ch. 121, par. 6-201.7	605 ILCS 5/6-201.7
Ch. 121, par. 6-201.8	605 ILCS 5/6-201.8
Ch. 121, par. 6-201.9	605 ILCS 5/6-201.9
Ch. 121, par. 6-201.10	605 ILCS 5/6-201.10
Ch. 121, par. 6-201.10-1	605 ILCS 5/6-201.10-1
Ch. 121, par. 6-201.11	605 ILCS 5/6-201.11
Ch. 121, par. 6-201.12	605 ILCS 5/6-201.12
Ch. 121, par. 6-201.13	605 ILCS 5/6-201.13
Ch. 121, par. 6-201.14	605 ILCS 5/6-201.14
Ch. 121, par. 6-201.15	605 ILCS 5/6-201.15
Ch. 121, par. 6-201.16	605 ILCS 5/6-201.16
Ch. 121, par. 6-201.17	605 ILCS 5/6-201.17
Ch. 121, par. 6-201.18	605 ILCS 5/6-201.18
Ch. 121, par. 6-201.19	605 ILCS 5/6-201.19
Ch. 121, par. 6-201.20	605 ILCS 5/6-201.20
Ch. 121, par. 6-202	605 ILCS 5/6-202
Ch. 121, par. 6-202.1	605 ILCS 5/6-202.1
Ch. 121, par. 6-202.2	605 ILCS 5/6-202.2
Ch. 121, par. 6-202.3	605 ILCS 5/6-202.3
Ch. 121, par. 6-202.4	605 ILCS 5/6-202.4
Ch. 121, par. 6-202.5	605 ILCS 5/6-202.5
Ch. 121, par. 6-202.6	605 ILCS 5/6-202.6
Ch. 121, par. 6-203	605 ILCS 5/6-203
Ch. 121, par. 6-204	605 ILCS 5/6-204
Ch. 121, par. 6-205	605 ILCS 5/6-205
Ch. 121, par. 6-206	605 ILCS 5/6-206
Ch. 121, par. 6-207	605 ILCS 5/6-207
Ch. 121, par. 6-301	605 ILCS 5/6-301
Ch. 121, par. 6-302	605 ILCS 5/6-302
Ch. 121, par. 6-303	605 ILCS 5/6-303
Ch. 121, par. 6-304	605 ILCS 5/6-304
Ch. 121, par. 6-305	605 ILCS 5/6-305
Ch. 121, par. 6-306	605 ILCS 5/6-306
Ch. 121, par. 6-307	605 ILCS 5/6-307
Ch. 121, par. 6-308	605 ILCS 5/6-308
Ch. 121, par. 6-309	605 ILCS 5/6-309
Ch. 121, par. 6-310	605 ILCS 5/6-310
Ch. 121, par. 6-311	605 ILCS 5/6-311
Ch. 121, par. 6-312	605 ILCS 5/6-312
Ch. 121, par. 6-313	605 ILCS 5/6-313
Ch. 121, par. 6-314	605 ILCS 5/6-314
Ch. 121, par. 6-315	605 ILCS 5/6-315
Ch. 121, par. 6-315a	605 ILCS 5/6-315a
Ch. 121, par. 6-316	605 ILCS 5/6-316
Ch. 121, par. 6-317	605 ILCS 5/6-317
Ch. 121, par. 6-318	605 ILCS 5/6-318
Ch. 121, par. 6-319	605 ILCS 5/6-319
Ch. 121, par. 6-320	605 ILCS 5/6-320
Ch. 121, par. 6-321	605 ILCS 5/6-321
Ch. 121, par. 6-322	605 ILCS 5/6-322
Ch. 121, par. 6-323	605 ILCS 5/6-323
Ch. 121, par. 6-324	605 ILCS 5/6-324
Ch. 121, par. 6-325	605 ILCS 5/6-325
Ch. 121, par. 6-326	605 ILCS 5/6-326
Ch. 121, par. 6-326.1	605 ILCS 5/6-326.1
Ch. 121, par. 6-327	605 ILCS 5/6-327
Ch. 121, par. 6-328	605 ILCS 5/6-328
Ch. 121, par. 6-329	605 ILCS 5/6-329
Ch. 121, par. 6-401	605 ILCS 5/6-401
Ch. 121, par. 6-402	605 ILCS 5/6-402
Ch. 121, par. 6-404	605 ILCS 5/6-404
Ch. 121, par. 6-405	605 ILCS 5/6-405
Ch. 121, par. 6-406	605 ILCS 5/6-406
Ch. 121, par. 6-407	605 ILCS 5/6-407
Ch. 121, par. 6-408	605 ILCS 5/6-408
Ch. 121, par. 6-409	605 ILCS 5/6-409
Ch. 121, par. 6-410	605 ILCS 5/6-410
Ch. 121, par. 6-411	605 ILCS 5/6-411
Ch. 121, par. 6-412	605 ILCS 5/6-412
Ch. 121, par. 6-412.1	605 ILCS 5/6-412.1
Ch. 121, par. 6-501	605 ILCS 5/6-501
Ch. 121, par. 6-502	605 ILCS 5/6-502
Ch. 121, par. 6-503	605 ILCS 5/6-503
Ch. 121, par. 6-504	605 ILCS 5/6-504
Ch. 121, par. 6-505	605 ILCS 5/6-505
Ch. 121, par. 6-506	605 ILCS 5/6-506
Ch. 121, par. 6-507	605 ILCS 5/6-507
Ch. 121, par. 6-508	605 ILCS 5/6-508
Ch. 121, par. 6-508.1	605 ILCS 5/6-508.1
Ch. 121, par. 6-509	605 ILCS 5/6-509
Ch. 121, par. 6-510	605 ILCS 5/6-510
Ch. 121, par. 6-511	605 ILCS 5/6-511
Ch. 121, par. 6-512	605 ILCS 5/6-512
Ch. 121, par. 6-512.1	605 ILCS 5/6-512.1
Ch. 121, par. 6-513	605 ILCS 5/6-513
Ch. 121, par. 6-514	605 ILCS 5/6-514
Ch. 121, par. 6-515	605 ILCS 5/6-515
Ch. 121, par. 6-516	605 ILCS 5/6-516
Ch. 121, par. 6-517	605 ILCS 5/6-517
Ch. 121, par. 6-518	605 ILCS 5/6-518
Ch. 121, par. 6-519	605 ILCS 5/6-519
Ch. 121, par. 6-520	605 ILCS 5/6-520
Ch. 121, par. 6-521	605 ILCS 5/6-521
Ch. 121, par. 6-522	605 ILCS 5/6-522
Ch. 121, par. 6-601	605 ILCS 5/6-601
Ch. 121, par. 6-602	605 ILCS 5/6-602
Ch. 121, par. 6-603	605 ILCS 5/6-603
Ch. 121, par. 6-604	605 ILCS 5/6-604
Ch. 121, par. 6-605	605 ILCS 5/6-605
Ch. 121, par. 6-615	605 ILCS 5/6-615

ILL. REV. STAT. SECTION	ILCSA SECTION
Ch. 121, par. 6-616	605 ILCS 5/6-616
Ch. 121, par. 6-617	605 ILCS 5/6-617
Ch. 121, par. 6-701	605 ILCS 5/6-701
Ch. 121, par. 6-701.1	605 ILCS 5/6-701.1
Ch. 121, par. 6-701.2	605 ILCS 5/6-701.2
Ch. 121, par. 6-701.3	605 ILCS 5/6-701.3
Ch. 121, par. 6-701.4	605 ILCS 5/6-701.4
Ch. 121, par. 6-701.5	605 ILCS 5/6-701.5
Ch. 121, par. 6-701.6	605 ILCS 5/6-701.6
Ch. 121, par. 6-701.7	605 ILCS 5/6-701.7
Ch. 121, par. 6-701.8	605 ILCS 5/6-701.8
Ch. 121, par. 6-701.9	605 ILCS 5/6-701.9
Ch. 121, par. 6-702	605 ILCS 5/6-702
Ch. 121, par. 6-801	605 ILCS 5/6-801
Ch. 121, par. 6-802	605 ILCS 5/6-802
Ch. 121, par. 6-803	605 ILCS 5/6-803
Ch. 121, par. 6-804	605 ILCS 5/6-804
Ch. 121, par. 6-901	605 ILCS 5/6-901
Ch. 121, par. 6-902	605 ILCS 5/6-902
Ch. 121, par. 6-903	605 ILCS 5/6-903
Ch. 121, par. 6-904	605 ILCS 5/6-904
Ch. 121, par. 6-905	605 ILCS 5/6-905
Ch. 121, par. 6-906	605 ILCS 5/6-906
Ch. 121, par. 7-101	605 ILCS 5/7-101
Ch. 121, par. 7-202	605 ILCS 5/7-202
Ch. 121, par. 7-202.1	605 ILCS 5/7-202.1
Ch. 121, par. 7-202.1a	605 ILCS 5/7-202.1a
Ch. 121, par. 7-202.1b	605 ILCS 5/7-202.1b
Ch. 121, par. 7-202.1c	605 ILCS 5/7-202.1c
Ch. 121, par. 7-202.2	605 ILCS 5/7-202.2
Ch. 121, par. 7-202.3	605 ILCS 5/7-202.3
Ch. 121, par. 7-202.4	605 ILCS 5/7-202.4
Ch. 121, par. 7-202.5	605 ILCS 5/7-202.5
Ch. 121, par. 7-202.6	605 ILCS 5/7-202.6
Ch. 121, par. 7-202.7	605 ILCS 5/7-202.7
Ch. 121, par. 7-202.8	605 ILCS 5/7-202.8
Ch. 121, par. 7-202.10	605 ILCS 5/7-202.10
Ch. 121, par. 7-202.11	605 ILCS 5/7-202.11
Ch. 121, par. 7-202.12	605 ILCS 5/7-202.12
Ch. 121, par. 7-202.13	605 ILCS 5/7-202.13
Ch. 121, par. 7-202.14	605 ILCS 5/7-202.14
Ch. 121, par. 7-202.15	605 ILCS 5/7-202.15
Ch. 121, par. 7-202.16	605 ILCS 5/7-202.16
Ch. 121, par. 7-202.17	605 ILCS 5/7-202.17
Ch. 121, par. 7-202.18	605 ILCS 5/7-202.18
Ch. 121, par. 7-202.19	605 ILCS 5/7-202.19
Ch. 121, par. 7-202.20	605 ILCS 5/7-202.20
Ch. 121, par. 7-202.21	605 ILCS 5/7-202.21
Ch. 121, par. 7-202.21a	605 ILCS 5/7-202.21a
Ch. 121, par. 7-202.22	605 ILCS 5/7-202.22
Ch. 121, par. 7-203	605 ILCS 5/7-203
Ch. 121, par. 7-203.1	605 ILCS 5/7-203.1
Ch. 121, par. 7-203.2	605 ILCS 5/7-203.2
Ch. 121, par. 7-204	605 ILCS 5/7-204
Ch. 121, par. 7-301	605 ILCS 5/7-301
Ch. 121, par. 8-101	605 ILCS 5/8-101
Ch. 121, par. 8-102	605 ILCS 5/8-102
Ch. 121, par. 8-103	605 ILCS 5/8-103
Ch. 121, par. 8-104	605 ILCS 5/8-104
Ch. 121, par. 8-105	605 ILCS 5/8-105
Ch. 121, par. 8-106	605 ILCS 5/8-106
Ch. 121, par. 8-107	605 ILCS 5/8-107
Ch. 121, par. 8-107.1	605 ILCS 5/8-107.1
Ch. 121, par. 8-108	605 ILCS 5/8-108
Ch. 121, par. 8-109	605 ILCS 5/8-109
Ch. 121, par. 9-101	605 ILCS 5/9-101
Ch. 121, par. 9-101.1	605 ILCS 5/9-101.1
Ch. 121, par. 9-102	605 ILCS 5/9-102
Ch. 121, par. 9-103	605 ILCS 5/9-103
Ch. 121, par. 9-104	605 ILCS 5/9-104
Ch. 121, par. 9-105	605 ILCS 5/9-105
Ch. 121, par. 9-106	605 ILCS 5/9-106
Ch. 121, par. 9-107	605 ILCS 5/9-107
Ch. 121, par. 9-108	605 ILCS 5/9-108
Ch. 121, par. 9-109	605 ILCS 5/9-109
Ch. 121, par. 9-110	605 ILCS 5/9-110
Ch. 121, par. 9-111	605 ILCS 5/9-111
Ch. 121, par. 9-111.1	605 ILCS 5/9-111.1
Ch. 121, par. 9-112	605 ILCS 5/9-112
Ch. 121, par. 9-112.1	605 ILCS 5/9-112.1
Ch. 121, par. 9-112.2	605 ILCS 5/9-112.2
Ch. 121, par. 9-112.3	605 ILCS 5/9-112.3
Ch. 121, par. 9-113	605 ILCS 5/9-113
Ch. 121, par. 9-113.01	605 ILCS 5/9-113.01
Ch. 121, par. 9-113.1	605 ILCS 5/9-113.1
Ch. 121, par. 9-114	605 ILCS 5/9-114
Ch. 121, par. 9-115	605 ILCS 5/9-115
Ch. 121, par. 9-115.1	605 ILCS 5/9-115.1
Ch. 121, par. 9-116	605 ILCS 5/9-116
Ch. 121, par. 9-117	605 ILCS 5/9-117
Ch. 121, par. 9-118	605 ILCS 5/9-118
Ch. 121, par. 9-119	605 ILCS 5/9-119
Ch. 121, par. 9-121	605 ILCS 5/9-121
Ch. 121, par. 9-122	605 ILCS 5/9-122
Ch. 121, par. 9-123	605 ILCS 5/9-123
Ch. 121, par. 9-124	605 ILCS 5/9-124
Ch. 121, par. 9-124.1	605 ILCS 5/9-124.1
Ch. 121, par. 9-125	605 ILCS 5/9-125
Ch. 121, par. 9-126	605 ILCS 5/9-126
Ch. 121, par. 9-127	605 ILCS 5/9-127
Ch. 121, par. 9-128	605 ILCS 5/9-128
Ch. 121, par. 9-129	605 ILCS 5/9-129
Ch. 121, par. 9-130	605 ILCS 5/9-130
Ch. 121, par. 10-101	605 ILCS 5/10-101
Ch. 121, par. 10-102	605 ILCS 5/10-102
Ch. 121, par. 10-103	605 ILCS 5/10-103
Ch. 121, par. 10-201	605 ILCS 5/10-201
Ch. 121, par. 10-202	605 ILCS 5/10-202
Ch. 121, par. 10-203	605 ILCS 5/10-203
Ch. 121, par. 10-204	605 ILCS 5/10-204
Ch. 121, par. 10-205	605 ILCS 5/10-205
Ch. 121, par. 10-206	605 ILCS 5/10-206
Ch. 121, par. 10-301	605 ILCS 5/10-301
Ch. 121, par. 10-302	605 ILCS 5/10-302
Ch. 121, par. 10-303	605 ILCS 5/10-303
Ch. 121, par. 10-304	605 ILCS 5/10-304
Ch. 121, par. 10-305	605 ILCS 5/10-305
Ch. 121, par. 10-306	605 ILCS 5/10-306
Ch. 121, par. 10-307	605 ILCS 5/10-307
Ch. 121, par. 10-308	605 ILCS 5/10-308
Ch. 121, par. 10-309	605 ILCS 5/10-309
Ch. 121, par. 10-310	605 ILCS 5/10-310
Ch. 121, par. 10-311	605 ILCS 5/10-311
Ch. 121, par. 10-312	605 ILCS 5/10-312
Ch. 121, par. 10-501	605 ILCS 5/10-501
Ch. 121, par. 10-502	605 ILCS 5/10-502
Ch. 121, par. 10-503	605 ILCS 5/10-503
Ch. 121, par. 10-504	605 ILCS 5/10-504
Ch. 121, par. 10-601	605 ILCS 5/10-601
Ch. 121, par. 10-602	605 ILCS 5/10-602
Ch. 121, par. 10-603	605 ILCS 5/10-603
Ch. 121, par. 10-604	605 ILCS 5/10-604
Ch. 121, par. 10-605	605 ILCS 5/10-605
Ch. 121, par. 10-606	605 ILCS 5/10-606
Ch. 121, par. 10-701	605 ILCS 5/10-701
Ch. 121, par. 10-702	605 ILCS 5/10-702
Ch. 121, par. 10-703	605 ILCS 5/10-703
Ch. 121, par. 10-704	605 ILCS 5/10-704
Ch. 121, par. 10-705	605 ILCS 5/10-705
Ch. 121, par. 10-706	605 ILCS 5/10-706
Ch. 121, par. 10-707	605 ILCS 5/10-707
Ch. 121, par. 10-708	605 ILCS 5/10-708
Ch. 121, par. 10-709	605 ILCS 5/10-709
Ch. 121, par. 10-710	605 ILCS 5/10-710

ILL. REV. STAT. SECTION	ILCSA SECTION
Ch. 121, par. 10-711	605 ILCS 5/10-711
Ch. 121, par. 10-712	605 ILCS 5/10-712
Ch. 121, par. 10-713	605 ILCS 5/10-713
Ch. 121, par. 10-714	605 ILCS 5/10-714
Ch. 121, par. 10-715	605 ILCS 5/10-715
Ch. 121, par. 10-801	605 ILCS 5/10-801
Ch. 121, par. 10-802	605 ILCS 5/10-802
Ch. 121, par. 10-803	605 ILCS 5/10-803
Ch. 121, par. 10-804	605 ILCS 5/10-804
Ch. 121, par. 10-805	605 ILCS 5/10-805
Ch. 121, par. 10-806	605 ILCS 5/10-806
Ch. 121, par. 10-807	605 ILCS 5/10-807
Ch. 121, par. 10-808	605 ILCS 5/10-808
Ch. 121, par. 10-809	605 ILCS 5/10-809
Ch. 121, par. 10-901	605 ILCS 5/10-901
Ch. 121, par. 10-902	605 ILCS 5/10-902
Ch. 121, par. 10-903	605 ILCS 5/10-903
Ch. 121, par. 10-1001	605 ILCS 5/10-1001
Ch. 121, par. 11-101	605 ILCS 5/11-101
Ch. 121, par. 11-102	605 ILCS 5/11-102
Ch. 121, par. 11-103	605 ILCS 5/11-103
Ch. 121, par. 11-104	605 ILCS 5/11-104
Ch. 121, par. 11-105	605 ILCS 5/11-105
Ch. 121, par. 11-106	605 ILCS 5/11-106
Ch. 121, par. 101-90	30 ILCS 385/0.01
Ch. 121, par. 102-1	30 ILCS 385/1
Ch. 121, par. 102-2	30 ILCS 385/2
Ch. 121, par. 102-3	30 ILCS 385/3
Ch. 121, par. 102-4	30 ILCS 385/4
Ch. 121, par. 191	605 ILCS 105/0.01
Ch. 121, par. 192	605 ILCS 105/1
Ch. 121, par. 193a	605 ILCS 110/1
Ch. 121, par. 193a.1	605 ILCS 110/1.1
Ch. 121, par. 314.01	430 ILCS 105/0.01
Ch. 121, par. 314.1	430 ILCS 105/1
Ch. 121, par. 314.2	430 ILCS 105/2
Ch. 121, par. 314.3	430 ILCS 105/3
Ch. 121, par. 314.4	430 ILCS 105/4
Ch. 121, par. 314.5	430 ILCS 105/5
Ch. 121, par. 314.6	430 ILCS 105/6
Ch. 121, par. 314.7	430 ILCS 105/7
Ch. 121, par. 314.8	430 ILCS 105/8
Ch. 121, par. 354.9	70 ILCS 3305/0.01
Ch. 121, par. 355	70 ILCS 3305/1
Ch. 121, par. 356	70 ILCS 3305/2
Ch. 121, par. 356a	70 ILCS 3305/2a
Ch. 121, par. 356b	70 ILCS 3305/2b
Ch. 121, par. 356c	70 ILCS 3305/2c
Ch. 121, par. 357	70 ILCS 3305/3
Ch. 121, par. 358	70 ILCS 3305/4
Ch. 121, par. 359	70 ILCS 3305/5
Ch. 121, par. 359.1	70 ILCS 3305/5.1
Ch. 121, par. 360	70 ILCS 3305/6
Ch. 121, par. 361	70 ILCS 3305/7
Ch. 121, par. 362	70 ILCS 3305/8
Ch. 121, par. 363	70 ILCS 3305/9
Ch. 121, par. 364	70 ILCS 3305/10
Ch. 121, par. 364.1	70 ILCS 3305/10.1
Ch. 121, par. 364.9	740 ILCS 85/0.01
Ch. 121, par. 365	740 ILCS 85/1
Ch. 121, par. 380	745 ILCS 15/0.01
Ch. 121, par. 381	745 ILCS 15/1
Ch. 121, par. 382	745 ILCS 15/2
Ch. 121, par. 383	745 ILCS 15/3
Ch. 121, par. 384	745 ILCS 15/4
Ch. 121, par. 385	745 ILCS 15/5
Ch. 121, par. 386	745 ILCS 15/6
Ch. 121, par. 387	745 ILCS 15/7
Ch. 121, par. 388	605 ILCS 15/0.01
Ch. 121, par. 389	605 ILCS 15/1
Ch. 121, par. 389.9	605 ILCS 20/0.01
Ch. 121, par. 390	605 ILCS 20/1
Ch. 121, par. 390.9	605 ILCS 25/0.01
Ch. 121, par. 391	605 ILCS 25/1
Ch. 121, par. 392	605 ILCS 25/2
Ch. 121, par. 410	45 ILCS 80/0.01
Ch. 121, par. 411	45 ILCS 80/1
Ch. 121, par. 412	45 ILCS 80/2
Ch. 121, par. 413	45 ILCS 80/3
Ch. 121, par. 414	45 ILCS 80/4
Ch. 121, par. 420	45 ILCS 85/0.01
Ch. 121, par. 421	45 ILCS 85/1
Ch. 121, par. 422	45 ILCS 85/2
Ch. 121, par. 423	45 ILCS 85/3
Ch. 121, par. 424	45 ILCS 85/4
Ch. 121, par. 425	45 ILCS 85/5
Ch. 121, par. 426	45 ILCS 85/6
Ch. 121, par. 460	415 ILCS 95/0.01
Ch. 121, par. 461	415 ILCS 95/1
Ch. 121, par. 462	415 ILCS 95/2
Ch. 121, par. 463	415 ILCS 95/3
Ch. 121, par. 464	415 ILCS 95/4
Ch. 121, par. 465	415 ILCS 95/5
Ch. 121, par. 466	415 ILCS 95/6
Ch. 121, par. 467	415 ILCS 95/7
Ch. 121, par. 468	415 ILCS 95/8
Ch. 121, par. 501	225 ILCS 440/1
Ch. 121, par. 502	225 ILCS 440/2
Ch. 121, par. 503	225 ILCS 440/3
Ch. 121, par. 503.01	225 ILCS 440/3.01
Ch. 121, par. 503.02	225 ILCS 440/3.02
Ch. 121, par. 503.03	225 ILCS 440/3.03
Ch. 121, par. 503.04	225 ILCS 440/3.04
Ch. 121, par. 503.05	225 ILCS 440/3.05
Ch. 121, par. 503.06	225 ILCS 440/3.06
Ch. 121, par. 503.07	225 ILCS 440/3.07
Ch. 121, par. 503.08	225 ILCS 440/3.08
Ch. 121, par. 503.09	225 ILCS 440/3.09
Ch. 121, par. 503.10	225 ILCS 440/3.10
Ch. 121, par. 503.11	225 ILCS 440/3.11
Ch. 121, par. 503.12	225 ILCS 440/3.12
Ch. 121, par. 503.13	225 ILCS 440/3.13
Ch. 121, par. 503.14	225 ILCS 440/3.14
Ch. 121, par. 504	225 ILCS 440/4
Ch. 121, par. 504.01	225 ILCS 440/4.01
Ch. 121, par. 504.02	225 ILCS 440/4.02
Ch. 121, par. 504.03	225 ILCS 440/4.03
Ch. 121, par. 504.04	225 ILCS 440/4.04
Ch. 121, par. 504.05	225 ILCS 440/4.05
Ch. 121, par. 504.06	225 ILCS 440/4.06
Ch. 121, par. 504.07	225 ILCS 440/4.07
Ch. 121, par. 504.08	225 ILCS 440/4.08
Ch. 121, par. 505	225 ILCS 440/5
Ch. 121, par. 506	225 ILCS 440/6
Ch. 121, par. 506.01	225 ILCS 440/6.01
Ch. 121, par. 506.02	225 ILCS 440/6.02
Ch. 121, par. 506.03	225 ILCS 440/6.03
Ch. 121, par. 506.04	225 ILCS 440/6.04
Ch. 121, par. 507	225 ILCS 440/7
Ch. 121, par. 508	225 ILCS 440/8
Ch. 121, par. 509	225 ILCS 440/9
Ch. 121, par. 510	225 ILCS 440/10
Ch. 121, par. 511	225 ILCS 440/11
Ch. 121, par. 512	225 ILCS 440/12
Ch. 121, par. 513	225 ILCS 440/13
Ch. 121, par. 514	225 ILCS 440/14
Ch. 121, par. 514.01	225 ILCS 440/14.01
Ch. 121, par. 516	225 ILCS 440/16
Ch. 121, par. 600	605 ILCS 30/0.01
Ch. 121, par. 601	605 ILCS 30/1
Ch. 121, par. 602	605 ILCS 30/2
Ch. 121, par. 603	605 ILCS 30/3
Ch. 121, par. 604	605 ILCS 30/4
Ch. 127, par. 1	20 ILCS 5/1

ILL. REV. STAT. SECTION	ILCSA SECTION
Ch. 127, par. 2	20 ILCS 5/2
Ch. 127, par. 3	20 ILCS 5/3
Ch. 127, par. 4	20 ILCS 5/4
Ch. 127, par. 5	20 ILCS 5/5
Ch. 127, par. 5.05	20 ILCS 5/5.05
Ch. 127, par. 9	20 ILCS 5/9
Ch. 127, par. 9.05	20 ILCS 5/9.05
Ch. 127, par. 10	20 ILCS 5/10
Ch. 127, par. 11	20 ILCS 5/11
Ch. 127, par. 12	20 ILCS 5/12
Ch. 127, par. 13	20 ILCS 5/13
Ch. 127, par. 14	20 ILCS 5/14
Ch. 127, par. 15	20 ILCS 5/15
Ch. 127, par. 16	20 ILCS 5/16
Ch. 127, par. 17	20 ILCS 5/17
Ch. 127, par. 18	20 ILCS 5/18
Ch. 127, par. 19	20 ILCS 5/19
Ch. 127, par. 20	20 ILCS 5/20
Ch. 127, par. 25	20 ILCS 5/25
Ch. 127, par. 26	20 ILCS 5/26
Ch. 127, par. 49	20 ILCS 2705/49
Ch. 127, par. 49.01a	20 ILCS 2705/49.01a
Ch. 127, par. 49.02a	20 ILCS 2705/49.02a
Ch. 127, par. 49.04	20 ILCS 2705/49.04
Ch. 127, par. 49.05	20 ILCS 2705/49.05
Ch. 127, par. 49.06a	20 ILCS 2705/49.06a
Ch. 127, par. 49.06b	20 ILCS 2705/49.06b
Ch. 127, par. 49.06c	20 ILCS 2705/49.06c
Ch. 127, par. 49.06d	20 ILCS 2705/49.06d
Ch. 127, par. 49.06e	20 ILCS 2705/49.06e
Ch. 127, par. 49.06f	20 ILCS 2705/49.06f
Ch. 127, par. 49.07a	20 ILCS 2705/49.07a
Ch. 127, par. 49.08a	20 ILCS 2705/49.08a
Ch. 127, par. 49.11	20 ILCS 2705/49.11
Ch. 127, par. 49.12	20 ILCS 2705/49.12
Ch. 127, par. 49.13	20 ILCS 2705/49.13
Ch. 127, par. 49.14	20 ILCS 2705/49.14
Ch. 127, par. 49.15	20 ILCS 2705/49.15
Ch. 127, par. 49.15a	20 ILCS 2705/49.15a
Ch. 127, par. 49.16	20 ILCS 2705/49.16
Ch. 127, par. 49.17	20 ILCS 2705/49.17
Ch. 127, par. 49.18	20 ILCS 2705/49.18
Ch. 127, par. 49.19	20 ILCS 2705/49.19
Ch. 127, par. 49.19a	20 ILCS 2705/49.19a
Ch. 127, par. 49.19b	20 ILCS 2705/49.19b
Ch. 127, par. 49.20	20 ILCS 2705/49.20
Ch. 127, par. 49.21	20 ILCS 2705/49.21
Ch. 127, par. 49.22	20 ILCS 2705/49.22
Ch. 127, par. 49.23	20 ILCS 2705/49.23
Ch. 127, par. 49.24	20 ILCS 2705/49.24
Ch. 127, par. 49.25a	20 ILCS 2705/49.25a
Ch. 127, par. 49.25b	20 ILCS 2705/49.25b
Ch. 127, par. 49.25c	20 ILCS 2705/49.25c
Ch. 127, par. 49.25d	20 ILCS 2705/49.25d
Ch. 127, par. 49.25e	20 ILCS 2705/49.25e
Ch. 127, par. 49.25f	20 ILCS 2705/49.25f
Ch. 127, par. 49.25g	20 ILCS 2705/49.25g
Ch. 127, par. 49.25g-1	20 ILCS 2705/49.25g-1
Ch. 127, par. 49.25h	20 ILCS 2705/49.25h
Ch. 127, par. 49.25h-1	20 ILCS 2705/49.25h-1
Ch. 127, par. 49.25i	20 ILCS 2705/49.25i
Ch. 127, par. 49.25j	20 ILCS 2705/49.25j
Ch. 127, par. 49.26	20 ILCS 2705/49.26
Ch. 127, par. 49.27	20 ILCS 2705/49.27
Ch. 127, par. 49.28	20 ILCS 2705/49.28
Ch. 127, par. 49.29	20 ILCS 2705/49.29
Ch. 127, par. 49.30	20 ILCS 2705/49.30
Ch. 127, par. 49.31	20 ILCS 2705/49.31
Ch. 127, par. 49.32	20 ILCS 2705/49.32
Ch. 127, par. 51	20 ILCS 5/51
Ch. 127, par. 132.6	30 ILCS 505/6
Ch. 127, par. 132.6-1	30 ILCS 505/6-1
Ch. 127, par. 132.6-3	30 ILCS 505/6-3
Ch. 127, par. 132.10-1	30 ILCS 505/10.1
Ch. 127, par. 132.10-2	30 ILCS 505/10.2
Ch. 127, par. 133c.01	20 ILCS 3435/.01
Ch. 127, par. 133c.02	20 ILCS 3435/.02
Ch. 127, par. 133c1	20 ILCS 3435/1
Ch. 127, par. 133c2	20 ILCS 3435/2
Ch. 127, par. 133c3	20 ILCS 3435/3
Ch. 127, par. 133c3.1	20 ILCS 3435/3.1
Ch. 127, par. 133c3.2	20 ILCS 3435/3.2
Ch. 127, par. 133c5	20 ILCS 3435/5
Ch. 127, par. 133c6	20 ILCS 3435/6
Ch. 127, par. 133c7	20 ILCS 3435/7
Ch. 127, par. 133c8	20 ILCS 3435/8
Ch. 127, par. 133c9	20 ILCS 3435/9
Ch. 127, par. 133c10	20 ILCS 3435/10
Ch. 127, par. 133c11	20 ILCS 3435/11
Ch. 127, par. 133c21	20 ILCS 3420/1
Ch. 127, par. 133c22	20 ILCS 3420/2
Ch. 127, par. 133c23	20 ILCS 3420/3
Ch. 127, par. 133c24	20 ILCS 3420/4
Ch. 127, par. 133c25	20 ILCS 3420/5
Ch. 127, par. 133c26	20 ILCS 3420/6
Ch. 127, par. 141d	30 ILCS 105/5d
Ch. 127, par. 141e	30 ILCS 105/5e
Ch. 127, par. 141f	30 ILCS 105/5f
Ch. 127, par. 141g	30 ILCS 105/5g
Ch. 127, par. 142c	30 ILCS 105/6c
Ch. 127, par. 142r	30 ILCS 105/6r
Ch. 127, par. 144.3	30 ILCS 105/8.3
Ch. 127, par. 701	30 ILCS 415/1
Ch. 127, par. 702	30 ILCS 415/2
Ch. 127, par. 703	30 ILCS 415/3
Ch. 127, par. 704	30 ILCS 415/4
Ch. 127, par. 705	30 ILCS 415/5
Ch. 127, par. 705.1	30 ILCS 415/5.1
Ch. 127, par. 706	30 ILCS 415/6
Ch. 127, par. 707	30 ILCS 415/7
Ch. 127, par. 708	30 ILCS 415/8
Ch. 127, par. 709	30 ILCS 415/9
Ch. 127, par. 710	30 ILCS 415/10
Ch. 127, par. 711	30 ILCS 415/11
Ch. 127, par. 712	30 ILCS 415/11.1
Ch. 134, par. 0.01	220 ILCS 55/0.01
Ch. 134, par. 1	220 ILCS 55/1
Ch. 134, par. 4	220 ILCS 55/4
Ch. 134, par. 16.90	220 ILCS 65/0.01
Ch. 134, par. 17	220 ILCS 65/1
Ch. 134, par. 20	220 ILCS 65/4
Ch. 146 1/2, par. 3.01	50 ILCS 340/0.01
Ch. 146 1/2, par. 3.1	50 ILCS 340/1
Ch. 146 1/2, par. 3.2	50 ILCS 340/2

TRANSLATION FROM ILLINOIS COMPILED STATUTES ANNOTATED TO ILLINOIS REVISED STATUTES

ILCSA SECTION	ILL. REV. STAT. SECTION
5 ILCS 120/1	Ch. 102, par. 41
5 ILCS 120/1.01	Ch. 102, par. 41.01
5 ILCS 120/1.02	Ch. 102, par. 41.02
5 ILCS 120/2	Ch. 102, par. 42
5 ILCS 120/2.01	Ch. 102, par. 42.01
5 ILCS 120/2.02	Ch. 102, par. 42.02
5 ILCS 120/2.03	Ch. 102, par. 42.03
5 ILCS 120/2.04	Ch. 102, par. 42.04
5 ILCS 120/2.05	Ch. 102, par. 42.05
5 ILCS 120/2.06	Ch. 102, par. 42.06
5 ILCS 120/2a	Ch. 102, par. 42a
5 ILCS 120/2b	Ch. 102, par. 42b
5 ILCS 120/3	Ch. 102, par. 43

ILCSA SECTION	ILL. REV. STAT. SECTION
5 ILCS 120/4	Ch. 102, par. 44
5 ILCS 120/5	Ch. 102, par. 45
20 ILCS 5/1	Ch. 127, par. 1
20 ILCS 5/2	Ch. 127, par. 2
20 ILCS 5/3	Ch. 127, par. 3
20 ILCS 5/4	Ch. 127, par. 4
20 ILCS 5/5	Ch. 127, par. 5
20 ILCS 5/5.05	Ch. 127, par. 5.05
20 ILCS 5/9	Ch. 127, par. 9
20 ILCS 5/9.05	Ch. 127, par. 9.05
20 ILCS 5/10	Ch. 127, par. 10
20 ILCS 5/11	Ch. 127, par. 11
20 ILCS 5/12	Ch. 127, par. 12
20 ILCS 5/13	Ch. 127, par. 13
20 ILCS 5/14	Ch. 127, par. 14
20 ILCS 5/15	Ch. 127, par. 15
20 ILCS 5/16	Ch. 127, par. 16
20 ILCS 5/17	Ch. 127, par. 17
20 ILCS 5/18	Ch. 127, par. 18
20 ILCS 5/19	Ch. 127, par. 19
20 ILCS 5/20	Ch. 127, par. 20
20 ILCS 5/25	Ch. 127, par. 25
20 ILCS 5/26	Ch. 127, par. 26
20 ILCS 5/51	Ch. 127, par. 51
20 ILCS 830/1-1	Ch. 96 1/2, par. 9701-1
20 ILCS 830/1-2	Ch. 96 1/2, par. 9701-2
20 ILCS 830/1-3	Ch. 96 1/2, par. 9701-3
20 ILCS 830/1-4	Ch. 96 1/2, par. 9701-4
20 ILCS 830/1-5	Ch. 96 1/2, par. 9701-5
20 ILCS 830/1-6	Ch. 96 1/2, par. 9701-6
20 ILCS 830/2-1	Ch. 96 1/2, par. 9702-1
20 ILCS 830/2-2	Ch. 96 1/2, par. 9702-2
20 ILCS 830/3-1	Ch. 96 1/2, par. 9703-1
20 ILCS 830/3-2	Ch. 96 1/2, par. 9703-2
20 ILCS 830/3-3	Ch. 96 1/2, par. 9703-3
20 ILCS 830/3-4	Ch. 96 1/2, par. 9703-4
20 ILCS 830/3-5	Ch. 96 1/2, par. 9703-5
20 ILCS 830/3-6	Ch. 96 1/2, par. 9703-6
20 ILCS 830/4-1	Ch. 96 1/2, par. 9704-1
20 ILCS 2705/49	Ch. 127, par. 49
20 ILCS 2705/49.01a	Ch. 127, par. 49.01a
20 ILCS 2705/49.02a	Ch. 127, par. 49.02a
20 ILCS 2705/49.04	Ch. 127, par. 49.04
20 ILCS 2705/49.05	Ch. 127, par. 49.05
20 ILCS 2705/49.06a	Ch. 127, par. 49.06a
20 ILCS 2705/49.06b	Ch. 127, par. 49.06b
20 ILCS 2705/49.06c	Ch. 127, par. 49.06c
20 ILCS 2705/49.06d	Ch. 127, par. 49.06d
20 ILCS 2705/49.06e	Ch. 127, par. 49.06e
20 ILCS 2705/49.06f	Ch. 127, par. 49.06f
20 ILCS 2705/49.07a	Ch. 127, par. 49.07a
20 ILCS 2705/49.08a	Ch. 127, par. 49.08a
20 ILCS 2705/49.11	Ch. 127, par. 49.11
20 ILCS 2705/49.12	Ch. 127, par. 49.12
20 ILCS 2705/49.13	Ch. 127, par. 49.13
20 ILCS 2705/49.14	Ch. 127, par. 49.14
20 ILCS 2705/49.15	Ch. 127, par. 49.15
20 ILCS 2705/49.15a	Ch. 127, par. 49.15a
20 ILCS 2705/49.16	Ch. 127, par. 49.16
20 ILCS 2705/49.17	Ch. 127, par. 49.17
20 ILCS 2705/49.18	Ch. 127, par. 49.18
20 ILCS 2705/49.19	Ch. 127, par. 49.19
20 ILCS 2705/49.19a	Ch. 127, par. 49.19a
20 ILCS 2705/49.19b	Ch. 127, par. 49.19b
20 ILCS 2705/49.20	Ch. 127, par. 49.20
20 ILCS 2705/49.21	Ch. 127, par. 49.21
20 ILCS 2705/49.22	Ch. 127, par. 49.22
20 ILCS 2705/49.23	Ch. 127, par. 49.23
20 ILCS 2705/49.24	Ch. 127, par. 49.24
20 ILCS 2705/49.25a	Ch. 127, par. 49.25a
20 ILCS 2705/49.25b	Ch. 127, par. 49.25b
20 ILCS 2705/49.25c	Ch. 127, par. 49.25c
20 ILCS 2705/49.25d	Ch. 127, par. 49.25d
20 ILCS 2705/49.25e	Ch. 127, par. 49.25e
20 ILCS 2705/49.25f	Ch. 127, par. 49.25f
20 ILCS 2705/49.25g	Ch. 127, par. 49.25g
20 ILCS 2705/49.25g-1	Ch. 127, par. 49.25g-1
.....	
20 ILCS 2705/49.25h	Ch. 127, par. 49.25h
20 ILCS 2705/49.25h-1	Ch. 127, par. 49.25h-1
.....	
20 ILCS 2705/49.25i	Ch. 127, par. 49.25i
20 ILCS 2705/49.25j	Ch. 127, par. 49.25j
20 ILCS 2705/49.26	Ch. 127, par. 49.26
20 ILCS 2705/49.27	Ch. 127, par. 49.27
20 ILCS 2705/49.28	Ch. 127, par. 49.28
20 ILCS 2705/49.29	Ch. 127, par. 49.29
20 ILCS 2705/49.30	Ch. 127, par. 49.30
20 ILCS 2705/49.31	Ch. 127, par. 49.31
20 ILCS 2705/49.32	Ch. 127, par. 49.32
20 ILCS 3420/1	Ch. 127, par. 133c21
20 ILCS 3420/2	Ch. 127, par. 133c22
20 ILCS 3420/3	Ch. 127, par. 133c23
20 ILCS 3420/4	Ch. 127, par. 133c24
20 ILCS 3420/5	Ch. 127, par. 133c25
20 ILCS 3420/6	Ch. 127, par. 133c26
20 ILCS 3435/.01	Ch. 127, par. 133c.01
20 ILCS 3435/.02	Ch. 127, par. 133c.02
20 ILCS 3435/1	Ch. 127, par. 133c1
20 ILCS 3435/2	Ch. 127, par. 133c2
20 ILCS 3435/3	Ch. 127, par. 133c3
20 ILCS 3435/3.1	Ch. 127, par. 133c3.1
20 ILCS 3435/3.2	Ch. 127, par. 133c3.2
20 ILCS 3435/5	Ch. 127, par. 133c5
20 ILCS 3435/6	Ch. 127, par. 133c6
20 ILCS 3435/7	Ch. 127, par. 133c7
20 ILCS 3435/8	Ch. 127, par. 133c8
20 ILCS 3435/9	Ch. 127, par. 133c9
20 ILCS 3435/10	Ch. 127, par. 133c10
20 ILCS 3435/11	Ch. 127, par. 133c11
30 ILCS 105/5d	Ch. 127, par. 141d
30 ILCS 105/5e	Ch. 127, par. 141e
30 ILCS 105/5f	Ch. 127, par. 141f
30 ILCS 105/5g	Ch. 127, par. 141g
30 ILCS 105/6c	Ch. 127, par. 142c
30 ILCS 105/6r	Ch. 127, par. 142r
30 ILCS 105/8.3	Ch. 127, par. 144.3
30 ILCS 235/0.01	Ch. 85, par. 900
30 ILCS 235/1	Ch. 85, par. 901
30 ILCS 235/2	Ch. 85, par. 902
30 ILCS 235/3	Ch. 85, par. 903
30 ILCS 235/4	Ch. 85, par. 904
30 ILCS 235/5	Ch. 85, par. 905
30 ILCS 235/6	Ch. 85, par. 906
30 ILCS 235/7	Ch. 85, par. 907
30 ILCS 305/0.01	Ch. 17, par. 6600
30 ILCS 305/1	Ch. 17, par. 6601
30 ILCS 305/2	Ch. 17, par. 6602
30 ILCS 305/3	Ch. 17, par. 6603
30 ILCS 305/5	Ch. 17, par. 6605
30 ILCS 305/6	Ch. 17, par. 6606
30 ILCS 385/0.01	Ch. 121, par. 101-90
30 ILCS 385/1	Ch. 121, par. 102-1
30 ILCS 385/2	Ch. 121, par. 102-2
30 ILCS 385/3	Ch. 121, par. 102-3
30 ILCS 385/4	Ch. 121, par. 102-4
30 ILCS 415/1	Ch. 127, par. 701
30 ILCS 415/2	Ch. 127, par. 702
30 ILCS 415/3	Ch. 127, par. 703
30 ILCS 415/4	Ch. 127, par. 704
30 ILCS 415/5	Ch. 127, par. 705
30 ILCS 415/5.1	Ch. 127, par. 705.1
30 ILCS 415/6	Ch. 127, par. 706
30 ILCS 415/7	Ch. 127, par. 707

ILCSA SECTION	ILL. REV. STAT. SECTION
30 ILCS 415/8	Ch. 127, par. 708
30 ILCS 415/9	Ch. 127, par. 709
30 ILCS 415/10	Ch. 127, par. 710
30 ILCS 415/11	Ch. 127, par. 711
30 ILCS 415/11.1	Ch. 127, par. 712
30 ILCS 505/6	Ch. 127, par. 132.6
30 ILCS 505/6-1	Ch. 127, par. 132.6-1
30 ILCS 505/6-3	Ch. 127, par. 132.6-3
30 ILCS 505/10.1	Ch. 127, par. 132.10-1
30 ILCS 505/10.2	Ch. 127, par. 132.10-2
30 ILCS 550/0.01	Ch. 29, par. 14.9
30 ILCS 550/1	Ch. 29, par. 15
30 ILCS 550/2	Ch. 29, par. 16
30 ILCS 570/0.01	Ch. 48, par. 2200
30 ILCS 570/1	Ch. 48, par. 2201
30 ILCS 570/1.1	Ch. 48, par. 2201.1
30 ILCS 570/2	Ch. 48, par. 2202
30 ILCS 570/3	Ch. 48, par. 2203
30 ILCS 570/4	Ch. 48, par. 2204
30 ILCS 570/5	Ch. 48, par. 2205
30 ILCS 570/6	Ch. 48, par. 2206
30 ILCS 570/7	Ch. 48, par. 2207
35 ILCS 105/9	Ch. 120, par. 439.9
35 ILCS 110/9	Ch. 120, par. 439.39
35 ILCS 115/9	Ch. 120, par. 439.109
35 ILCS 120/3	Ch. 120, par. 442
35 ILCS 215/1	Ch. 120, par. 861
35 ILCS 215/2	Ch. 120, par. 862
35 ILCS 215/3	Ch. 120, par. 863
35 ILCS 215/4	Ch. 120, par. 864
35 ILCS 215/5	Ch. 120, par. 865
35 ILCS 215/6	Ch. 120, par. 866
35 ILCS 215/7	Ch. 120, par. 867
35 ILCS 215/8	Ch. 120, par. 868
35 ILCS 215/9	Ch. 120, par. 869
35 ILCS 215/9.1	Ch. 120, par. 869.1
35 ILCS 215/9.2	Ch. 120, par. 869.2
35 ILCS 505/1	Ch. 120, par. 417
35 ILCS 505/1.1	Ch. 120, par. 417.1
35 ILCS 505/1.3	Ch. 120, par. 417.3
35 ILCS 505/1.4	Ch. 120, par. 417.4
35 ILCS 505/1.13	Ch. 120, par. 417.13
35 ILCS 505/1.19	Ch. 120, par. 417.19
35 ILCS 505/1.20	Ch. 120, par. 417.20
35 ILCS 505/2	Ch. 120, par. 418
35 ILCS 505/2a	Ch. 120, par. 418a
35 ILCS 505/2b	Ch. 120, par. 418b
35 ILCS 505/8	Ch. 120, par. 424
35 ILCS 505/8a	Ch. 120, par. 424a
35 ILCS 505/13a	Ch. 120, par. 429a
45 ILCS 80/0.01	Ch. 121, par. 410
45 ILCS 80/1	Ch. 121, par. 411
45 ILCS 80/2	Ch. 121, par. 412
45 ILCS 80/3	Ch. 121, par. 413
45 ILCS 80/4	Ch. 121, par. 414
45 ILCS 85/0.01	Ch. 121, par. 420
45 ILCS 85/1	Ch. 121, par. 421
45 ILCS 85/2	Ch. 121, par. 422
45 ILCS 85/3	Ch. 121, par. 423
45 ILCS 85/4	Ch. 121, par. 424
45 ILCS 85/5	Ch. 121, par. 425
45 ILCS 85/6	Ch. 121, par. 426
50 ILCS 105/0.01	Ch. 102, par. 0.01
50 ILCS 105/1	Ch. 102, par. 1
50 ILCS 105/1.1	Ch. 102, par. 1.1
50 ILCS 105/2	Ch. 102, par. 2
50 ILCS 105/2a	Ch. 102, par. 2a
50 ILCS 105/3	Ch. 102, par. 3
50 ILCS 105/3.1	Ch. 102, par. 3.1
50 ILCS 105/3.2	Ch. 102, par. 3.2
50 ILCS 105/4	Ch. 102, par. 4
50 ILCS 340/0.01	Ch. 146 1/2, par. 3.01
50 ILCS 340/1	Ch. 146 1/2, par. 3.1
50 ILCS 340/2	Ch. 146 1/2, par. 3.2
50 ILCS 505/1	Ch. 85, par. 5601
50 ILCS 505/2	Ch. 85, par. 5602
50 ILCS 505/3	Ch. 85, par. 5603
50 ILCS 505/4	Ch. 85, par. 5604
50 ILCS 505/5	Ch. 85, par. 5605
50 ILCS 505/6	Ch. 85, par. 5606
50 ILCS 505/7	Ch. 85, par. 5607
50 ILCS 505/9	Ch. 85, par. 5609
55 ILCS 5/5-11004	Ch. 34, par. 5-11004
55 ILCS 5/5-13001	Ch. 34, par. 5-13001
55 ILCS 5/5-13002	Ch. 34, par. 5-13002
55 ILCS 5/5-13003	Ch. 34, par. 5-13003
55 ILCS 5/5-13004	Ch. 34, par. 5-13004
65 ILCS 5/1-1-1	Ch. 24, par. 1-1-1
65 ILCS 5/1-1-2	Ch. 24, par. 1-1-2
65 ILCS 5/1-1-2.1	Ch. 24, par. 1-1-2.1
65 ILCS 5/2-2-15	Ch. 24, par. 2-2-15
65 ILCS 5/2-3-19	Ch. 24, par. 2-3-19
65 ILCS 5/7-1-1	Ch. 24, par. 7-1-1
65 ILCS 5/7-1-2	Ch. 24, par. 7-1-2
65 ILCS 5/7-1-10	Ch. 24, par. 7-1-10
65 ILCS 5/8-2-9.11	Ch. 24, par. 8-2-9.11
65 ILCS 5/8-3-4	Ch. 24, par. 8-3-4
65 ILCS 5/8-9-1	Ch. 24, par. 8-9-1
65 ILCS 5/9-1-1	Ch. 24, par. 9-1-1
65 ILCS 5/9-1-2	Ch. 24, par. 9-1-2
65 ILCS 5/9-1-3	Ch. 24, par. 9-1-3
65 ILCS 5/9-1-4	Ch. 24, par. 9-1-4
65 ILCS 5/9-1-5	Ch. 24, par. 9-1-5
65 ILCS 5/9-1-6	Ch. 24, par. 9-1-6
65 ILCS 5/9-1-7	Ch. 24, par. 9-1-7
65 ILCS 5/9-1-8	Ch. 24, par. 9-1-8
65 ILCS 5/9-1-9	Ch. 24, par. 9-1-9
65 ILCS 5/9-1-10	Ch. 24, par. 9-1-10
65 ILCS 5/9-1-11	Ch. 24, par. 9-1-11
65 ILCS 5/9-1-12	Ch. 24, par. 9-1-12
65 ILCS 5/9-1-13	Ch. 24, par. 9-1-13
65 ILCS 5/9-1-14	Ch. 24, par. 9-1-14
65 ILCS 5/9-2-1	Ch. 24, par. 9-2-1
65 ILCS 5/9-2-2	Ch. 24, par. 9-2-2
65 ILCS 5/9-2-3	Ch. 24, par. 9-2-3
65 ILCS 5/9-2-4	Ch. 24, par. 9-2-4
65 ILCS 5/9-2-5	Ch. 24, par. 9-2-5
65 ILCS 5/9-2-6	Ch. 24, par. 9-2-6
65 ILCS 5/9-2-7	Ch. 24, par. 9-2-7
65 ILCS 5/9-2-8	Ch. 24, par. 9-2-8
65 ILCS 5/9-2-9	Ch. 24, par. 9-2-9
65 ILCS 5/9-2-10	Ch. 24, par. 9-2-10
65 ILCS 5/9-2-11	Ch. 24, par. 9-2-11
65 ILCS 5/9-2-12	Ch. 24, par. 9-2-12
65 ILCS 5/9-2-13	Ch. 24, par. 9-2-13
65 ILCS 5/9-2-14	Ch. 24, par. 9-2-14
65 ILCS 5/9-2-15	Ch. 24, par. 9-2-15
65 ILCS 5/9-2-16	Ch. 24, par. 9-2-16
65 ILCS 5/9-2-17	Ch. 24, par. 9-2-17
65 ILCS 5/9-2-18	Ch. 24, par. 9-2-18
65 ILCS 5/9-2-19	Ch. 24, par. 9-2-19
65 ILCS 5/9-2-20	Ch. 24, par. 9-2-20
65 ILCS 5/9-2-21	Ch. 24, par. 9-2-21
65 ILCS 5/9-2-22	Ch. 24, par. 9-2-22
65 ILCS 5/9-2-23	Ch. 24, par. 9-2-23
65 ILCS 5/9-2-24	Ch. 24, par. 9-2-24
65 ILCS 5/9-2-25	Ch. 24, par. 9-2-25
65 ILCS 5/9-2-26	Ch. 24, par. 9-2-26
65 ILCS 5/9-2-27	Ch. 24, par. 9-2-27
65 ILCS 5/9-2-28	Ch. 24, par. 9-2-28
65 ILCS 5/9-2-29	Ch. 24, par. 9-2-29
65 ILCS 5/9-2-30	Ch. 24, par. 9-2-30
65 ILCS 5/9-2-31	Ch. 24, par. 9-2-31
65 ILCS 5/9-2-32	Ch. 24, par. 9-2-32

ILCSA SECTION	ILL. REV. STAT. SECTION
65 ILCS 5/9-2-33	Ch. 24, par. 9-2-33
65 ILCS 5/9-2-34	Ch. 24, par. 9-2-34
65 ILCS 5/9-2-35	Ch. 24, par. 9-2-35
65 ILCS 5/9-2-36	Ch. 24, par. 9-2-36
65 ILCS 5/9-2-37	Ch. 24, par. 9-2-37
65 ILCS 5/9-2-38	Ch. 24, par. 9-2-38
65 ILCS 5/9-2-39	Ch. 24, par. 9-2-39
65 ILCS 5/9-2-40	Ch. 24, par. 9-2-40
65 ILCS 5/9-2-41	Ch. 24, par. 9-2-41
65 ILCS 5/9-2-42	Ch. 24, par. 9-2-42
65 ILCS 5/9-2-43	Ch. 24, par. 9-2-43
65 ILCS 5/9-2-44	Ch. 24, par. 9-2-44
65 ILCS 5/9-2-45	Ch. 24, par. 9-2-45
65 ILCS 5/9-2-46	Ch. 24, par. 9-2-46
65 ILCS 5/9-2-47	Ch. 24, par. 9-2-47
65 ILCS 5/9-2-48	Ch. 24, par. 9-2-48
65 ILCS 5/9-2-48(1)	Ch. 24, par. 9-2-48(1)
65 ILCS 5/9-2-49	Ch. 24, par. 9-2-49
65 ILCS 5/9-2-50	Ch. 24, par. 9-2-50
65 ILCS 5/9-2-51	Ch. 24, par. 9-2-51
65 ILCS 5/9-2-52	Ch. 24, par. 9-2-52
65 ILCS 5/9-2-53	Ch. 24, par. 9-2-53
65 ILCS 5/9-2-54	Ch. 24, par. 9-2-54
65 ILCS 5/9-2-55	Ch. 24, par. 9-2-55
65 ILCS 5/9-2-56	Ch. 24, par. 9-2-56
65 ILCS 5/9-2-57	Ch. 24, par. 9-2-57
65 ILCS 5/9-2-58	Ch. 24, par. 9-2-58
65 ILCS 5/9-2-59	Ch. 24, par. 9-2-59
65 ILCS 5/9-2-60	Ch. 24, par. 9-2-60
65 ILCS 5/9-2-61	Ch. 24, par. 9-2-61
65 ILCS 5/9-2-62	Ch. 24, par. 9-2-62
65 ILCS 5/9-2-63	Ch. 24, par. 9-2-63
65 ILCS 5/9-2-64	Ch. 24, par. 9-2-64
65 ILCS 5/9-2-65	Ch. 24, par. 9-2-65
65 ILCS 5/9-2-66	Ch. 24, par. 9-2-66
65 ILCS 5/9-2-67	Ch. 24, par. 9-2-67
65 ILCS 5/9-2-68	Ch. 24, par. 9-2-68
65 ILCS 5/9-2-69	Ch. 24, par. 9-2-69
65 ILCS 5/9-2-70	Ch. 24, par. 9-2-70
65 ILCS 5/9-2-71	Ch. 24, par. 9-2-71
65 ILCS 5/9-2-72	Ch. 24, par. 9-2-72
65 ILCS 5/9-2-73	Ch. 24, par. 9-2-73
65 ILCS 5/9-2-74	Ch. 24, par. 9-2-74
65 ILCS 5/9-2-75	Ch. 24, par. 9-2-75
65 ILCS 5/9-2-76	Ch. 24, par. 9-2-76
65 ILCS 5/9-2-77	Ch. 24, par. 9-2-77
65 ILCS 5/9-2-78	Ch. 24, par. 9-2-78
65 ILCS 5/9-2-79	Ch. 24, par. 9-2-79
65 ILCS 5/9-2-80	Ch. 24, par. 9-2-80
65 ILCS 5/9-2-81	Ch. 24, par. 9-2-81
65 ILCS 5/9-2-82	Ch. 24, par. 9-2-82
65 ILCS 5/9-2-83	Ch. 24, par. 9-2-83
65 ILCS 5/9-2-84	Ch. 24, par. 9-2-84
65 ILCS 5/9-2-142	Ch. 24, par. 9-2-142
65 ILCS 5/9-2-143	Ch. 24, par. 9-2-143
65 ILCS 5/9-4-1	Ch. 24, par. 9-4-1
65 ILCS 5/9-4-2	Ch. 24, par. 9-4-2
65 ILCS 5/9-4-3	Ch. 24, par. 9-4-3
65 ILCS 5/11-4-1	Ch. 24, par. 11-4-1
65 ILCS 5/11-4-2	Ch. 24, par. 11-4-2
65 ILCS 5/11-4-3	Ch. 24, par. 11-4-3
65 ILCS 5/11-4-4	Ch. 24, par. 11-4-4
65 ILCS 5/11-42.1-1	Ch. 24, par. 11-42.1-1
65 ILCS 5/11-80-2	Ch. 24, par. 11-80-2
65 ILCS 5/11-80-7	Ch. 24, par. 11-80-7
65 ILCS 5/11-80-11	Ch. 24, par. 11-80-11
65 ILCS 5/11-85-1	Ch. 24, par. 11-85-1
65 ILCS 5/11-85-2	Ch. 24, par. 11-85-2
65 ILCS 5/11-85-3	Ch. 24, par. 11-85-3
65 ILCS 5/11-85-4	Ch. 24, par. 11-85-4
65 ILCS 5/11-91-1	Ch. 24, par. 11-91-1
65 ILCS 5/11-91-2	Ch. 24, par. 11-91-2
65 ILCS 5/11-91.1-1	Ch. 24, par. 11-91.1-1
65 ILCS 5/11-91.1-2	Ch. 24, par. 11-91.1-2
65 ILCS 5/11-91.1-3	Ch. 24, par. 11-91.1-3
65 ILCS 5/11-91.1-4	Ch. 24, par. 11-91.1-4
65 ILCS 5/11-91.1-5	Ch. 24, par. 11-91.1-5
65 ILCS 5/11-91.1-6	Ch. 24, par. 11-91.1-6
65 ILCS 5/11-91.2-1	Ch. 24, par. 11-91.2-1
70 ILCS 3305/0.01	Ch. 121, par. 354.9
70 ILCS 3305/1	Ch. 121, par. 355
70 ILCS 3305/2	Ch. 121, par. 356
70 ILCS 3305/2a	Ch. 121, par. 356a
70 ILCS 3305/2b	Ch. 121, par. 356b
70 ILCS 3305/2c	Ch. 121, par. 356c
70 ILCS 3305/3	Ch. 121, par. 357
70 ILCS 3305/4	Ch. 121, par. 358
70 ILCS 3305/5	Ch. 121, par. 359
70 ILCS 3305/5.1	Ch. 121, par. 359.1
70 ILCS 3305/6	Ch. 121, par. 360
70 ILCS 3305/7	Ch. 121, par. 361
70 ILCS 3305/8	Ch. 121, par. 362
70 ILCS 3305/9	Ch. 121, par. 363
70 ILCS 3305/10	Ch. 121, par. 364
70 ILCS 3305/10.1	Ch. 121, par. 364.1
220 ILCS 50/1	Ch. 111 2/3, par. 1601
220 ILCS 50/2	Ch. 111 2/3, par. 1602
220 ILCS 50/2.1	Ch. 111 2/3, par. 1602.1
220 ILCS 50/2.2	Ch. 111 2/3, par. 1602.2
220 ILCS 50/2.3	Ch. 111 2/3, par. 1602.3
220 ILCS 50/2.4	Ch. 111 2/3, par. 1602.4
220 ILCS 50/2.5	Ch. 111 2/3, par. 1602.5
220 ILCS 50/3	Ch. 111 2/3, par. 1603
220 ILCS 50/4	Ch. 111 2/3, par. 1604
220 ILCS 50/5	Ch. 111 2/3, par. 1605
220 ILCS 50/6	Ch. 111 2/3, par. 1606
220 ILCS 50/7	Ch. 111 2/3, par. 1607
220 ILCS 50/8	Ch. 111 2/3, par. 1608
220 ILCS 50/9	Ch. 111 2/3, par. 1609
220 ILCS 50/10	Ch. 111 2/3, par. 1610
220 ILCS 50/11	Ch. 111 2/3, par. 1611
220 ILCS 50/12	Ch. 111 2/3, par. 1612
220 ILCS 50/13	Ch. 111 2/3, par. 1613
220 ILCS 50/14	Ch. 111 2/3, par. 1614
220 ILCS 55/0.01	Ch. 134, par. 0.01
220 ILCS 55/1	Ch. 134, par. 1
220 ILCS 55/4	Ch. 134, par. 4
220 ILCS 65/0.01	Ch. 134, par. 16.90
220 ILCS 65/1	Ch. 134, par. 17
220 ILCS 65/4	Ch. 134, par. 20
225 ILCS 325/14	Ch. 111, par. 5214
225 ILCS 325/15	Ch. 111, par. 5215
225 ILCS 325/41	Ch. 111, par. 5241
225 ILCS 340/12	Ch. 111, par. 6612
225 ILCS 440/1	Ch. 121, par. 501
225 ILCS 440/2	Ch. 121, par. 502
225 ILCS 440/3	Ch. 121, par. 503
225 ILCS 440/3.01	Ch. 121, par. 503.01
225 ILCS 440/3.02	Ch. 121, par. 503.02
225 ILCS 440/3.03	Ch. 121, par. 503.03
225 ILCS 440/3.04	Ch. 121, par. 503.04
225 ILCS 440/3.05	Ch. 121, par. 503.05
225 ILCS 440/3.06	Ch. 121, par. 503.06
225 ILCS 440/3.07	Ch. 121, par. 503.07
225 ILCS 440/3.08	Ch. 121, par. 503.08
225 ILCS 440/3.09	Ch. 121, par. 503.09
225 ILCS 440/3.10	Ch. 121, par. 503.10
225 ILCS 440/3.11	Ch. 121, par. 503.11
225 ILCS 440/3.12	Ch. 121, par. 503.12
225 ILCS 440/3.13	Ch. 121, par. 503.13
225 ILCS 440/3.14	Ch. 121, par. 503.14
225 ILCS 440/4	Ch. 121, par. 504
225 ILCS 440/4.01	Ch. 121, par. 504.01
225 ILCS 440/4.02	Ch. 121, par. 504.02

ILCSA SECTION	ILL. REV. STAT. SECTION
225 ILCS 440/4.03	Ch. 121, par. 504.03
225 ILCS 440/4.04	Ch. 121, par. 504.04
225 ILCS 440/4.05	Ch. 121, par. 504.05
225 ILCS 440/4.06	Ch. 121, par. 504.06
225 ILCS 440/4.07	Ch. 121, par. 504.07
225 ILCS 440/4.08	Ch. 121, par. 504.08
225 ILCS 440/5	Ch. 121, par. 505
225 ILCS 440/6	Ch. 121, par. 506
225 ILCS 440/6.01	Ch. 121, par. 506.01
225 ILCS 440/6.02	Ch. 121, par. 506.02
225 ILCS 440/6.03	Ch. 121, par. 506.03
225 ILCS 440/6.04	Ch. 121, par. 506.04
225 ILCS 440/7	Ch. 121, par. 507
225 ILCS 440/8	Ch. 121, par. 508
225 ILCS 440/9	Ch. 121, par. 509
225 ILCS 440/10	Ch. 121, par. 510
225 ILCS 440/11	Ch. 121, par. 511
225 ILCS 440/12	Ch. 121, par. 512
225 ILCS 440/13	Ch. 121, par. 513
225 ILCS 440/14	Ch. 121, par. 514
225 ILCS 440/14.01	Ch. 121, par. 514.01
225 ILCS 440/16	Ch. 121, par. 516
310 ILCS 35/0.01	Ch. 67 1/2, par. 102.9
310 ILCS 35/1	Ch. 67 1/2, par. 103
310 ILCS 35/2	Ch. 67 1/2, par. 104
310 ILCS 35/3	Ch. 67 1/2, par. 105
310 ILCS 35/4	Ch. 67 1/2, par. 106
310 ILCS 40/0.01	Ch. 67 1/2, par. 107
310 ILCS 40/1	Ch. 67 1/2, par. 107.1
310 ILCS 40/1a	Ch. 67 1/2, par. 107.1a
310 ILCS 40/2	Ch. 67 1/2, par. 107.2
310 ILCS 40/2a	Ch. 67 1/2, par. 107.2a
310 ILCS 40/3	Ch. 67 1/2, par. 107.3
310 ILCS 40/4	Ch. 67 1/2, par. 107.4
310 ILCS 40/5	Ch. 67 1/2, par. 107.5
415 ILCS 5/8	Ch. 111 1/2, par. 1008
415 ILCS 5/9	Ch. 111 1/2, par. 1009
415 ILCS 5/9.1	Ch. 111 1/2, par. 1009.1
415 ILCS 5/9.2	Ch. 111 1/2, par. 1009.2
415 ILCS 5/9.3	Ch. 111 1/2, par. 1009.3
415 ILCS 5/9.4	Ch. 111 1/2, par. 1009.4
415 ILCS 5/9.5	Ch. 111 1/2, par. 1009.5
415 ILCS 5/9.6	Ch. 111 1/2, par. 1009.6
415 ILCS 5/9.7	Ch. 111 1/2, par. 1009.7
415 ILCS 5/10	Ch. 111 1/2, par. 1010
415 ILCS 5/11	Ch. 111 1/2, par. 1011
415 ILCS 5/12	Ch. 111 1/2, par. 1012
415 ILCS 5/12.1	Ch. 111 1/2, par. 1012.1
415 ILCS 5/12.2	Ch. 111 1/2, par. 1012.2
415 ILCS 5/13	Ch. 111 1/2, par. 1013
415 ILCS 5/13.1	Ch. 111 1/2, par. 1013.1
415 ILCS 5/13.2	Ch. 111 1/2, par. 1013.2
415 ILCS 5/13.3	Ch. 111 1/2, par. 1013.3
415 ILCS 5/22.12	Ch. 111 1/2, par. 1022.12
415 ILCS 55/1	Ch. 111 1/2, par. 7451
415 ILCS 55/2	Ch. 111 1/2, par. 7452
415 ILCS 55/3	Ch. 111 1/2, par. 7453
415 ILCS 55/4	Ch. 111 1/2, par. 7454
415 ILCS 55/5	Ch. 111 1/2, par. 7455
415 ILCS 55/6	Ch. 111 1/2, par. 7456
415 ILCS 55/7	Ch. 111 1/2, par. 7457
415 ILCS 55/8	Ch. 111 1/2, par. 7458
415 ILCS 55/9	Ch. 111 1/2, par. 7459
415 ILCS 95/0.01	Ch. 121, par. 460
415 ILCS 95/1	Ch. 121, par. 461
415 ILCS 95/2	Ch. 121, par. 462
415 ILCS 95/3	Ch. 121, par. 463
415 ILCS 95/4	Ch. 121, par. 464
415 ILCS 95/5	Ch. 121, par. 465
415 ILCS 95/6	Ch. 121, par. 466
415 ILCS 95/7	Ch. 121, par. 467
415 ILCS 95/8	Ch. 121, par. 468
505 ILCS 75/1	Ch. 5, par. 1301
505 ILCS 75/2	Ch. 5, par. 1302
505 ILCS 75/3	Ch. 5, par. 1303
505 ILCS 75/4	Ch. 5, par. 1304
505 ILCS 75/5	Ch. 5, par. 1305
505 ILCS 75/6	Ch. 5, par. 1306
505 ILCS 75/7	Ch. 5, par. 1307
505 ILCS 75/8	Ch. 5, par. 1308
505 ILCS 100/1	Ch. 5, par. 951
505 ILCS 100/2	Ch. 5, par. 952
505 ILCS 100/3	Ch. 5, par. 953
505 ILCS 100/5	Ch. 5, par. 955
505 ILCS 100/7	Ch. 5, par. 957
505 ILCS 100/8	Ch. 5, par. 958
505 ILCS 100/9	Ch. 5, par. 959
505 ILCS 100/10	Ch. 5, par. 960
505 ILCS 100/11	Ch. 5, par. 961
505 ILCS 100/12	Ch. 5, par. 962
505 ILCS 100/13	Ch. 5, par. 963
505 ILCS 100/14	Ch. 5, par. 964
505 ILCS 100/15	Ch. 5, par. 965
505 ILCS 100/17	Ch. 5, par. 967
505 ILCS 100/18	Ch. 5, par. 968
505 ILCS 100/19	Ch. 5, par. 969
505 ILCS 100/20	Ch. 5, par. 970
505 ILCS 100/21	Ch. 5, par. 971
505 ILCS 100/22	Ch. 5, par. 972
505 ILCS 100/23	Ch. 5, par. 973
505 ILCS 100/24	Ch. 5, par. 974
520 ILCS 10/1	Ch. 8, par. 331
520 ILCS 10/2	Ch. 8, par. 332
520 ILCS 10/3	Ch. 8, par. 333
520 ILCS 10/4	Ch. 8, par. 334
520 ILCS 10/5	Ch. 8, par. 335
520 ILCS 10/6	Ch. 8, par. 336
520 ILCS 10/7	Ch. 8, par. 337
520 ILCS 10/8	Ch. 8, par. 338
520 ILCS 10/9	Ch. 8, par. 339
520 ILCS 10/10	Ch. 8, par. 340
520 ILCS 10/11	Ch. 8, par. 341
605 ILCS 5/1-101	Ch. 121, par. 1-101
605 ILCS 5/1-102	Ch. 121, par. 1-102
605 ILCS 5/1-103	Ch. 121, par. 1-103
605 ILCS 5/2-101	Ch. 121, par. 2-101
605 ILCS 5/2-102	Ch. 121, par. 2-102
605 ILCS 5/2-103	Ch. 121, par. 2-103
605 ILCS 5/2-104	Ch. 121, par. 2-104
605 ILCS 5/2-201	Ch. 121, par. 2-201
605 ILCS 5/2-202	Ch. 121, par. 2-202
605 ILCS 5/2-203	Ch. 121, par. 2-203
605 ILCS 5/2-204	Ch. 121, par. 2-204
605 ILCS 5/2-205	Ch. 121, par. 2-205
605 ILCS 5/2-206	Ch. 121, par. 2-206
605 ILCS 5/2-207	Ch. 121, par. 2-207
605 ILCS 5/2-208	Ch. 121, par. 2-208
605 ILCS 5/2-209	Ch. 121, par. 2-209
605 ILCS 5/2-210	Ch. 121, par. 2-210
605 ILCS 5/2-211	Ch. 121, par. 2-211
605 ILCS 5/2-212	Ch. 121, par. 2-212
605 ILCS 5/2-213	Ch. 121, par. 2-213
605 ILCS 5/2-214	Ch. 121, par. 2-214
605 ILCS 5/2-215	Ch. 121, par. 2-215
605 ILCS 5/2-216	Ch. 121, par. 2-216
605 ILCS 5/2-217	Ch. 121, par. 2-217
605 ILCS 5/2-218	Ch. 121, par. 2-218
605 ILCS 5/2-219	Ch. 121, par. 2-219
605 ILCS 5/2-220	Ch. 121, par. 2-220
605 ILCS 5/3-101	Ch. 121, par. 3-101
605 ILCS 5/3-102	Ch. 121, par. 3-102
605 ILCS 5/3-103	Ch. 121, par. 3-103
605 ILCS 5/3-104	Ch. 121, par. 3-104
605 ILCS 5/3-104.1	Ch. 121, par. 3-104.1

ILCSA SECTION	ILL. REV. STAT. SECTION
605 ILCS 5/3-104.2	Ch. 121, par. 3-104.2
605 ILCS 5/3-104.3	Ch. 121, par. 3-104.3
605 ILCS 5/3-105	Ch. 121, par. 3-105
605 ILCS 5/3-105.1	Ch. 121, par. 3-105.1
605 ILCS 5/3-106	Ch. 121, par. 3-106
605 ILCS 5/3-107	Ch. 121, par. 3-107
605 ILCS 5/3-107.1	Ch. 121, par. 3-107.1
605 ILCS 5/3-107.1a	Ch. 121, par. 3-107.1a
605 ILCS 5/3-107.1b	Ch. 121, par. 3-107.1b
605 ILCS 5/3-107.1c	Ch. 121, par. 3-107.1c
605 ILCS 5/3-107.1d	Ch. 121, par. 3-107.1d
605 ILCS 5/3-107.1e	Ch. 121, par. 3-107.1e
605 ILCS 5/3-107.1f	Ch. 121, par. 3-107.1f
605 ILCS 5/3-108	Ch. 121, par. 3-108
605 ILCS 5/4-101	Ch. 121, par. 4-101
605 ILCS 5/4-101.1	Ch. 121, par. 4-101.1
605 ILCS 5/4-101.2	Ch. 121, par. 4-101.2
605 ILCS 5/4-101.3	Ch. 121, par. 4-101.3
605 ILCS 5/4-101.4	Ch. 121, par. 4-101.4
605 ILCS 5/4-101.5	Ch. 121, par. 4-101.5
605 ILCS 5/4-101.6	Ch. 121, par. 4-101.6
605 ILCS 5/4-101.7	Ch. 121, par. 4-101.7
605 ILCS 5/4-101.8	Ch. 121, par. 4-101.8
605 ILCS 5/4-101.9	Ch. 121, par. 4-101.9
605 ILCS 5/4-101.10	Ch. 121, par. 4-101.10
605 ILCS 5/4-101.11	Ch. 121, par. 4-101.11
605 ILCS 5/4-101.12	Ch. 121, par. 4-101.12
605 ILCS 5/4-101.13	Ch. 121, par. 4-101.13
605 ILCS 5/4-101.14	Ch. 121, par. 4-101.14
605 ILCS 5/4-101.15	Ch. 121, par. 4-101.15
605 ILCS 5/4-101.16	Ch. 121, par. 4-101.16
605 ILCS 5/4-102	Ch. 121, par. 4-102
605 ILCS 5/4-103	Ch. 121, par. 4-103
605 ILCS 5/4-201	Ch. 121, par. 4-201
605 ILCS 5/4-201.1	Ch. 121, par. 4-201.1
605 ILCS 5/4-201.2	Ch. 121, par. 4-201.2
605 ILCS 5/4-201.3	Ch. 121, par. 4-201.3
605 ILCS 5/4-201.4	Ch. 121, par. 4-201.4
605 ILCS 5/4-201.5	Ch. 121, par. 4-201.5
605 ILCS 5/4-201.6	Ch. 121, par. 4-201.6
605 ILCS 5/4-201.7	Ch. 121, par. 4-201.7
605 ILCS 5/4-201.8	Ch. 121, par. 4-201.8
605 ILCS 5/4-201.9	Ch. 121, par. 4-201.9
605 ILCS 5/4-201.10	Ch. 121, par. 4-201.10
605 ILCS 5/4-201.11	Ch. 121, par. 4-201.11
605 ILCS 5/4-201.12	Ch. 121, par. 4-201.12
605 ILCS 5/4-201.13	Ch. 121, par. 4-201.13
605 ILCS 5/4-201.14	Ch. 121, par. 4-201.14
605 ILCS 5/4-201.15	Ch. 121, par. 4-201.15
605 ILCS 5/4-201.16	Ch. 121, par. 4-201.16
605 ILCS 5/4-201.17	Ch. 121, par. 4-201.17
605 ILCS 5/4-201.18	Ch. 121, par. 4-201.18
605 ILCS 5/4-201.19	Ch. 121, par. 4-201.19
605 ILCS 5/4-201.20	Ch. 121, par. 4-201.20
605 ILCS 5/4-202	Ch. 121, par. 4-202
605 ILCS 5/4-203	Ch. 121, par. 4-203
605 ILCS 5/4-204	Ch. 121, par. 4-204
605 ILCS 5/4-205	Ch. 121, par. 4-205
605 ILCS 5/4-206	Ch. 121, par. 4-206
605 ILCS 5/4-207	Ch. 121, par. 4-207
605 ILCS 5/4-208	Ch. 121, par. 4-208
605 ILCS 5/4-209	Ch. 121, par. 4-209
605 ILCS 5/4-210	Ch. 121, par. 4-210
605 ILCS 5/4-211	Ch. 121, par. 4-211
605 ILCS 5/4-212	Ch. 121, par. 4-212
605 ILCS 5/4-213	Ch. 121, par. 4-213
605 ILCS 5/4-214	Ch. 121, par. 4-214
605 ILCS 5/4-215	Ch. 121, par. 4-215
605 ILCS 5/4-216	Ch. 121, par. 4-216
605 ILCS 5/4-217	Ch. 121, par. 4-217
605 ILCS 5/4-218	Ch. 121, par. 4-218
605 ILCS 5/4-303	Ch. 121, par. 4-303
605 ILCS 5/4-401	Ch. 121, par. 4-401
605 ILCS 5/4-402	Ch. 121, par. 4-402
605 ILCS 5/4-403	Ch. 121, par. 4-403
605 ILCS 5/4-404	Ch. 121, par. 4-404
605 ILCS 5/4-405	Ch. 121, par. 4-405
605 ILCS 5/4-406	Ch. 121, par. 4-406
605 ILCS 5/4-406.1	Ch. 121, par. 4-406.1
605 ILCS 5/4-407	Ch. 121, par. 4-407
605 ILCS 5/4-408	Ch. 121, par. 4-408
605 ILCS 5/4-409	Ch. 121, par. 4-409
605 ILCS 5/4-501	Ch. 121, par. 4-501
605 ILCS 5/4-502	Ch. 121, par. 4-502
605 ILCS 5/4-503	Ch. 121, par. 4-503
605 ILCS 5/4-504	Ch. 121, par. 4-504
605 ILCS 5/4-505	Ch. 121, par. 4-505
605 ILCS 5/4-508	Ch. 121, par. 4-508
605 ILCS 5/4-508.1	Ch. 121, par. 4-508.1
605 ILCS 5/4-509	Ch. 121, par. 4-509
605 ILCS 5/4-510	Ch. 121, par. 4-510
605 ILCS 5/4-511	Ch. 121, par. 4-511
605 ILCS 5/5-101	Ch. 121, par. 5-101
605 ILCS 5/5-101.1	Ch. 121, par. 5-101.1
605 ILCS 5/5-101.2	Ch. 121, par. 5-101.2
605 ILCS 5/5-101.3	Ch. 121, par. 5-101.3
605 ILCS 5/5-101.4	Ch. 121, par. 5-101.4
605 ILCS 5/5-101.5	Ch. 121, par. 5-101.5
605 ILCS 5/5-101.6	Ch. 121, par. 5-101.6
605 ILCS 5/5-101.7	Ch. 121, par. 5-101.7
605 ILCS 5/5-101.8	Ch. 121, par. 5-101.8
605 ILCS 5/5-101.9	Ch. 121, par. 5-101.9
605 ILCS 5/5-101.10	Ch. 121, par. 5-101.10
605 ILCS 5/5-101.11	Ch. 121, par. 5-101.11
605 ILCS 5/5-102	Ch. 121, par. 5-102
605 ILCS 5/5-103	Ch. 121, par. 5-103
605 ILCS 5/5-104	Ch. 121, par. 5-104
605 ILCS 5/5-105	Ch. 121, par. 5-105
605 ILCS 5/5-106	Ch. 121, par. 5-106
605 ILCS 5/5-107	Ch. 121, par. 5-107
605 ILCS 5/5-108	Ch. 121, par. 5-108
605 ILCS 5/5-109	Ch. 121, par. 5-109
605 ILCS 5/5-110	Ch. 121, par. 5-110
605 ILCS 5/5-201	Ch. 121, par. 5-201
605 ILCS 5/5-201.1	Ch. 121, par. 5-201.1
605 ILCS 5/5-202	Ch. 121, par. 5-202
605 ILCS 5/5-202.1	Ch. 121, par. 5-202.1
605 ILCS 5/5-203	Ch. 121, par. 5-203
605 ILCS 5/5-203.1	Ch. 121, par. 5-203.1
605 ILCS 5/5-204	Ch. 121, par. 5-204
605 ILCS 5/5-204.1	Ch. 121, par. 5-204.1
605 ILCS 5/5-205	Ch. 121, par. 5-205
605 ILCS 5/5-205.1	Ch. 121, par. 5-205.1
605 ILCS 5/5-205.2	Ch. 121, par. 5-205.2
605 ILCS 5/5-205.3	Ch. 121, par. 5-205.3
605 ILCS 5/5-205.4	Ch. 121, par. 5-205.4
605 ILCS 5/5-205.5	Ch. 121, par. 5-205.5
605 ILCS 5/5-205.6	Ch. 121, par. 5-205.6
605 ILCS 5/5-205.7	Ch. 121, par. 5-205.7
605 ILCS 5/5-205.8	Ch. 121, par. 5-205.8
605 ILCS 5/5-301	Ch. 121, par. 5-301
605 ILCS 5/5-401	Ch. 121, par. 5-401
605 ILCS 5/5-402	Ch. 121, par. 5-402
605 ILCS 5/5-403	Ch. 121, par. 5-403
605 ILCS 5/5-405	Ch. 121, par. 5-405
605 ILCS 5/5-406	Ch. 121, par. 5-406
605 ILCS 5/5-407	Ch. 121, par. 5-407
605 ILCS 5/5-408	Ch. 121, par. 5-408
605 ILCS 5/5-409	Ch. 121, par. 5-409
605 ILCS 5/5-410	Ch. 121, par. 5-410
605 ILCS 5/5-410.1	Ch. 121, par. 5-410.1
605 ILCS 5/5-411	Ch. 121, par. 5-411
605 ILCS 5/5-412	Ch. 121, par. 5-412
605 ILCS 5/5-413	Ch. 121, par. 5-413

ILCSA SECTION	ILL. REV. STAT. SECTION
605 ILCS 5/5-501	Ch. 121, par. 5-501
605 ILCS 5/5-502	Ch. 121, par. 5-502
605 ILCS 5/5-503	Ch. 121, par. 5-503
605 ILCS 5/5-504	Ch. 121, par. 5-504
605 ILCS 5/5-505	Ch. 121, par. 5-505
605 ILCS 5/5-506	Ch. 121, par. 5-506
605 ILCS 5/5-507	Ch. 121, par. 5-507
605 ILCS 5/5-601	Ch. 121, par. 5-601
605 ILCS 5/5-601.1	Ch. 121, par. 5-601.1
605 ILCS 5/5-602	Ch. 121, par. 5-602
605 ILCS 5/5-603	Ch. 121, par. 5-603
605 ILCS 5/5-604	Ch. 121, par. 5-604
605 ILCS 5/5-604.1	Ch. 121, par. 5-604.1
605 ILCS 5/5-605	Ch. 121, par. 5-605
605 ILCS 5/5-605.1	Ch. 121, par. 5-605.1
605 ILCS 5/5-605.2	Ch. 121, par. 5-605.2
605 ILCS 5/5-606	Ch. 121, par. 5-606
605 ILCS 5/5-607	Ch. 121, par. 5-607
605 ILCS 5/5-701	Ch. 121, par. 5-701
605 ILCS 5/5-701.1	Ch. 121, par. 5-701.1
605 ILCS 5/5-701.2	Ch. 121, par. 5-701.2
605 ILCS 5/5-701.3	Ch. 121, par. 5-701.3
605 ILCS 5/5-701.4	Ch. 121, par. 5-701.4
605 ILCS 5/5-701.5	Ch. 121, par. 5-701.5
605 ILCS 5/5-701.6	Ch. 121, par. 5-701.6
605 ILCS 5/5-701.7	Ch. 121, par. 5-701.7
605 ILCS 5/5-701.8	Ch. 121, par. 5-701.8
605 ILCS 5/5-701.9	Ch. 121, par. 5-701.9
605 ILCS 5/5-701.10	Ch. 121, par. 5-701.10
605 ILCS 5/5-701.11	Ch. 121, par. 5-701.11
605 ILCS 5/5-701.12	Ch. 121, par. 5-701.12
605 ILCS 5/5-701.13	Ch. 121, par. 5-701.13
605 ILCS 5/5-701.14	Ch. 121, par. 5-701.14
605 ILCS 5/5-701.15	Ch. 121, par. 5-701.15
605 ILCS 5/5-701.16	Ch. 121, par. 5-701.16
605 ILCS 5/5-702	Ch. 121, par. 5-702
605 ILCS 5/5-801	Ch. 121, par. 5-801
605 ILCS 5/5-802	Ch. 121, par. 5-802
605 ILCS 5/5-803	Ch. 121, par. 5-803
605 ILCS 5/5-901	Ch. 121, par. 5-901
605 ILCS 5/5-902	Ch. 121, par. 5-902
605 ILCS 5/5-903	Ch. 121, par. 5-903
605 ILCS 5/5-904	Ch. 121, par. 5-904
605 ILCS 5/5-905	Ch. 121, par. 5-905
605 ILCS 5/5-906	Ch. 121, par. 5-906
605 ILCS 5/5-907	Ch. 121, par. 5-907
605 ILCS 5/5-908	Ch. 121, par. 5-908
605 ILCS 5/5-909	Ch. 121, par. 5-909
605 ILCS 5/5-910	Ch. 121, par. 5-910
605 ILCS 5/5-911	Ch. 121, par. 5-911
605 ILCS 5/5-912	Ch. 121, par. 5-912
605 ILCS 5/5-913	Ch. 121, par. 5-913
605 ILCS 5/5-914	Ch. 121, par. 5-914
605 ILCS 5/5-915	Ch. 121, par. 5-915
605 ILCS 5/5-916	Ch. 121, par. 5-916
605 ILCS 5/5-917	Ch. 121, par. 5-917
605 ILCS 5/5-918	Ch. 121, par. 5-918
605 ILCS 5/5-919	Ch. 121, par. 5-919
605 ILCS 5/6-101	Ch. 121, par. 6-101
605 ILCS 5/6-102	Ch. 121, par. 6-102
605 ILCS 5/6-103	Ch. 121, par. 6-103
605 ILCS 5/6-104	Ch. 121, par. 6-104
605 ILCS 5/6-105	Ch. 121, par. 6-105
605 ILCS 5/6-106	Ch. 121, par. 6-106
605 ILCS 5/6-107	Ch. 121, par. 6-107
605 ILCS 5/6-107.1	Ch. 121, par. 6-107.1
605 ILCS 5/6-108	Ch. 121, par. 6-108
605 ILCS 5/6-109	Ch. 121, par. 6-109
605 ILCS 5/6-110	Ch. 121, par. 6-110
605 ILCS 5/6-111	Ch. 121, par. 6-111
605 ILCS 5/6-112	Ch. 121, par. 6-112
605 ILCS 5/6-113	Ch. 121, par. 6-113
605 ILCS 5/6-114	Ch. 121, par. 6-114
605 ILCS 5/6-115	Ch. 121, par. 6-115
605 ILCS 5/6-116	Ch. 121, par. 6-116
605 ILCS 5/6-117	Ch. 121, par. 6-117
605 ILCS 5/6-118	Ch. 121, par. 6-118
605 ILCS 5/6-119	Ch. 121, par. 6-119
605 ILCS 5/6-120	Ch. 121, par. 6-120
605 ILCS 5/6-121	Ch. 121, par. 6-121
605 ILCS 5/6-122	Ch. 121, par. 6-122
605 ILCS 5/6-123	Ch. 121, par. 6-123
605 ILCS 5/6-124	Ch. 121, par. 6-124
605 ILCS 5/6-125	Ch. 121, par. 6-125
605 ILCS 5/6-126	Ch. 121, par. 6-126
605 ILCS 5/6-127	Ch. 121, par. 6-127
605 ILCS 5/6-129	Ch. 121, par. 6-129
605 ILCS 5/6-130	Ch. 121, par. 6-130
605 ILCS 5/6-201	Ch. 121, par. 6-201
605 ILCS 5/6-201.1	Ch. 121, par. 6-201.1
605 ILCS 5/6-201.2	Ch. 121, par. 6-201.2
605 ILCS 5/6-201.3	Ch. 121, par. 6-201.3
605 ILCS 5/6-201.4	Ch. 121, par. 6-201.4
605 ILCS 5/6-201.5	Ch. 121, par. 6-201.5
605 ILCS 5/6-201.6	Ch. 121, par. 6-201.6
605 ILCS 5/6-201.7	Ch. 121, par. 6-201.7
605 ILCS 5/6-201.8	Ch. 121, par. 6-201.8
605 ILCS 5/6-201.9	Ch. 121, par. 6-201.9
605 ILCS 5/6-201.10	Ch. 121, par. 6-201.10
605 ILCS 5/6-201.10-1	Ch. 121, par. 6-201.10-1
.....	
605 ILCS 5/6-201.11	Ch. 121, par. 6-201.11
605 ILCS 5/6-201.12	Ch. 121, par. 6-201.12
605 ILCS 5/6-201.13	Ch. 121, par. 6-201.13
605 ILCS 5/6-201.14	Ch. 121, par. 6-201.14
605 ILCS 5/6-201.15	Ch. 121, par. 6-201.15
605 ILCS 5/6-201.16	Ch. 121, par. 6-201.16
605 ILCS 5/6-201.17	Ch. 121, par. 6-201.17
605 ILCS 5/6-201.18	Ch. 121, par. 6-201.18
605 ILCS 5/6-201.19	Ch. 121, par. 6-201.19
605 ILCS 5/6-201.20	Ch. 121, par. 6-201.20
605 ILCS 5/6-202	Ch. 121, par. 6-202
605 ILCS 5/6-202.1	Ch. 121, par. 6-202.1
605 ILCS 5/6-202.2	Ch. 121, par. 6-202.2
605 ILCS 5/6-202.3	Ch. 121, par. 6-202.3
605 ILCS 5/6-202.4	Ch. 121, par. 6-202.4
605 ILCS 5/6-202.5	Ch. 121, par. 6-202.5
605 ILCS 5/6-202.6	Ch. 121, par. 6-202.6
605 ILCS 5/6-203	Ch. 121, par. 6-203
605 ILCS 5/6-204	Ch. 121, par. 6-204
605 ILCS 5/6-205	Ch. 121, par. 6-205
605 ILCS 5/6-206	Ch. 121, par. 6-206
605 ILCS 5/6-207	Ch. 121, par. 6-207
605 ILCS 5/6-301	Ch. 121, par. 6-301
605 ILCS 5/6-302	Ch. 121, par. 6-302
605 ILCS 5/6-303	Ch. 121, par. 6-303
605 ILCS 5/6-304	Ch. 121, par. 6-304
605 ILCS 5/6-305	Ch. 121, par. 6-305
605 ILCS 5/6-306	Ch. 121, par. 6-306
605 ILCS 5/6-307	Ch. 121, par. 6-307
605 ILCS 5/6-308	Ch. 121, par. 6-308
605 ILCS 5/6-309	Ch. 121, par. 6-309
605 ILCS 5/6-310	Ch. 121, par. 6-310
605 ILCS 5/6-311	Ch. 121, par. 6-311
605 ILCS 5/6-312	Ch. 121, par. 6-312
605 ILCS 5/6-313	Ch. 121, par. 6-313
605 ILCS 5/6-314	Ch. 121, par. 6-314
605 ILCS 5/6-315	Ch. 121, par. 6-315
605 ILCS 5/6-315a	Ch. 121, par. 6-315a
605 ILCS 5/6-316	Ch. 121, par. 6-316
605 ILCS 5/6-317	Ch. 121, par. 6-317
605 ILCS 5/6-318	Ch. 121, par. 6-318
605 ILCS 5/6-319	Ch. 121, par. 6-319
605 ILCS 5/6-320	Ch. 121, par. 6-320

ILCSA SECTION	ILL. REV. STAT. SECTION
605 ILCS 5/6-321	Ch. 121, par. 6-321
605 ILCS 5/6-322	Ch. 121, par. 6-322
605 ILCS 5/6-323	Ch. 121, par. 6-323
605 ILCS 5/6-324	Ch. 121, par. 6-324
605 ILCS 5/6-325	Ch. 121, par. 6-325
605 ILCS 5/6-326	Ch. 121, par. 6-326
605 ILCS 5/6-326.1	Ch. 121, par. 6-326.1
605 ILCS 5/6-327	Ch. 121, par. 6-327
605 ILCS 5/6-328	Ch. 121, par. 6-328
605 ILCS 5/6-329	Ch. 121, par. 6-329
605 ILCS 5/6-401	Ch. 121, par. 6-401
605 ILCS 5/6-402	Ch. 121, par. 6-402
605 ILCS 5/6-404	Ch. 121, par. 6-404
605 ILCS 5/6-405	Ch. 121, par. 6-405
605 ILCS 5/6-406	Ch. 121, par. 6-406
605 ILCS 5/6-407	Ch. 121, par. 6-407
605 ILCS 5/6-408	Ch. 121, par. 6-408
605 ILCS 5/6-409	Ch. 121, par. 6-409
605 ILCS 5/6-410	Ch. 121, par. 6-410
605 ILCS 5/6-411	Ch. 121, par. 6-411
605 ILCS 5/6-412	Ch. 121, par. 6-412
605 ILCS 5/6-412.1	Ch. 121, par. 6-412.1
605 ILCS 5/6-501	Ch. 121, par. 6-501
605 ILCS 5/6-502	Ch. 121, par. 6-502
605 ILCS 5/6-503	Ch. 121, par. 6-503
605 ILCS 5/6-504	Ch. 121, par. 6-504
605 ILCS 5/6-505	Ch. 121, par. 6-505
605 ILCS 5/6-506	Ch. 121, par. 6-506
605 ILCS 5/6-507	Ch. 121, par. 6-507
605 ILCS 5/6-508	Ch. 121, par. 6-508
605 ILCS 5/6-508.1	Ch. 121, par. 6-508.1
605 ILCS 5/6-509	Ch. 121, par. 6-509
605 ILCS 5/6-510	Ch. 121, par. 6-510
605 ILCS 5/6-511	Ch. 121, par. 6-511
605 ILCS 5/6-512	Ch. 121, par. 6-512
605 ILCS 5/6-512.1	Ch. 121, par. 6-512.1
605 ILCS 5/6-513	Ch. 121, par. 6-513
605 ILCS 5/6-514	Ch. 121, par. 6-514
605 ILCS 5/6-515	Ch. 121, par. 6-515
605 ILCS 5/6-516	Ch. 121, par. 6-516
605 ILCS 5/6-517	Ch. 121, par. 6-517
605 ILCS 5/6-518	Ch. 121, par. 6-518
605 ILCS 5/6-519	Ch. 121, par. 6-519
605 ILCS 5/6-520	Ch. 121, par. 6-520
605 ILCS 5/6-521	Ch. 121, par. 6-521
605 ILCS 5/6-522	Ch. 121, par. 6-522
605 ILCS 5/6-601	Ch. 121, par. 6-601
605 ILCS 5/6-602	Ch. 121, par. 6-602
605 ILCS 5/6-603	Ch. 121, par. 6-603
605 ILCS 5/6-604	Ch. 121, par. 6-604
605 ILCS 5/6-605	Ch. 121, par. 6-605
605 ILCS 5/6-615	Ch. 121, par. 6-615
605 ILCS 5/6-616	Ch. 121, par. 6-616
605 ILCS 5/6-617	Ch. 121, par. 6-617
605 ILCS 5/6-701	Ch. 121, par. 6-701
605 ILCS 5/6-701.1	Ch. 121, par. 6-701.1
605 ILCS 5/6-701.2	Ch. 121, par. 6-701.2
605 ILCS 5/6-701.3	Ch. 121, par. 6-701.3
605 ILCS 5/6-701.4	Ch. 121, par. 6-701.4
605 ILCS 5/6-701.5	Ch. 121, par. 6-701.5
605 ILCS 5/6-701.6	Ch. 121, par. 6-701.6
605 ILCS 5/6-701.7	Ch. 121, par. 6-701.7
605 ILCS 5/6-701.8	Ch. 121, par. 6-701.8
605 ILCS 5/6-701.9	Ch. 121, par. 6-701.9
605 ILCS 5/6-702	Ch. 121, par. 6-702
605 ILCS 5/6-801	Ch. 121, par. 6-801
605 ILCS 5/6-802	Ch. 121, par. 6-802
605 ILCS 5/6-803	Ch. 121, par. 6-803
605 ILCS 5/6-804	Ch. 121, par. 6-804
605 ILCS 5/6-901	Ch. 121, par. 6-901
605 ILCS 5/6-902	Ch. 121, par. 6-902
605 ILCS 5/6-903	Ch. 121, par. 6-903
605 ILCS 5/6-904	Ch. 121, par. 6-904
605 ILCS 5/6-905	Ch. 121, par. 6-905
605 ILCS 5/6-906	Ch. 121, par. 6-906
605 ILCS 5/7-101	Ch. 121, par. 7-101
605 ILCS 5/7-202	Ch. 121, par. 7-202
605 ILCS 5/7-202.1	Ch. 121, par. 7-202.1
605 ILCS 5/7-202.1a	Ch. 121, par. 7-202.1a
605 ILCS 5/7-202.1b	Ch. 121, par. 7-202.1b
605 ILCS 5/7-202.1c	Ch. 121, par. 7-202.1c
605 ILCS 5/7-202.2	Ch. 121, par. 7-202.2
605 ILCS 5/7-202.3	Ch. 121, par. 7-202.3
605 ILCS 5/7-202.4	Ch. 121, par. 7-202.4
605 ILCS 5/7-202.5	Ch. 121, par. 7-202.5
605 ILCS 5/7-202.6	Ch. 121, par. 7-202.6
605 ILCS 5/7-202.7	Ch. 121, par. 7-202.7
605 ILCS 5/7-202.8	Ch. 121, par. 7-202.8
605 ILCS 5/7-202.10	Ch. 121, par. 7-202.10
605 ILCS 5/7-202.11	Ch. 121, par. 7-202.11
605 ILCS 5/7-202.12	Ch. 121, par. 7-202.12
605 ILCS 5/7-202.13	Ch. 121, par. 7-202.13
605 ILCS 5/7-202.14	Ch. 121, par. 7-202.14
605 ILCS 5/7-202.15	Ch. 121, par. 7-202.15
605 ILCS 5/7-202.16	Ch. 121, par. 7-202.16
605 ILCS 5/7-202.17	Ch. 121, par. 7-202.17
605 ILCS 5/7-202.18	Ch. 121, par. 7-202.18
605 ILCS 5/7-202.19	Ch. 121, par. 7-202.19
605 ILCS 5/7-202.20	Ch. 121, par. 7-202.20
605 ILCS 5/7-202.21	Ch. 121, par. 7-202.21
605 ILCS 5/7-202.21a	Ch. 121, par. 7-202.21a
605 ILCS 5/7-202.22	Ch. 121, par. 7-202.22
605 ILCS 5/7-203	Ch. 121, par. 7-203
605 ILCS 5/7-203.1	Ch. 121, par. 7-203.1
605 ILCS 5/7-203.2	Ch. 121, par. 7-203.2
605 ILCS 5/7-204	Ch. 121, par. 7-204
605 ILCS 5/7-301	Ch. 121, par. 7-301
605 ILCS 5/8-101	Ch. 121, par. 8-101
605 ILCS 5/8-102	Ch. 121, par. 8-102
605 ILCS 5/8-103	Ch. 121, par. 8-103
605 ILCS 5/8-104	Ch. 121, par. 8-104
605 ILCS 5/8-105	Ch. 121, par. 8-105
605 ILCS 5/8-106	Ch. 121, par. 8-106
605 ILCS 5/8-107	Ch. 121, par. 8-107
605 ILCS 5/8-107.1	Ch. 121, par. 8-107.1
605 ILCS 5/8-108	Ch. 121, par. 8-108
605 ILCS 5/8-109	Ch. 121, par. 8-109
605 ILCS 5/9-101	Ch. 121, par. 9-101
605 ILCS 5/9-101.1	Ch. 121, par. 9-101.1
605 ILCS 5/9-102	Ch. 121, par. 9-102
605 ILCS 5/9-103	Ch. 121, par. 9-103
605 ILCS 5/9-104	Ch. 121, par. 9-104
605 ILCS 5/9-105	Ch. 121, par. 9-105
605 ILCS 5/9-106	Ch. 121, par. 9-106
605 ILCS 5/9-107	Ch. 121, par. 9-107
605 ILCS 5/9-108	Ch. 121, par. 9-108
605 ILCS 5/9-109	Ch. 121, par. 9-109
605 ILCS 5/9-110	Ch. 121, par. 9-110
605 ILCS 5/9-111	Ch. 121, par. 9-111
605 ILCS 5/9-111.1	Ch. 121, par. 9-111.1
605 ILCS 5/9-112	Ch. 121, par. 9-112
605 ILCS 5/9-112.1	Ch. 121, par. 9-112.1
605 ILCS 5/9-112.2	Ch. 121, par. 9-112.2
605 ILCS 5/9-112.3	Ch. 121, par. 9-112.3
605 ILCS 5/9-113	Ch. 121, par. 9-113
605 ILCS 5/9-113.01	Ch. 121, par. 9-113.01
605 ILCS 5/9-113.1	Ch. 121, par. 9-113.1
605 ILCS 5/9-114	Ch. 121, par. 9-114
605 ILCS 5/9-115	Ch. 121, par. 9-115
605 ILCS 5/9-115.1	Ch. 121, par. 9-115.1
605 ILCS 5/9-116	Ch. 121, par. 9-116
605 ILCS 5/9-117	Ch. 121, par. 9-117
605 ILCS 5/9-118	Ch. 121, par. 9-118
605 ILCS 5/9-119	Ch. 121, par. 9-119

ILCSA SECTION	ILL. REV. STAT. SECTION
605 ILCS 5/9-121	Ch. 121, par. 9-121
605 ILCS 5/9-122	Ch. 121, par. 9-122
605 ILCS 5/9-123	Ch. 121, par. 9-123
605 ILCS 5/9-124	Ch. 121, par. 9-124
605 ILCS 5/9-124.1	Ch. 121, par. 9-124.1
605 ILCS 5/9-125	Ch. 121, par. 9-125
605 ILCS 5/9-126	Ch. 121, par. 9-126
605 ILCS 5/9-127	Ch. 121, par. 9-127
605 ILCS 5/9-128	Ch. 121, par. 9-128
605 ILCS 5/9-129	Ch. 121, par. 9-129
605 ILCS 5/9-130	Ch. 121, par. 9-130
605 ILCS 5/10-101	Ch. 121, par. 10-101
605 ILCS 5/10-102	Ch. 121, par. 10-102
605 ILCS 5/10-103	Ch. 121, par. 10-103
605 ILCS 5/10-201	Ch. 121, par. 10-201
605 ILCS 5/10-202	Ch. 121, par. 10-202
605 ILCS 5/10-203	Ch. 121, par. 10-203
605 ILCS 5/10-204	Ch. 121, par. 10-204
605 ILCS 5/10-205	Ch. 121, par. 10-205
605 ILCS 5/10-206	Ch. 121, par. 10-206
605 ILCS 5/10-301	Ch. 121, par. 10-301
605 ILCS 5/10-302	Ch. 121, par. 10-302
605 ILCS 5/10-303	Ch. 121, par. 10-303
605 ILCS 5/10-304	Ch. 121, par. 10-304
605 ILCS 5/10-305	Ch. 121, par. 10-305
605 ILCS 5/10-306	Ch. 121, par. 10-306
605 ILCS 5/10-307	Ch. 121, par. 10-307
605 ILCS 5/10-308	Ch. 121, par. 10-308
605 ILCS 5/10-309	Ch. 121, par. 10-309
605 ILCS 5/10-310	Ch. 121, par. 10-310
605 ILCS 5/10-311	Ch. 121, par. 10-311
605 ILCS 5/10-312	Ch. 121, par. 10-312
605 ILCS 5/10-501	Ch. 121, par. 10-501
605 ILCS 5/10-502	Ch. 121, par. 10-502
605 ILCS 5/10-503	Ch. 121, par. 10-503
605 ILCS 5/10-504	Ch. 121, par. 10-504
605 ILCS 5/10-601	Ch. 121, par. 10-601
605 ILCS 5/10-602	Ch. 121, par. 10-602
605 ILCS 5/10-603	Ch. 121, par. 10-603
605 ILCS 5/10-604	Ch. 121, par. 10-604
605 ILCS 5/10-605	Ch. 121, par. 10-605
605 ILCS 5/10-606	Ch. 121, par. 10-606
605 ILCS 5/10-701	Ch. 121, par. 10-701
605 ILCS 5/10-702	Ch. 121, par. 10-702
605 ILCS 5/10-703	Ch. 121, par. 10-703
605 ILCS 5/10-704	Ch. 121, par. 10-704
605 ILCS 5/10-705	Ch. 121, par. 10-705
605 ILCS 5/10-706	Ch. 121, par. 10-706
605 ILCS 5/10-707	Ch. 121, par. 10-707
605 ILCS 5/10-708	Ch. 121, par. 10-708
605 ILCS 5/10-709	Ch. 121, par. 10-709
605 ILCS 5/10-710	Ch. 121, par. 10-710
605 ILCS 5/10-711	Ch. 121, par. 10-711
605 ILCS 5/10-712	Ch. 121, par. 10-712
605 ILCS 5/10-713	Ch. 121, par. 10-713
605 ILCS 5/10-714	Ch. 121, par. 10-714
605 ILCS 5/10-715	Ch. 121, par. 10-715
605 ILCS 5/10-801	Ch. 121, par. 10-801
605 ILCS 5/10-802	Ch. 121, par. 10-802
605 ILCS 5/10-803	Ch. 121, par. 10-803
605 ILCS 5/10-804	Ch. 121, par. 10-804
605 ILCS 5/10-805	Ch. 121, par. 10-805
605 ILCS 5/10-806	Ch. 121, par. 10-806
605 ILCS 5/10-807	Ch. 121, par. 10-807
605 ILCS 5/10-808	Ch. 121, par. 10-808
605 ILCS 5/10-809	Ch. 121, par. 10-809
605 ILCS 5/10-901	Ch. 121, par. 10-901
605 ILCS 5/10-902	Ch. 121, par. 10-902
605 ILCS 5/10-903	Ch. 121, par. 10-903
605 ILCS 5/10-1001	Ch. 121, par. 10-1001
605 ILCS 5/11-101	Ch. 121, par. 11-101
605 ILCS 5/11-102	Ch. 121, par. 11-102
605 ILCS 5/11-103	Ch. 121, par. 11-103
605 ILCS 5/11-104	Ch. 121, par. 11-104
605 ILCS 5/11-105	Ch. 121, par. 11-105
605 ILCS 5/11-106	Ch. 121, par. 11-106
605 ILCS 15/0.01	Ch. 121, par. 388
605 ILCS 15/1	Ch. 121, par. 389
605 ILCS 20/0.01	Ch. 121, par. 389.9
605 ILCS 20/1	Ch. 121, par. 390
605 ILCS 25/0.01	Ch. 121, par. 390.9
605 ILCS 25/1	Ch. 121, par. 391
605 ILCS 25/2	Ch. 121, par. 392
605 ILCS 30/0.01	Ch. 121, par. 600
605 ILCS 30/1	Ch. 121, par. 601
605 ILCS 30/2	Ch. 121, par. 602
605 ILCS 30/3	Ch. 121, par. 603
605 ILCS 30/4	Ch. 121, par. 604
605 ILCS 105/0.01	Ch. 121, par. 191
605 ILCS 105/1	Ch. 121, par. 192
605 ILCS 110/1	Ch. 121, par. 193a
605 ILCS 110/1.1	Ch. 121, par. 193a.1
625 ILCS 5/11-301	Ch. 95 1/2, par. 11-301
625 ILCS 5/11-301.1	Ch. 95 1/2, par. 11-301.1
625 ILCS 5/11-302	Ch. 95 1/2, par. 11-302
625 ILCS 5/11-303	Ch. 95 1/2, par. 11-303
625 ILCS 5/11-304	Ch. 95 1/2, par. 11-304
625 ILCS 5/11-305	Ch. 95 1/2, par. 11-305
625 ILCS 5/11-310	Ch. 95 1/2, par. 11-310
625 ILCS 5/11-311	Ch. 95 1/2, par. 11-311
625 ILCS 5/11-312	Ch. 95 1/2, par. 11-312
625 ILCS 5/11-313	Ch. 95 1/2, par. 11-313
625 ILCS 5/11-602	Ch. 95 1/2, par. 11-602
625 ILCS 5/11-604	Ch. 95 1/2, par. 11-604
625 ILCS 5/15-100	Ch. 95 1/2, par. 15-100
625 ILCS 5/15-108	Ch. 95 1/2, par. 15-108
625 ILCS 5/15-109	Ch. 95 1/2, par. 15-109
625 ILCS 5/15-109.1	Ch. 95 1/2, par. 15-109.1
625 ILCS 5/15-316	Ch. 95 1/2, par. 15-316
625 ILCS 5/15-317	Ch. 95 1/2, par. 15-317
625 ILCS 5/15-318	Ch. 95 1/2, par. 15-318
625 ILCS 40/5-2	Ch. 95 1/2, par. 605-2
720 ILCS 5/21-3	Ch. 38, par. 21-3
720 ILCS 5/21-5	Ch. 38, par. 21-5
720 ILCS 5/33E-1	Ch. 38, par. 33E-1
720 ILCS 5/33E-2	Ch. 38, par. 33E-2
720 ILCS 5/33E-3	Ch. 38, par. 33E-3
720 ILCS 5/33E-4	Ch. 38, par. 33E-4
720 ILCS 5/33E-5	Ch. 38, par. 33E-5
720 ILCS 5/33E-6	Ch. 38, par. 33E-6
720 ILCS 5/33E-7	Ch. 38, par. 33E-7
720 ILCS 5/33E-8	Ch. 38, par. 33E-8
720 ILCS 5/33E-9	Ch. 38, par. 33E-9
720 ILCS 5/33E-10	Ch. 38, par. 33E-10
720 ILCS 5/33E-11	Ch. 38, par. 33E-11
720 ILCS 5/33E-12	Ch. 38, par. 33E-12
720 ILCS 5/33E-13	Ch. 38, par. 33E-13
720 ILCS 605/0.01	Ch. 54, par. 25.9
720 ILCS 605/1	Ch. 54, par. 26
730 ILCS 5/3-2-2	Ch. 38, par. 1003-2-2
735 ILCS 5/7-101	Ch. 110, par. 7-101
735 ILCS 5/7-102	Ch. 110, par. 7-102
735 ILCS 5/7-102.1	Ch. 110, par. 7-102.1
735 ILCS 5/7-103	Ch. 110, par. 7-103
735 ILCS 5/7-104	Ch. 110, par. 7-104
735 ILCS 5/7-105	Ch. 110, par. 7-105
735 ILCS 5/7-106	Ch. 110, par. 7-106
735 ILCS 5/7-107	Ch. 110, par. 7-107
735 ILCS 5/7-108	Ch. 110, par. 7-108
735 ILCS 5/7-109	Ch. 110, par. 7-109
735 ILCS 5/7-110	Ch. 110, par. 7-110
735 ILCS 5/7-111	Ch. 110, par. 7-111
735 ILCS 5/7-112	Ch. 110, par. 7-112
735 ILCS 5/7-113	Ch. 110, par. 7-113

ILCSA SECTION	ILL. REV. STAT. SECTION
735 ILCS 5/7-114	Ch. 110, par. 7-114
735 ILCS 5/7-115	Ch. 110, par. 7-115
735 ILCS 5/7-116	Ch. 110, par. 7-116
735 ILCS 5/7-117	Ch. 110, par. 7-117
735 ILCS 5/7-118	Ch. 110, par. 7-118
735 ILCS 5/7-119	Ch. 110, par. 7-119
735 ILCS 5/7-120	Ch. 110, par. 7-120
735 ILCS 5/7-121	Ch. 110, par. 7-121
735 ILCS 5/7-122	Ch. 110, par. 7-122
735 ILCS 5/7-123	Ch. 110, par. 7-123
735 ILCS 5/7-124	Ch. 110, par. 7-124
735 ILCS 5/7-125	Ch. 110, par. 7-125
735 ILCS 5/7-126	Ch. 110, par. 7-126
735 ILCS 5/7-127	Ch. 110, par. 7-127
735 ILCS 5/7-128	Ch. 110, par. 7-128
735 ILCS 5/7-129	Ch. 110, par. 7-129
740 ILCS 35/0.01	Ch. 29, par. 60.90
740 ILCS 35/1	Ch. 29, par. 61
740 ILCS 35/2	Ch. 29, par. 62
740 ILCS 35/3	Ch. 29, par. 63
740 ILCS 55/221	Ch. 100 1/2, par. 26
740 ILCS 55/222	Ch. 100 1/2, par. 29
740 ILCS 85/0.01	Ch. 121, par. 364.9
740 ILCS 85/1	Ch. 121, par. 365
745 ILCS 10/3-101	Ch. 85, par. 3-101
745 ILCS 10/3-102	Ch. 85, par. 3-102
745 ILCS 10/3-103	Ch. 85, par. 3-103
745 ILCS 10/3-104	Ch. 85, par. 3-104
745 ILCS 10/3-105	Ch. 85, par. 3-105
745 ILCS 10/3-106	Ch. 85, par. 3-106
745 ILCS 10/3-107	Ch. 85, par. 3-107
745 ILCS 10/3-108	Ch. 85, par. 3-108
745 ILCS 10/3-109	Ch. 85, par. 3-109
745 ILCS 10/3-110	Ch. 85, par. 3-110
745 ILCS 10/7-101	Ch. 85, par. 7-101
745 ILCS 10/7-102	Ch. 85, par. 7-102
745 ILCS 10/7-103	Ch. 85, par. 7-103
745 ILCS 10/8-101	Ch. 85, par. 8-101
745 ILCS 10/8-103	Ch. 85, par. 8-103
745 ILCS 10/9-101	Ch. 85, par. 9-101
745 ILCS 10/9-102	Ch. 85, par. 9-102
745 ILCS 10/9-103	Ch. 85, par. 9-103
745 ILCS 10/9-104	Ch. 85, par. 9-104
745 ILCS 10/9-105	Ch. 85, par. 9-105
745 ILCS 10/9-106	Ch. 85, par. 9-106
745 ILCS 10/9-107	Ch. 85, par. 9-107
745 ILCS 15/0.01	Ch. 121, par. 380
745 ILCS 15/1	Ch. 121, par. 381
745 ILCS 15/2	Ch. 121, par. 382
745 ILCS 15/3	Ch. 121, par. 383
745 ILCS 15/4	Ch. 121, par. 384
745 ILCS 15/5	Ch. 121, par. 385
745 ILCS 15/6	Ch. 121, par. 386
745 ILCS 15/7	Ch. 121, par. 387
765 ILCS 205/2	Ch. 109, par. 2
765 ILCS 205/6	Ch. 109, par. 6
765 ILCS 205/7	Ch. 109, par. 7
765 ILCS 205/8	Ch. 109, par. 8
765 ILCS 205/9	Ch. 109, par. 9
765 ILCS 205/9.1	Ch. 109, par. 9.1
775 ILCS 10/0.01	Ch. 29, par. 16.9
775 ILCS 10/1	Ch. 29, par. 17
775 ILCS 10/2	Ch. 29, par. 18
775 ILCS 10/3	Ch. 29, par. 19
775 ILCS 10/4	Ch. 29, par. 20
775 ILCS 10/5	Ch. 29, par. 21
775 ILCS 10/6	Ch. 29, par. 22
775 ILCS 10/7	Ch. 29, par. 23
775 ILCS 10/8	Ch. 29, par. 24
820 ILCS 130/0.01	Ch. 48, par. 39s-0.01
820 ILCS 130/1	Ch. 48, par. 39s-1
820 ILCS 130/2	Ch. 48, par. 39s-2
820 ILCS 130/3	Ch. 48, par. 39s-3
820 ILCS 130/4	Ch. 48, par. 39s-4
820 ILCS 130/5	Ch. 48, par. 39s-5
820 ILCS 130/6	Ch. 48, par. 39s-6
820 ILCS 130/7	Ch. 48, par. 39s-7
820 ILCS 130/8	Ch. 48, par. 39s-8
820 ILCS 130/9	Ch. 48, par. 39s-9
820 ILCS 130/10	Ch. 48, par. 39s-10
820 ILCS 130/11	Ch. 48, par. 39s-11
820 ILCS 130/11a	Ch. 48, par. 39s-11a
820 ILCS 130/12	Ch. 48, par. 39s-12

Index